

Walsh Family Law Negotiation Competition

RULES AND INSTRUCTIONS

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* The Organizing Committee gratefully acknowledges the leadership and guidance provided to this competition by Cliff Hendler and Kileen Dagg Centurione, the co-founders of the International Mediation Advocacy Competition. These Rules are adapted exclusively from the Rules for that competition.

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PART ONE. Competition Rules

RULE 0.0 DEFINITIONS

The following terms have the corresponding meaning:

“Break” means a cessation of the negotiation wherein both teams must leave the room.

“Coach” means the individual supervising instructor of a team.

“Confidential Information” means the background factual information for the Competition Problem for the exclusive use of each corresponding Party and the Competition Judges.

“Competition” means the 2027 Walsh Family Law Negotiation Competition.

“Judge” with respect to the competition, means a professional in charge of scoring during a negotiation session.

“Organizing Committee” means the volunteer committee organizing this event.

“Penalties” means Points deducted for any Rule violation pursuant to Rule 7.

“Problem Clarification” means the official clarifications or corrections of the Competition Problem and these Rules, as Published pursuant to Rule 3.2.

“Queries” means non-challenging questions of clarification arising from the negotiation session, posed to team members for the exclusive purpose of assisting Judges in their evaluation of the teams, pursuant to Rule 2.12.

“Representation Plan” means each Team’s plan for a negotiation round, in written form and submitted to the Organizing Committee in advance pursuant to these Rules.

“Requesting Party” and “Responding Party” mean the team (or the members of a team) which argues on behalf of the party requesting negotiation or the party responding to the request for negotiation respectively at any given point in the Competition. They are also more commonly referred to as a party or the parties to the negotiation in the Rules.

“Rules” means the enclosed Rules of the Competition.

“Timekeeper” means a volunteer who will attend the Negotiation session and assist participants to keep time during a negotiation session.

RULE 1.0 Organization of the Competition

RULE 1.1 INTRODUCTION

This Competition assumes that the parties have chosen negation as an appropriate settlement process. Different cultures have different methods and approaches to negotiation. The focus of this Competition is the effective combination of client representation and collaborative problem-solving skills.

RULE 1.2 LANGUAGE

The official language of the Competition will be English. The oral and written phases shall be in English only.

RULE 1.3 FORMAT

The Competition will consist of three (3) rounds of competition on one day of successive rounds. Each negotiation session will be performed by two (2) teams, with two (2) pre-registered students on each side representing the Requesting Party and the Responding Party respectively, scored by three (3) Judges. There is no possibility of a tie as all three (3) Judges will score each of the competition rounds.

A violation of the Rule regarding the number and composition of the team members during the negotiation session may result in the disqualification of the team.

RULE 1.4 INTERPRETATION OF THE RULES

The Organizing Committee shall serve as final arbiter of the implementation and interpretation of these Rules.

Rule 2.0 Negotiation Session Procedures

RULE 2.1 GENERAL PROCEDURES

In every negotiation session, each team will be represented by two (2) students who will both act for one of the two parties. Each negotiation session will run for a total of sixty-five (65) minutes, broken down as follows:

- Forty-five (45) minutes for the negotiation session;
- Twenty (20) minutes for the Judges' evaluation of the teams and for oral feedback.

In accordance with the Rules, each team may take two (2) breaks of no more than three (3) minutes during the negotiation. Taking a break does not suspend time on the overall 45-minute negotiation session; time continues to run.

If a team calls for a break, both teams must leave the room during the break. The Judges shall not communicate with one another when the teams are out of the room.

RULE 2.2 ASSIGNMENT OF TEAMS

The Organizing Committee will randomly match opposing teams in advance of each negotiation session. The Organizing Committee will also designate in advance which team in each pairing is to assume the role of Requesting Party of Responding Party in the problem for that round. Every attempt will be made so that no two teams will compete against each other more than once during the competition.

RULE 2.3 JUDGING CRITERIA

The judging criteria are designed to reward those participants who use an effective combination of representative skills, value creation and value claiming.

"Representative skills" means the range of skills necessary to help a client identify his or her needs, assess the reasonableness of his or her positions, understand the implications of his or her negotiation approaches, address issues of safety and power imbalance in ways that are in the best interests of the client and any other family members; and the skills required to advocate for a client's instructions in a way that is ethical and persuasive. Participants are expected to not sacrifice their client's interests in order to be collaborative.

"Creating Value" is defined as a process whereby the participants learn what they need about the other participant's interests and BATNA (best alternative to a negotiated agreement) and explore options for maximizing interests.

"Claiming Value" is defined as seizing opportunities to obtain the best possible outcome for one's client.

Students should refer to the scoring sheet attached at the end of this document for additional guidance about the scoring methodology.

RULE 2.4 JUDGES

The Organizing Committee is responsible for recruiting, in so far as possible, Judges who are experienced and knowledgeable in effective negotiation and who have different backgrounds. The Organizing Committee will use its best efforts to ensure that the Judges are independent and impartial from the students they are judging. There is a presumption that any Judge participating will fulfill their roles with professionalism, integrity and free from vested interest or bias pertaining to the outcome and will declare any conflict with a student or school at the outset of the Competition.

RULE 2.5 TIME KEEPING

A Timekeeper will be made available for each competition round.

Responsibility for timekeeping during the feedback session rests jointly with the participants and Judges, each having the responsibility to adhere to the time limits. The Timekeeper should inform the participants and Judges of the time, but it is ultimately up to the Judges to adhere to the time limits of the Competition during the feedback session. It is important for the next rounds that everyone abides by the timelines.

Responsibility also rests with the student participants for timekeeping and adherence to the allotted time periods for negotiation sessions and breaks. Abuse of time limits may result in a penalty (Rule 7). Decisions of the Judges with respect to elapsed time and/or penalties for abuse of time limits are final.

RULE 2.6 CONTROLLING LAW

The Controlling law is the law of Canada and Ontario as appropriate.

RULE 2.7 EXHIBITS AND PROPS

Although teams are not expected to use exhibits in the negotiation sessions, other than any calculations which are provided by the Organizing Committee, a team may prepare in advance one (1) exhibit, limited to one 8.5”x 11 page with 12-point Times New Roman font face for each round. If a team chooses to use any such exhibit, they must provide hard copies to the other team (2) and all judges (3). Otherwise, teams are prohibited from using any displays or props.

The Rules do not prohibit the individual use of a laptop/iPad/electronic writing aid/calculator if the students wish to employ any such device during the negotiation sessions. However, students may not use these devices as a display tool to the other team or to the judges.

RULE 2.8 PERMISSIBLE ASSISTANCE

No one, including the Team Coach and/or faculty advisor, may give advice or instructions to, or attempt to communicate with any of the participants, in any way, during the period from commencement of the negotiation session through to completion of the feedback from Judges. Coaches may provide advice to their team in advance of each round and in between rounds but may not provide any such assistance once a session has commenced until after the conclusion of that session. **The mere act of communication, receipt of information, or non-permitted attendance will constitute a violation, regardless of the substance thereof, and regardless of whether initiated by a participant or by any other person. Violation**

of this rule will result in disqualification. Harmless error will not be a defence to a complaint based on violation of this rule, because of the appearance of impropriety occasioned by even casual exchanges unrelated to the substance of the negotiation.

RULE 2.9 OUTSIDE ASSISTANCE TO TEAMS

The team coach and/or faculty may advise the team in its planning and preparation for the Competition. Coaching prior to the Competition may be given regarding negotiation strategy, e.g., advice on any opening statement. Competitors may seek guidance from faculty advisors and coaches regarding the general substance of the law; however, **teams shall not receive assistance regarding the possible options or solutions to the legal issues presented in the problems. Coaches may, however, tell their teams that they need to be more flexible or need to create more options, but they may not help the team come up with those options.**

Any team that receives inappropriate assistance as defined in Rules 2.8 and 2.9 will be disqualified from the Competition.

RULE 2.10 OBSERVERS

(a) No Competition student, team coach, faculty advisor or other person affiliated with a team may attend a negotiation session of a team against which it knows in advance it will be competing.
(b) No Competition student, team coach, faculty advisor or other person affiliated with a team may attend a negotiation session in which the competition problem discussed in that session has not been acted out already by the team.
(c) In order to avoid the appearance of, or possibility of impermissible coaching, the team members who are not participating in the negotiation session and the coach and/or faculty advisor observing the negotiation session must sit out of view of their participating team members as far as possible.
(d) Observers will not be allowed to leave the room while the negotiation session is in progress.
(e) Failure to comply with this Rule will result in a penalty as defined under Rule 7.

RULE 2.11 JUDGES' FEEDBACK

Immediately following the negotiation session, the team members and the audience will leave the room and the Judges will rate the performance of each team by completing and submitting the online scoring tool (See Rule 2.12 Scoring).

Thereafter, the timekeeper or Organizing Committee will invite the team members and the audience to enter the room. The Judges will then provide feedback to each team in the balance of the twenty (20) minute allotment.

Feedback will be based on each team's performance. During the feedback session, students will be allowed to comment, where appropriate, on their own performance but not on the opposing team's performance.

Judges must ensure that their feedback is consistent and fair, and that they do not show favouritism towards one team. Judges must not reveal to any team the results of their individual determinations or the team's scores, nor may they provide any substantive feedback that would reveal their individual determinations or contents of the Confidential Information.

RULE 2.12 SCORING

Each Judge must rate the performance of each team on certain relevant criteria, with a maximum of fifty-five (55) points awarded per team, per round, by each Judge. The criteria on which the teams will be judged are set out in the scoring tool. A failure by the teams to reach settlement will not result in a lower score, unless that failure comes in the face of an offer that is clearly and manifestly in the interest of the declining party.

Judges must independently score each team but may confer with other evaluators before scoring the teams.

For each Judge, the team with the greater number of points is the "winner".

If a Judge has given both teams the same number of points, the Judge's determination of which team "Won" and which team "Lost" is determinative.

Judges are required to submit their scoring tools for each round prior to the feedback session.

As part of the online scoring tool, Judges will also rank each individual competitor for their performance in each round as First Place, Second Place, Third Place, and Fourth Place.

Each First Place ranking is awarded 1 point; each Second Place ranking is awarded 2 points; and so on. At the end of the Competition, the student with the lowest point total is awarded First Place Individual; the second lowest point total is awarded Second Place Individual; and the third lowest point total is awarded Third Place Individual. In the event of a tie in the total number of points, the tie breaker will be who has more "First Place" finishes, and then who has more "Second Place" finishes, and so on.

RULE 2.13 RANKING OF TEAMS

Teams will be ranked on the following criteria, in order of importance:

1. Total Rounds Won;
2. Total Points Spread per round (difference between team's and opponent's points in round)
3. Overall Points; and,
4. Total Win Ballots Spread (difference between team's and opponent's overall "win" ballots), in the event of a ranking tie.

This ranking methodology is utilized to even out any variances (as Teams will be evaluated by different Judges rather than the same repetitive panel) and to minimize the potential for ties since the Competition is not a single-elimination event.

RULE 2.14 SCORES AND RANKING PROVIDED TO THE TEAMS

The completed scoring tool will **not** be provided to the teams following the Competition. Individuals and teams can obtain their overall ranking upon request.

Rule 2.15 PHOTOGRAPHY

AFCC Ontario will be using photographs of all participants' images and as well as their names as part of its website, newsletter and communications, both within the legal community and the public at large. The agreement by a law student, coach, or law school to participate in this Competition includes their agreement to the publication of photographs in any AFCC Ontario marketing material. By agreeing to participate in the Walsh Family Law Moot and Negotiation Competition, each law school, student, coach and volunteer agrees to appear in photographs, video and/or media circulated by AFCC Ontario with no limitation or compensation and without further consent.

RULE 3.0 Competition Problems

RULES 3.1 PROBLEMS

General Information for the problem for all three competition rounds will be sent to all registered law schools no later than **November 13, 2026.**

The assignment of team allocations will be made by **November 27, 2026**. The Confidential Information for each round will also be provided to teams at that time. Prior to the commencement of the Competition, Judges will receive copies of the General Information provided to the teams. Additionally, the Judges will receive copies of each team's Confidential Information.

All competition problems, previously used or not, are the exclusive property of the Walsh Family Law Negotiation Competition and may not be used for education, training, publication, or otherwise, outside of team selection and preparation for the Competition without the express written permission of the Organizing Committee.

RULE 3.2 CLARIFICATIONS AND INTERPRETATION OF THE PROBLEMS

Every effort will be made to ensure that the Rules and problems are clear.

Each school may submit on or before **January 8, 2027 at 5:00 pm** a maximum of four (4) written requests for clarifications of the competition problem to the Organizing Committee. Written requests should be sent to **cpalmer@epsteincole.com** and **joanna@normandinchris.com.**

Answers to all questions received by this deadline will be sent to each school contact by the end of the day on **January 15, 2027** (except for answers to questions relating to Confidential Information, which will be sent only to the schools representing the party to whom the question relates).

RULE 3.3 STAYING WITHIN THE RECORD

While teams may draw reasonable inferences from the facts provided, they are cautioned to stay within the sphere of reasonableness and the scope of the facts as outlined in the General Information and Confidential Information. An inference is not reasonable if it results in an unfair advantage to a team's case or position, and for clarity, under no circumstances may Competitors advance, argue or introduce facts not contained in the General Information and Confidential Information during the competition rounds. Failure to stay within the record, subject only to such reasonable inferences, shall result in a penalty in accordance with Rule 7.

RULE 4.0 Participation and Eligibility

RULE 4.1 PARTICIPATION

The Organizing Committee will determine the exact number of teams participating in the Competition and the manner in which they are chosen.

RULE 4.2 TEAM COMPOSITION

(a) Each competing team is composed of two (2) students. In order to be eligible, the students must satisfy the requirements of Rule 4.3. No substitutions for team members are permitted at any time during the Competition.
(b) Each University may enter up to a maximum a combined total of three coaches and/or faculty advisors in the Competition. This may include student coaches who may or may not have participated in past Walsh Family Law Negotiation Competitions.

RULE 4.3 TEAM ELIGIBILITY

(a) The Competition is open to all full and part-time university students enrolled in an approved law school LL.B. or J.D. programme during the academic period during which the Competition is held.
(b) No student who is licenced to practice as a lawyer in any jurisdiction may participate in the Competition.
(c) Any team that utilizes an ineligible team member will be **disqualified** from the Competition.
(d) No student can participate, as a competitor, in more than two Walsh Family Law Negotiation Competitions.

RULE 4.4 TEAM SELECTION PROCESS

Team members may be chosen by any method by the responsible authority within the university.

Rule 5.1 Team Registration

RULE 5.1 TEAM REGISTRATION FORM AND TEAM CONTACT

The Organizing Committee will communicate with teams through the designated lead coach(es) for their schools. Students are deemed to have received all information that has been provided to the coaches for this purpose.

Rule 6.0 Judges

RULE 6.1 STATEMENT OF INDEPENDENCE

All Judges shall provide to the Organizing Committee a Statement of Independence declaring his/her impartiality or independence, in the eyes of a third party, to judge any of the universities selected to participate in the Competition. The Organizing Committee may disqualify a Judge from judging a team if s/he has a personal or professional relationship with that university or someone affiliated with that team that may threaten his or her impartiality, but any such decision rests solely with the Organizing Committee.

It is acknowledged that many of the Judges have or have had relationships with individual participants, team coaches and faculty through their personal and/or professional activities. The Organizing Committee may not disqualify a Judge from judging a round or merely because s/he has a relationship with a team member, coach or other affiliation or relation with the university.

There is a presumption that any Judge participating in the Competition will fulfil their roles with professionalism, integrity and free from vested interest or bias pertaining to the outcome.

RULE 6.2 FACULTY ADVISORS AND COACHES

Team faculty advisors or coaches, or other persons directly affiliated with a team, may not act as Judges in any session.

RULE 6.3 CONFIDENTIAL INFORMATION

Judges, coaches and competitors must keep the contents of the Confidential Information strictly secret from all teams except for their own team or other members of their school's teams.

Rule 7.0 Penalties

RULE 7.1 APPLICATION OF PENALTIES

If a violation of the Competition Rules is considered to have been committed by a team or one of its members, the Organizing Committee can impose a penalty. A five (5) point reduction will be applicable if Rules 2.5, 2.10 or 3.3 have been violated.

RULE 8.0 Organizing Committee

RULE 8.1 POWER TO TAKE ADDITIONAL MEASURES

The Organizing Committee may take such other measures as are required for the orderly conduct of the Competition.

PART TWO: Competition Schedule

To be provided at a later date.

PART THREE: Instructions for Participants

1. COMPETITION RULES

Please carefully review the Competition Rules.

2. REPRESENTATION PLAN

Each law school team will prepare a written Representation Plan for each competition round, for a total of three (3) Representation Plans (one per round) to be submitted in advance of the Competition.

The Representation Plans must be sent to the Organization Committee by no later than **February 19, 2027 at 5:00 PM**, via email to Courtney Palmer and Joanna Hunt-Jones at **cpalmer@epsteincole.com and joanna@normandinchris.com**

Teams do not need to bring hard copies of the Representation Plans to the Competition. The Organizing Committee will provide Judges with hard copies of the relevant Representation Plans in advance of each round.

The purpose of the Representation Plan is to help the Judges understand each team's negotiation strategy and to help the judges interpret what they are observing. The Representation Plans will be scored with this objective in mind.

The Representation Plans must comply with the following:

- 8.5"x 11 page with 1" margins, 12-point Times New Roman;
- Maximum of **two pages** per round;
- Each page must include the following information in the header: School; Student Names; Assigned Party; Round #

The Representation Plan should consist of an outline with a brief description under each of the five (5) following headings:

1. "Responsibility Sharing and Allocation Strategy" – Explain how the team plans to share responsibilities between students in the session. Explain why the team chose the particular allocation strategy.

2. "Your Side's Interests" – Describe the client's interests that the team plans to advance in the negotiation session. Your client's interests must be identified as prioritized from the greatest to the least concern.

3. "Other Party's and Shared Interests" – Describe the likely interests of the other party. Identify those interests which are shared between the parties.

4. "Possible Options for Resolution" – Identify creative options that the team plans to advance in the negotiation session.

5. "Negotiating Strategy" – Disclose the negotiation strategy, in light of the four (4) preceding factors. Will your style be cooperative or competitive? What is your aspiration level (the ideal

result you would like to achieve)? What is your negotiating goal (what you feel you can realistically aim for)?

While teams can consult with their coaches regarding their strategies as explained elsewhere in this document, which will influence the content of their Representation Plans, coaches cannot review or edit the students' Representation Plans.

Representation Plans will be evaluated in advance by members of the Organizing Committee or other volunteers and awards will be provided to the teams with the highest scoring plans.

3. FEEDBACK SESSION

The feedback session is a time for the exchange of information among the students and the judges. Under no circumstances should this time be used to denigrate or criticize the opposing team.

4. SCORING

Teams are expected to follow a problem-solving approach to representation, but one that does not compromise their clients' respective interests nor miss opportunities to achieve outcomes that will be beneficial to the client. Teams will not be penalized for failing to reach a resolution. Full settlement is not the point of this Competition on account of to the tight timeframe. On the other hand, teams should seek to resolve what they can, with as much definition as they can, and with essential terms and/or conditions identified if not resolved, taking the time limits into account.

PART FOUR: Instructions for Judges

1. General Comments

As Judges in this Competition, you perform two extremely important functions. First, you evaluate and score the quality of representation by the student teams. Second, you give measured, balanced and constructive feedback in a manner calculated to empower the students and increase their learning from this experience.

All Judges must read the Competition Rules and the Competition Problem General and Confidential Information prior to the Competition.

To avoid the appearance of partiality or lack of independence, please refrain from having side discussions, meetings, or the like with the students and/or their coaches or faculty advisors about the competition problems **at any stage** during the Competition.

Please disclose any known conflict with a student or law school as quickly as possible so that re-assignments can be made.

2. Evaluation Criteria

All Judges must read each team's Representation Plan before the negotiation session begins. Each Representation Plan provides essential background information that will help the Judges interpret what they are observing.

See Part III "*Instructions for Participants*" above.

Before judging any rounds in the competition, carefully study each of the criteria attached in the Sample Judges' Scoring Tool to be provided in advance. You **must** use these criteria to evaluate the students, even if the criteria do not conform to your concept of best practice.

3. Timekeeper

A Timekeeper will be assigned to assist with the negotiation session.

The entire negotiation, from start to finish, is **forty-five (45) minutes.** Each team may request a maximum of two (2) breaks. Limit any breaks to three (3) minutes each.

4. Scoring

When scoring, please remember that the teams are expected to follow a problem-solving approach without missing opportunities to achieve outcomes beneficial to their clients. Do not penalise any teams for failing to reach resolution. Full settlement is not the point of this Competition on account of the tight timeframe. On the other hand, students are expected to resolve issues if the circumstances permit and to resolve what they can, with as much definition as possible, and to identify key terms and/or conditions to be taken into account, if time does not permit a settlement.

Judges must independently score each team.

You will complete a Judges' scoring tool for each team before providing feedback. This form asks you to evaluate several aspects of the teams' representation in the negotiation. You may experience tension between scoring fairly, while not engaging in grade inflation. It is essential to the integrity of the Competition to avoid disparate scoring approaches among the Judges.

Therefore, please make every effort to avoid inflating the scores by scoring as outlined here:

(a) The mid-point score of '3' should be the starting point for evaluating each team's performance for each criterion. A '3' is described as "adequate". Did the team perform adequately or better or worse than adequately?

(b) If the team's performance is just above adequate or "good", the score is '4'.

(c) If the performance is "very good", the score is '5'.

(d) If the team's performance is just below adequate or "poor", the score is '2'.

(e) If the performance is "very poor", the score is '1'.

Please note that the three (3) criteria called: "Information Gathering and Communications with Other Side", "Using Opportunities in the Process", and "Generating and Selecting Creative Options" will be scored between 2 and 10 as those scores are given double weight.

The score tallies will dictate the "Win" team and the "Lose" team, with the team with the most points being the "Win" team.

As part of the scoring, you will be asked to select a "Win" team and a "Lose" team, which will be the determining factor in the event the score tallies are equal.

Judges must also rank each individual competitor in each round as indicated on the scoring tool. Awards will be given to the individual competitors who rank the highest, second highest and third highest overall in the competition.

Judges must complete and submit the scoring tool before feedback is provided to the students to ensure scores can be compiled in a timely fashion.

5. Feedback

Judges may provide feedback to each team after the negotiation session for a maximum of 15 minutes in total. Coaches and/or faculty advisors for all teams must return to and remain in the room for the feedback provided to both teams.

PLEASE PAY CAREFUL ATTENTION TO THE FOLLOWING:

During the scheduled feedback time, please give measured and balanced feedback to the students in a manner calculated to empower them and increase their learning from this experience. You are role models to these students, and they will take seriously what you have to say.

You should see yourself as a teacher who carefully chooses words in critiquing the students' work. Keep in mind that the students have invested significant extra-curricular time to participate in this event. They are in a vulnerable state when receiving feedback from you under the conditions of Competition.

Therefore, your approach to giving feedback will determine the quality of each student's entire experience. Please note that your feedback should be tied to the Competition scoring criteria as opposed to your "real world" experience. However, after you have completed your Competition feedback, you may (if time permits) discuss with the participants your views on how the Competition differs from your actual experience, keeping mind that you are not allowed to share your scoring results with them.

Thank you very much for the extra effort you give to make the feedback session a positive and constructive experience for all of the students.