

2009 1L CONTRACT DRAFTING & NEGOTIATION COMPETITION

WRITTEN CONTRACT SCORING SHEET

Judge's Name: _____ Team Numbers: _____

Please use this scoring sheet to evaluate the contract that has been assigned to you. **Participants will receive a copy of this form (with judge's name removed) after the winners have been announced.** One pair of teams will be recognized for Best Written Contract and other pair for Second Place.

Please rate the contract on a scale of 1 (poor) to 10 (excellent) in the following categories. This drafting exercise stresses the importance of a clear, concise, comprehensive, and unambiguous contract. You do not need to know about the substance of the dispute or whether the drafters exceeded their authority (i.e., they allowed for a 30% stock share when they were instructed not to go above 25%). The highest possible score for the drafting component of the competition is 50 points. Please justify any low scores with comments in the space provided.

The page limit for the contract is 8 pages, not including the cover page. Exceeding 8 pages will not result in an automatic penalty, but you are to ignore any pages that exceed the limit. If this happens, it will likely mean you are to ignore terms and/or the signature block, and this will hurt the grade under (B) below because it makes it less cohesive and enforceable.

<u>Category</u>	<u>Score (1-10)</u>
A. Clearly and Concisely States the Intentions of the Parties * The intent of the K is addressed and the intent of the parties to be bound is clear.	_____
B. Realistic and Enforceable Terms * Terms are reasonable and are not likely void as against public policy. If conditional terms are used, they are express or clearly implied. Contains a signature block.	_____
C. Anticipates and Deals with Potential Future Problems * Considers the possibility of changed circumstances. Deals with group representation (i.e., if one group member breaches, is the K considered breached?). Contains an enforcement mechanism and addresses consequences of non-performance.	_____
D. Potential to Resolve the Dispute * The K as a whole will enable the parties to work together in a non-contentious relationship.	_____
E. Uses Uniform Terms and Phrases Throughout the Contract * Any special term is defined. Extrinsic evidence is not necessary to interpret.	_____
F. Penalties: Subtract 1 point for each of the following: Total Deductions (a) Contract does not have page numbers. (b) Contract does not have a cover page. (c) Contract does not identify drafting teams by their number. (d) Contract includes the names of the team members anywhere. (e) Contract is bound by any other means than a single staple in the top left corner. (f) Contract is printed on anything besides 8.5" x 11" paper. (g) The contract margins are not 1 inch on all sides.	_____
TOTAL FOR DRAFTING CONTRACT	_____

Comments: