

Evaluation System of the Competition

The following is the explanation that the Steering Committee makes to the judges about the evaluation of the Competition.

1. General Remarks on the Judging

- There may be advantages or disadvantages for the role of Blue or Red depending on the contents of the problem. Even though we prepared the problem carefully so as not to create such advantages/disadvantages, due to the nature of the problem, certain advantages and disadvantages cannot be avoided. Also, due to structural restraints of the Competition (a match between two universities needs to be completed in a few hours), the problem may contain scenarios which are unlikely to occur, or which may appear unnatural in the real world.
- Please make sure that no participating team receives a favorable or unfavorable evaluation due to such advantages/disadvantages or unreal situations that are inherent in the problem as described above. In other words, you should make your judgment based on the fact that the participating team's performance is or is not at an expected level under the given circumstances, and not on the actual outcome, i.e., the winning or losing of a particular point.
- Round B (Negotiation) is intended for evaluating the skills of negotiations. Neither competing the business planning based on detailed figures and circumstances, nor winning arguments on their own proposals' superiority is expected in Round B. For this reason, some detailed information is intentionally omitted in the Problem, even if it is the information that is usually available in a real case. It is our understanding that sufficient information is provided in the Problem for the purpose of this Competition, in which parties seek, in a very limited time, to reach a mutually satisfactory agreement based on their reciprocal interest. Evaluation criteria are determined from such a perspective.
- Language ability: Language ability such as pronunciation or fluency is outside the scope of evaluation.
- Please make your best efforts to evaluate in an impartial and fair manner without being influenced by the name or previous performance of a university.

2. Evaluation Form

(1) The Format of the Evaluation Form

- Evaluation will be made using a point system. Judges must mark appropriate sections on the mark sheet (bubble sheet) with a pencil. When filling in the mark sheet, please fill it as carefully as possible. Please fill the circle completely with your pencil and do not mark outside each circle. (If a circle is not filled completely or a mark runs outside of a circle, the machine reader for the mark sheet will not read it correctly.)
- Evaluation must be made by objective evaluation of each team on the basis of its own performance, not the relative performance between two competing teams. Thus, both teams may get good points or poor points. This will enable an appropriate determination of an overall ranking of all the teams.
- Marking is based on 10 separate criteria for each of the arbitration round and the negotiation round. Evaluation of each criteria will be made on a scale of 0(minimum score) to 5 (highest score), in increments of 0.5 (except that there is no 0.5). This provides a total scale of 10 increments. Therefore, for each round, the total score given by each judge will be from 0 points to 50 points and the total score of all three judges will be from 0 points to 150 points.

(2) Evaluation Standard

On the mark sheet, the scores are explained as follows:

0 (Fail) - 1 (Poor) - 1.5 - 2 (Fair) - 2.5 - 3 (Avg.) - 3.5 - 4 (Excellent) - 4.5 - 5 (Outstanding)

- * The explanations, "Fail", "Poor", "Fair", "Avg", "Excellent", and "Outstanding" are simply a guide, and they correspond to the academic assessment standards of most universities. However, some universities use "F", "C", "B", "A", and "A+".
- * The following are rough guides for 0 – 5 grades.
 - 0: No trace of minimum preparation is observable, which would adversely affect the other party. Lack of effort and seriousness are obvious.
 - 1: Though trace of minimum preparation is observable, the performance is far from satisfactory. Obvious misunderstandings or careless mistakes are frequently seen.
 - 2: Though a reasonable effort at preparation is recognizable, the performance is not satisfactory, as if reciting from memory.
 - 3: Performed at a level normally expected of undergraduate students who have prepared for the Competition enthusiastically for 2 months. While occasional insufficiency is observable, the overall

performance is reasonable in light of the flow of arbitration or negotiation.

- 4: Impressively well prepared. Excellent performance is frequently observed. The responses are appropriate in accordance with the situation, the addressee and developments; and you feel as though you can rest assured observing them. .
- 5: Superb performance for university students, at a level that you might expect of young colleagues in your office or business. You are impressed and thrilled by their level of performance.

(3) How to complete evaluation forms

- Please evaluate in the following manner, bearing in mind the above explanations.
 - A. As shown in the evaluation sheet, the average score (default score) is 3. If the team's performance is better than the average, add appropriate points, and if the team's performance is poorer than the average, deduct appropriate points.
 - B. The average score (default score) of 3 is generally awarded to those who "performed at a level normally expected of undergraduate university students who have prepared for the Competition enthusiastically for 2 months."
 - C. However, if the team contains graduate students (or those with business/legal practice experience), the average points will be awarded to those who "performed at a level normally expected of graduate students (or those with business/legal practice experience) who have prepared for the Competition enthusiastically for 2 months." In this case, a higher level of performance is required to earn the same 3-point score than the undergraduate university students in Section B above.
 - * Whether a student is an undergraduate student or a graduate student can be confirmed by referring to the list of participating teams in the brochure.
 - * Participating teams are required to declare at the time of registration whether or not the team has individuals with business/legal experience. If there are participants with business/legal practice experience, judges will be notified the contents of the declaration submitted by the team on the day of Competition.
 - * Evaluation sheets and the scores of individual judges will be kept confidential. If a university requests, the total score of three judges (including the score on each evaluation item) will be provided to the

university.

<Reference: The Scores in the past Competitions>

	17th		16th		15th	
	Round A	Round B	Round A	Round B	Round A	Round B
Average of all teams	144.603 (48.02) (3.21)	144.931 (48.31) (3.22)	143.733 (47.91) (3.19)	141.958 (47.32) (3.16)	146.67 (48.89) (3.26)	145.74 (48.58) (3.24)
Highest Score	165.5 (55.00) (3.68)	164 (54.67) (3.64)	165.5 (55.17) (3.68)	165.5 (55.17) (3.68)	169.5 (56.5) (3.77)	161.5 (53.83) (3.59)
Lowest Score	114.5 (38.17) (2.54)	123.5 (41.17) (2.74)	111.5 (37.17) (2.48)	117 (39) (2.6)	121 (40.33) (2.69)	130 (43.33) (2.89)
Average of 1-7 ranked universities (1-5 in 15 th , 1-6 in 16 th)	149.72 (49.90) (3.33)	151.67 (50.56) (3.37)	151.861 (50.62) (3.38)	152.111 (50.70) (3.38)	154.1 (51.37) (3.42)	150.97 (50.32) (3.35)
Average of 8-12 ranked universities (6-10 in 15 th)	144.95 (48.32) (3.22)	146.73 (48.91) (3.26)	147.677 (49.23) (3.28)	143.588 (47.86) (3.19)	147.5 (49.17) (3.28)	147.2 (49.07) (3.27)
Average of 13-17 ranked universities (11- in 15 th)	138.23 (46.08) (3.07)	144.83 (48.28) (3.22)	137.375 (45.79) (3.05)	138.042 (46.01) (3.07)	141.05 (47.02) (3.13)	141.18 (47.06) (3.14)
Average of 18-23 ranked universities	132.14 (44.05) (2.94)	134.96 (44.99) (3.00)	133.192 (44.40) (2.96)	129.385 (43.13) (2.88)		

* In each cell, the 1st line shows the total score of all 3 judges, 2nd line is the score of 1st line/3 (i.e., the average total score per judge), and the 3rd line shows the score of 2nd line/15 (i.e., the average score per judge, per item).

3. Specific Items and Methods of Evaluation

《Round A : Arbitration》

1 【Preparatory Memoranda/Response (Persuasiveness)】 Are the claims that should be asserted presented effectively? Are the arguments in the documents as a whole

logical and persuasive?

⇒ Please evaluate not only in terms of the legal persuasiveness, but also in terms of the real-life substantiation, e.g., extrajudicial persuasiveness.

2 **【Preparatory Memoranda/Response (Expression, Organization)】** In relation to each issue, is the basis in fact, contract, and/or law etc. shown appropriately and accurately? Are the documents easy to read and understand?

⇒ Please consider as well whether and to what extent the legal documentation is appropriate, in lights of legal construct, burdens of proof, and evidence.

⇒ Please consider as well whether the documents are so designed as to be reader-friendly.

3 **【Oral Argument: Crab Case】** Did the team make their claims logically and persuasively, based on the given facts, the contract, and/or law etc.?

⇒ Please evaluate the oral arguments in terms of the appropriateness of legal construct and the material persuasiveness.

⇒ Please evaluate the oral arguments in terms of whether and to what extent the team achieved deep understanding of the contract clauses and UNIDROIT Principles, whether and to what extent the team successfully applied the rules to the facts, whether and to what extent the team's interpretation of rules were sound and acceptable, and whether and to what extent the arguments were evidence-based.

4 **【Oral Argument: Blue Hot Case and Third-party Funding Issue】** Did the team make their claims logically and persuasively, based on the given facts, the contract, and/or law etc.?

⇒ Please evaluate the oral arguments in terms of the appropriateness of legal construct and the material persuasiveness.

⇒ Please evaluate the oral arguments in terms of whether and to what extent the team achieved deep understanding of the contract clauses and UNIDROIT Principles, whether and to what extent the team successfully applied the rules to the facts, whether and to what extent the team's interpretation of rules were sound and acceptable, and whether and to what extent the arguments were evidence-based.

⇒ Please evaluate whether the team understand the issue, and made legal arguments that could support each party' s position. The weight of Blue Hot Case and Third-party Funding Issue is 2:1.

5 **【Overall persuasiveness】** Through the documents and oral argument, and based on the facts of the problem, was there a persuasive and acceptable story advanced?

⇒ Please evaluate the team's overall performance through the arbitration in terms of whether and to what extent the team successfully reconstructs a vivid and integrated story of their case.

6 【Interactions with the Arbitrators】 Were the teams able to respond precisely and timely to questions and directions from the arbitrators?

⇒ The respect toward the arbitration panel should be also considered.

7 【Responses to claims and counter arguments from the other side】 Were the teams able to respond precisely and timely to claims and counter arguments from the other side?

⇒ Whether the responses were quick and pin-pointed.

8 【Opening Statement/Closing Statement】 Was the Opening Statement clear and effective? Was the Closing Statement persuasive and effective?

⇒ As to the opening statement, please evaluate the effectiveness in terms of agenda setting for the subsequent arbitration, and the time management skill.

⇒ As to the closing statement, please evaluate its effectiveness in terms of whether and to what extent it reflects the overall arguments through the arbitration.

⇒ It is recommended that one of the arbitrators assumes the role of time-keeper.

9 【Manner of Advocacy】 Were the manner of oral argument and the way in which claims were made appropriate for a lawyer representing a client in front of an arbitral panel?

⇒ Did the team members argue with confidence and pride as professionals.

10 【Teamwork】 During the oral argument, was there an appropriate allocation of roles and division of work; was good teamwork evident?

⇒ The Intercollegiate Negotiation Competition takes teamwork very seriously. It doesn't mean each has to argue for the same amount of time, but if some contributed little or one dominated the team's arguments, then the team may receive a poorer score. On the other hand, the members help each other when a tough question is addressed, then the team may receive a better score.

《Round B : Negotiation》

1 **【Negotiation Planning: Setting Objectives】** Did the teams set appropriate objectives, having understood what were the genuinely important issues for their own company, based on the given facts and in light of a full exploration of their own and the other company's situation, the market conditions etc.?

⇒ Planning and objectives are very important since the overall negotiation should be evaluated based upon them.

2 **【Negotiation Planning: Negotiation Strategies】** In light of the negotiation objectives, did the team set out appropriate negotiation strategies?

⇒ Please evaluate if the team's strategy is properly, feasibly, and reasonably constructed.

3 **【Negotiation Planning: Explanation】** Were the oral presentation and materials about the negotiation objectives and strategies clear and appropriate?

⇒ We no longer require a pre-negotiation memoranda, instead we evaluate the performance of oral explanation of negotiation planning.

4 **【Understanding the other side】** Through its preparation and effective engagement during the negotiation, did the team appropriately understand the interests, views, and strategy of the other side?

⇒ Please evaluate the communication skill in terms of whether and to what extent the team achieved mutual understandings through active listening including effective questions.

5 **【Proposals/Persuasion】** Based on the objectives and strategies of the negotiation and on the other side's interest, did the team advance reasonable and constructive proposals and persuasive arguments in a flexible and effective manner?

⇒ Please evaluate the offers and counter offers made by the team in terms of how they are creative, constructive, timely, and pin-pointed.

6 **【Agreement】** Without compromising too readily or departing from its authorities, did the team endeavor to reach a good agreement that aligned with their company's interests? Was the content of the agreement (or where the teams did not reach agreement, the content of what they were trying to agree upon) clear and reasonable?

⇒ The teams should check what was agreed upon to each other. Documentation is not required. Oral check is enough so long as the agreements are clear and definite. Please also evaluate the agreement in

terms of whether it achieves maximization of self-interest, is within ZOPA, and is a Win-Win solution.

7 **【Strategies】** Did the negotiation strategies of the team work effectively? Was the team able to modify these in response to the other side's reaction and situation and carry out an effective negotiation?

⇒ Please evaluate the properly adaptive execution of the reasonable strategy.

8 **【Teamwork】** Did the team members fulfil the roles that their positions required, and did they use good teamwork to negotiate?

⇒ The Intercollegiate Negotiation Competition takes teamwork very seriously. It doesn't mean each has to talk for the same amount of time, but if some contributed little or one dominated the negotiation, then the team may receive a poorer score. On the other hand, the members help each other when a difficult situation arises, then the team may receive a better score.

9 **【Attitude to the negotiation】** Did the team members demonstrate an attitude that was appropriate and ethical for a businessperson, considering the relationship with the other party?

⇒ Whether each of the team members negotiated as an ethical, responsible, and mature businessperson.

10 **【Self-Evaluation】** Based on the process and the outcome of the negotiation, was the team able to reflect upon and evaluate their own and the other team's performance in a fair and objective manner?

⇒ The reflection includes the evaluation of the other side as well as the evaluation of the relationship of the two parties. A negotiator should be accountable, he/she should be able to explain properly the ramification, result and reason of negotiation.