

2nd Annual Civil Law Negotiation Competition BLSA CANADA



2023-2024

Official Rules and Competition Guidelines



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Black Law Students'
Association of Canada



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Civil Law Negotiation Competition **Black Law Students' Association of Canada**

The Civil Negotiations Competition "the Negotiations Competition" or "CLNC" is administered by the Black Law Students Association of Canada "BLSAC" through the Francophone National Director and the Negotiations Competition Coordinator. BLSA Canada reserves the right to amend these rules "the Rules" and to make any decision, which will be subject to the final approval of the BLSA Canada Executive Board. These rules apply to the current competition year.

1. INTERPRETATION AND GENERAL ADMINISTRATION

Objective

1.01 The purpose of the annual AÉND Canada Civil Law Negotiation Competition is to enable law students to hone their negotiation skills. The competition problem is chosen to highlight issues that affect the civil law and francophone communities in Canada, as well as areas of law where issues of fairness, diversity and inclusion arise. Teams will negotiate disputes based on current issues affecting the Canadian community. The competition will simulate legal negotiations in which law students, playing the role of lawyers, will negotiate a series of legal issues. The Negotiations Competition will serve to promote law students' skills in amicable dispute resolution forums. The competition will also provide a unique opportunity for law students to develop their negotiation skills while raising public awareness of important social issues. Students will also have the opportunity to receive constructive feedback from legal practitioners while interacting with other students who may have a different negotiating style.

1.02 The Official Rules are designed to facilitate the fair and proper conduct of the competition and must at all times be interpreted in accordance with these aims and objectives.

Interpretation

Official Interpretation

1.03 All official interpretations of these rules are the responsibility of the National Francophone Director, unless expressly provided for herein. Requests for official interpretations of these rules must be submitted in writing to the Francophone National Director.

1.04 A panel of arbitrators will be available before and during the competition and will be responsible for the interpretation and application of the official rules. Any questions arising during the competition concerning the interpretation or application of these official rules will be decided by





a majority decision of the arbitrators. The arbitrators will make the final decision on the implementation and interpretation of these rules.

Submitting Requests

1.05 Teams may submit rule interpretation requests. Submissions should be e-mailed to francophonedirector@blsacanada.com. All answers to rule interpretation questions will be distributed to participants as soon as possible after receipt of the question.

1.06 Each school may submit to the organizing committee, no later than January 12, 2024, a maximum of four (4) written requests for clarification of the competition problem.

Changes to the Rules

1.07 For the purposes of these rules, the French National Director reserves the right to modify, delete or change the rules as required, subject to the approval of the Executive Board of NDIA Canada. Each competitor will receive appropriate notice of any changes.

Questions and Comments

1.08 Other questions, comments or concerns regarding the civil law negotiation competition should be addressed to the Francophone National Director by e-mail at francophonedirector@blsacanada.com.

Language

1.09 The official language of the competition is French.

Competition Problem

1.10 The National Francophone Director reviews the Negotiation Competition issue at all stages of its development. In the absence of the National Francophone Director, the Board of Directors of BLSA Canada may appoint another member of the BLSA Canada Board of Directors to assume this role. The Francophone National Director will call upon impartial lawyers, professionals, jurists, professors and judges to assist her in this task. The National Francophone Director will review each issue critically and provide the issue drafter with detailed written comments for use and incorporation into the drafting/revision of the issue. The National Francophone Director shall not, under any circumstances, advise, coach or comment on problems with anyone other than those





he/she deems appropriate, such as registered competitors, or impartial, such as judges and other members of the BLSA Canada Board of Directors.

Release of Information

1.11 All information will be disseminated on the BLSA Canada website and/or by e-mail by the BLSA Canada Francophone National Director or the Negotiation Competition Coordinator. General inquiries, including questions about the substance of the issue or the interpretation of these rules, should be directed to the French National Director of BLSA Canada by e-mail at francophonedirector@blsacanada.com. The National Francophone Director will respond by e-mail, within a reasonable period of time not exceeding five (5) business days, to all questions not related to the substance of the contest. With the exception of BLSA Canada's Francophone National Director and the Negotiations Competition Coordinator, no one is authorized to answer questions of a substantive nature concerning the competition issue or to interpret these competition Rules, except as otherwise provided herein.

2. REGISTRATION AND TEAM FORMATION

Team Registration

2.01 Registration for the Civil Law Negotiation Competition is limited to fourteen (14) teams. Registration is done by the Faculty of Law which selects the students to form 2 teams of 2 students and registers them, or it can be done through the university's chapter of BLSA. Should the competition reach the maximum number of participants, the National Francophone Director will have the discretion to authorize up to two additional teams to serve as substitutes. Teams registered as alternates will be notified prior to registration. Entry forms must be submitted to the French National Director in accordance with the instructions on the BLSA Canada website and the rules detailed in this document.

Contact information

2.02 Each team participating in the NCDC must provide contact information for all official correspondence when registering. If a competitor changes e-mail or mailing address, or is replaced, the National Francophone Director and/or the Negotiation Competition Coordinator must be informed within forty-eight (48) hours by e-mail. Any information, questions or concerns discussed with a competitor will be considered as information distributed to the whole team.





Registration Schedule

2.03 All relevant deadlines for team registration and submission of registration documents will be indicated on the AÉND Canada website. Registration opens on Monday, September 18, 2023 and closes on Monday, October 23, 2023 at midnight.

Monday, October 23rd, 2023	Registration opens
Wednesday, October 25th, 2023	Facts posted on the AEND Canada website
Monday, November 20 2023	Registration deadline
Monday, November 20 2023	Dissemination of confidential facts to participants
Thursday, November 23rd, 2023	Pairing of teams with their coaches
Monday, January 15, 2024	Deadline for written representation plan

You can always find the latest registration information at <https://www.blsacanada.com/francophone-committee> under Civil Law Negotiation Competition

Team Composition

Team Members and Replacements

2.04 Each team may consist of only two (2) law students enrolled in the same law school. Each school is limited to two (2) teams for the competition. Additional teams may be added according to availability after registration closes. No substitutions of team members after registration can be made, except in exceptional circumstances (e.g. illness, lack of good academic record with the school, death), subject to the written approval of the French National Director. All substitutions must be supported by documentation (e.g. letters from the school, hospital, etc.).

Participant Rules

2.05 To be eligible to participate, students must be enrolled and in good academic standing in a civil law program at a Canadian law school throughout the academic year in which they are competing.





The competition is open to all participants, but each team must include at least one (1) visible minority student.

3. PROCEDURES RELATED TO THE NEGOTIATION CONTEST

Eligibility To Participate In The Civil Law Negotiation Competition

3.01 The Civil Law Negotiation Competition will include all teams that have submitted a completed registration package, including: the competition registration form and team member contact information. Team members will be notified directly of any additional documentation required to complete the registration.

Time and Location of the Civil Law Negotiation Competition

3.02 The 2024 Civil Law Negotiation Competition will be held on Saturday, January 27, 2024 at the Faculty of Law of the University of Ottawa. Each team will receive specific information regarding the logistics of the competition and a detailed schedule will be provided to competitors prior to the competition.

Negotiation Problem

3.03 The negotiation problem consists of:

- (1) a set of general facts known to all participants and ;
- (2) a set of confidential facts that define the guidelines for the negotiations, which will be kept and distributed as the negotiation rounds approach.

Guidelines for the Format of the Civil Law Negotiation Competition

List of the Civil Law Negotiation Competition

3.04 The Civil Law Negotiation Competition consists of a maximum of fourteen (14) teams composed of law students from civil law programs across Canada. In case of emergency, the National Francophone Director may allow additional teams to participate in the Civil Law Negotiation Competition, if deemed necessary to preserve the integrity of the Civil Law Negotiation Competition.





Civil Law Negotiation Competition Rounds

3.05 The Civil Law Negotiation Competition will consist of two (2) rounds. Each round will consist of two (2) teams representing opposite sides of a negotiation. Teams will be ranked according to their cumulative score.

Civil Law Negotiation Competition Session

3.06 Each negotiation session will last approximately ninety (90) minutes. Specifically, each round will consist of a five (5) minute pre-trade presentation, a sixty (60) minute trading session, a five (5) minute break per team and a twenty (20) minute period for judges' comments, for a total of ninety (90) minutes.

Civil Law Negotiation Competition – Introduction to Pre-Negotiations

3.07 The five (5) minutes allotted for introductions before the negotiation must not be used to negotiate the problem. The time allotted allows teams to provide their real name and role-play name (the name of the character they will represent in the negotiation) and judges, at their discretion, to introduce themselves to competitors during this round. Competitors and judges need not use the full five (5) minutes allotted for this session.

Team Breaks

3.08 Each team is authorized to take a break of up to five (5) minutes during each round of negotiation, by verbally informing the timekeeper. The sixty (60) minute negotiation period will be interrupted during this break. Both teams must leave the room during the break. Teams may use their break as they see fit. It can be used as a bathroom break or as a regrouping tactic. Teams may only talk to each other during breaks and may discuss the problem. No team may use technological devices of any kind during the break.

Applicable Law

3.09 The applicable law is the law of Canada and of the province of Quebec.

Timekeeping

3.10 Competing students are responsible for adhering to allotted periods for negotiation sessions and breaks. One of the judges on each jury will also be responsible for monitoring the time. Under





no circumstances will a trading session last more than sixty (60) minutes. Each trading cycle lasts approximately 1 hour and 30 minutes.

3.11 One of the judges on the panel starts the negotiation session after the end of the pre-negotiation introductions. The judges' decisions as to how much time has elapsed and when the negotiation must end are final and not reviewable.

Odd Number of Teams

3.12 In the event that there is an odd number of teams at the start of the preliminary round of the competition, two teams will receive an additional round at random. Their speaker points will be determined from the other round.

Additional Materials

3.13 Teams may use personally prepared notes during the competition.

3.14 No technological devices may be used, including cell phones, smart phones, personal digital assistants and similar electronic communication devices. Electronic devices of any kind, such as cell phones, iPad devices, iPod devices, and tablets may not be used by competitors during negotiations to keep time during the negotiation. Digital watches and timers are permitted, but they may not make noise and must be set to airplane mode, if applicable. If a watch or timer makes any sound, the judge reserves the right to deduct points from the team's total score.

3.15 No prepared material may be presented or distributed during the negotiation session or self-analysis to the other team or to the judges, unless specifically authorized by the fact pattern. Teams will be awarded points only for negotiating within the facts of the problem.

Rules for Civil Law Negotiations and Administration of the Competition

Team Identification

3.16 Negotiating teams will be identified by a number assigned during negotiations.

Late Team Arrivals

3.17 If a team fails to show up on time for any round of the Civil Law Negotiation Competition, that team may be disqualified from the competition at the discretion of the French National Director.





3.18 If the late team can participate, at the discretion of the French National Director, and arrives no more than 5 to 10 minutes late, the round may proceed, but the late team will receive an appropriate point deduction, as indicated in the scoring grid.

Conflict of Interests with Judges

3.19 Prior to the start of a round, after introductions, team members are required to disclose any relationship or affiliation to the judge(s) of that round by verbally informing the National Francophone Director. The Francophone National Director and/or Negotiation Contest Coordinator will then make an appropriate substitution.

3.20 If an undisclosed relationship or affiliation between a competing team and a judge of that team's round is discovered at any time, that team will be disqualified. Law professors and other law school faculty and staff may not judge a negotiation involving schools with which they are affiliated.

Change in Circumstance

3.21 In the event of circumstances directly affecting the advancement of team member(s) in the Civil Negotiations Competition, the National Francophone Director is required to give reasonable notice to the team members directly concerned. This measure will only be considered in extenuating circumstances.

Press Release

3.22 Part, all or none of the rounds of the Civil Negotiations Competition may be videotaped and/or photographed by BLSA Canada for the exclusive benefit of the Association and for such other educational purposes as may be determined by the Board of Directors of BLSA Canada. Participants and spectators are strictly forbidden to use any personal recording device.

3.23 The law student's, coach's or law school's agreement to participate in this competition includes BLSA Canada's agreement to the publication of video recordings and/or photographs.

Spectators

3.24 Spectators are permitted to attend negotiation rounds. Spectators may not communicate with competitors or judges during negotiation rounds. If the judges, or the opposing team, consider a spectator to be a distraction, they will be asked to leave the negotiation round. Because of the risk of disruption, pedagogical advisors and others choosing to observe the negotiations are advised against leaving the room from the start of each negotiation session until the end of the judges' comments. Pedagogical advisors and other observers who must inevitably enter the room late, leave





early or excuse themselves temporarily must do so discreetly and undisturbed. These people must avoid any communication concerning the competition until the end of the test. It is forbidden for these people to use any technological device during the negotiation session.

Negotiations and Decorum

3.25 Competitors are expected to wear business attire. All persons participating in and/or observing the competition may not wear or have in their possession any accessories, including pins, pens, notebooks, bags, etc., which might identify an affiliation with a group or organization outside of BLSA.

3.26 If a team member is found to have behaved inappropriately, that team will be subject to penalties and/or disqualification at the discretion of the National Francophone Director, in consultation with the Negotiation Competition Coordinator.

3.27 If a team is disqualified due to unprofessional behaviour, the French National Director, at her discretion, will send a letter to the team's school dean, pointing out the unprofessional behaviour.

4. PERFORMANCE PLAN AND MEMORANDUM

General

4.01 Each team will prepare a performance plan and written memorandum for submission to the competition judges. The document must be in PDF format with normal margins, 12-point Times New Roman font and double line spacing.

4.02 The performance plan is a plan containing a brief description of the following two (2) headings:

1. Strategy for sharing and assigning responsibilities: Explain how the team plans to share responsibilities among themselves. Explain why the team has chosen this particular allocation strategy.
2. Negotiation strategy: Outline the negotiation strategy, in light of the previous four (4) factors. Will your style be cooperative or competitive? What is your aspiration level (the ideal result you'd like to achieve)? What is your negotiating objective (what do you think you can realistically achieve)?
3. The memorandum is a text in which the parties set out the points of their negotiation. It contains each of the following six (6) headings:





4. Subject of negotiation
5. Presentation of the parties involved in the negotiation and facts about the parties
6. Description of each issue involved in the negotiation, including the background and legal context of each issue, as well as the applicable law.
7. The objective of your party, specifying the points on which you are prepared to make concessions.
8. Description of your rights and obligations to the party you represent and to the other party.
9. Conclusion outlining your objectives and what you hope to achieve by the end of the negotiation.

Length

4.03 The performance plan must not exceed one (1) page in total and the memorandum must not exceed nine (9) pages in total.

Citations

.04 All citations must be made in accordance with the McGill Citation Guide, which is the official citation guide adopted by BLSA Canada.

Consultation

4.05 Although teams may consult their coaches about their strategies, as explained elsewhere in this document, which will influence the content of their performance plans and memos, coaches may not write or modify students' performance plans and memos for them.

Performance plans and memos will be evaluated in advance by the judges.

5. POINTS

5.01 Teams will be judged based on the following criteria:

- Preparation and familiarity ;
- Teamwork between lawyers ;
- Information gathering and communications with the opposing party; ;
- Advocacy on behalf of the client ;





- Flexibility and creativity ;
- Negotiating style; and
- Writing

5.02 Failure of teams to reach a settlement will not result in a lower score, unless such failure occurs in the face of an offer that is clearly and demonstrably in the interest of the refusing party.

5.03 Judges must score each team independently and are not allowed to coordinate their results with another evaluator before scoring the teams.

5.04 Each team and team member will receive a score for each round. The scoring grid can be found in Appendix B: Scoring Grid. Scores will be communicated after the competition, and competitors will receive a communication telling them where and at what time they will learn their scores.

6. CONCERNS AND COMPLAINTS

6.01 A complaint should only be filed if the aggrieved person believes that his or her complaint could change the outcome of the negotiation round. Complaints are generally limited to the following violations: inappropriate communication during the negotiation round between team members or between team members and coaches, unprofessional conduct and blatant misrepresentation of material facts. The French National Director will inform teams of all other complaints. Teams have the right to file a complaint, based on anything that happened during a round of negotiation, but they must do so before the judges' critiques are submitted to the Francophone National Director and/or the negotiation contest coordinator. So, after the judges' critiques, if a team has a complaint, they must bring it to the attention of the usher before leaving the room. If you do not follow this procedure, you have waived your right to lodge a complaint.

6.02 If a team chooses to submit a complaint form, the National Francophone Director and the Negotiation Contest Coordinator will assess the situation and determine if it is necessary to consult with the round judges before deciding the matter. If such consultation is necessary, the National Francophone Director and the Negotiation Competition Coordinator will consult with the judges, following the judges' critique. The conduct referred to in the complaint will be described to the judges and the nature of the alleged rule violation will be explained. The judge(s) will be asked to state whether they were aware of the said conduct and whether it had any effect on their decision. If a hearing is to take place, the French National Director will inform the team that lodged the complaint and the team against which the complaint was lodged of the time and place of the hearing. Both teams have five (5) minutes to present their arguments. No team member will be heard for more than ten (10) minutes. After both teams have been heard, based on the comments of the teams and the judges, the French National Director will determine what effect, if any, the alleged





misconduct had on the judges' scoring decision. The French National Director will then determine an appropriate solution.

6.03 The National Francophone Director shall be the final and conclusive arbiter of all complaints relating to the Civil Negotiations Competition, except where the National Francophone Director is the subject of a complaint. A competitor or team may file a complaint against the National Francophone Director if the aggrieved party can allege that the National Francophone Director has breached her duties as described in the Rules. In this case, the arbitrators of the negotiation contest will evaluate the complaint and make a decision.

7. JUDGES

General Rules

7.01 The National Francophone Director and the Negotiation Competition Coordinator will recruit qualified contest judges who may be law professors, judges, professionals or practicing lawyers. Judges are not required to have legal or negotiating experience.

Role of Judges

7.02 Each judge must be fair and impartial in the negotiation sessions, in scoring and in all other judging activities. The judge will evaluate the student lawyers' performance in the negotiation session and their quality of writing for the representation plan and memorandum. Grading will be based solely on the criteria identified in the evaluation grid and not on the merits or outcome of the negotiation.

Judge Training

7.03 At an orientation meeting, judges are briefed on the scoring procedure, which must comply with the criteria set out in the evaluation grid. Judges will also be informed of the appropriate procedure for each round (time limits, timing, questions, etc.). Judges will also be informed that when critiquing students, they should strive to educate and inform participants, and seek to offer advice on how to improve their performance.

8. PENALTIES





Authority of the Francophone National Director to Impose Penalties

8.01 The Francophone National Director, after investigation and review of all relevant facts, if necessary, may disqualify teams and impose penalties as he deems necessary and appropriate.

Automatic Deduction of Penalty Points

8.02 Judges will deduct penalty points for teams that arrive late to negotiation rounds or fail to respect the time allotted for negotiation rounds. In addition, there will be an automatic deduction of penalty points for teams who explicitly make statements contrary to confidential facts:

- Late to the negotiation round: first 5 minutes - 5pts; 10 minutes - 10pts; 15 minutes - 15pts.
- Statements explicitly contrary to confidential facts: - 5pts for each statement.
- Failure to respect the time allotted for negotiations (5pts per minute).

9. PRIZE

9.01 A prize will be awarded to the winning team (the first-place team in the Civil Law Negotiation Competition), which will be the team with the highest cumulative score. A prize will be awarded to the second-place team (the second-place team in the Civil Law Negotiation Competition) and to the third-place team (the third-place team in the Civil Law Negotiation Competition). A prize will be awarded to the best negotiator in the Civil Law Negotiation Competition, who will be the student with the best individual ranking and the best cumulative team score (calculated on a 50% basis for each). A prize will also be awarded to the second-best negotiator. A prize will be awarded to the team with the best representation plan and memorandum. A prize will be awarded to the team demonstrating the greatest team spirit.



APPENDIX A: SCORING PROCEDURE FOR THE AÉND CANADA CIVIL LAW NEGOTIATION COMPETITION

The following scoring procedure describes how AÉND Canada will score competitors and determine which teams advance during the competition.

Round scoring

The individual scores for each of the six (6) criteria listed in the Evaluation Grid and Individual Ranking, which are described in more detail in Appendix B of the NDEA Rules and Guidelines, will be added together to provide each competitor with a final score for that round of the competition. The highest score that can be achieved in an individual round for each competitor is 85 points. If the round contains more than one judge, each judge's total team score will be averaged to give a team score for that round. The team with the highest total score for each round will be declared the winner of that round.

Team drafting plans and memorandums will be evaluated prior to the negotiation contest by the judges, according to the (3) criteria listed in the evaluation grid in Appendix B of the NDEA rules and guidelines. The team with the highest score will be declared the winner of the prize for the best representation plan and memorandum,

APPENDIX B: BLSA EVALUATION GRID

Scoring criteria - Team writing

CRITERIA DESCRIPTION	Very weak	Weak	Average	Good	Very good
Structure of the plan and memorandum	1	2	3	4	5
Respect for page limits and overall text structure.					
Content	1	2	3	4	5
Ideas are clearly and coherently formulated					
The writing style is creative and the tone is confident.					
Complexity and scope of the research					
Ability to synthesize, critically analyze and argue rigorously					
Language Quality	1	2	3	4	5
Vocabulary: rich, varied, precisely used					
Careful spelling and grammar					
Syntax (sentence construction)					
TOTAL SCORE					/40

Scoring criteria - Oral Negotiation

CRITERIA DESCRIPTION	Very weak	Weak	Average	Good	Very good
Preparation and familiarity	1	2	3	4	5
They made good use of the advance preparation demonstrated in their performance plan.					
Present the facts and the law in a way that can be heard productively by the opposing party.					
Accurately assess and discuss the benefits and risks of litigation or arbitration, as well as the other consequences of not settling.					
Manage time appropriately					
Group work	1	2	3	4	5
Efficient distribution of responsibilities according to the customer's strengths and weaknesses.					
Communicate effectively with one another and enable mutual contributions.					
Good, respectful cooperation with the other party					
Information gathering and communication with the other party	1	2	3	4	5
Establish a problem-solving relationship with the other party, if possible.					
Recognize the interests of the other party and be open to proposals made by, where possible or appropriate, and taking into account the customer's interests.					
Use active listening skills to promote effective communications and move discussions forward, even when one or both parties encounter a communication problem, impasse or other obstacle.					

Use appropriate questioning techniques to gather information.					
Vérifier les hypothèses et collecter les informations nécessaires aux moments opportuns.					
Defending the customer's interests	1	2	3	4	5
Did not sacrifice the customer's interests to reach an agreement.					
N'ont pas sacrifié les intérêts du client afin de rechercher un avantage concurrentiel.					
Flexibility and creativity	1	2	3	4	5
React appropriately to developments during the negotiation, including new information and unexpected actions by the other party.					
Adopt practical, realistic solutions to problems, take financial considerations into account, incorporate new information and the ideas of others into proposals.					
Negotiation Style	1	2	3	4	5
Shift from one negotiating style (i.e. cooperative or competitive) to another, as needed, to advance the customer's interests.					
TOTAL SCORE	/85				