



PRESIDENT'S CUP 2025

Negotiation is a consensual method of reaching agreement, including but not limited to resolving disputes. For a negotiation to produce a result, each side needs to be in a position to compromise. This means having clear instructions about what is critical to your client, and what can be “traded” in the interests of achieving other goals. Consequently, it is important not only to know what your own client’s goals are, but also to identify, as far as you can, what the goals of the other side are.

If there is nothing to be traded, then the negotiation is unlikely to achieve a result other than the parties walking away, unless one party is prepared to concede entirely to the other’s demands. Even when a negotiation breaks down, however, important information may have been shared.

Learning outcomes and competences

Negotiation is an important skill for both contentious and non-contentious lawyers. SQE2 applicants are tested on negotiation¹ and pupil barristers² are expected to have exposure to negotiation in practice.

The BSB’s and SRA’s competence statements set out useful lists of the components of effective negotiation practice:

Professional Statement for Barristers, 1.7 ³	Statement of Solicitor Competence, B.6 ⁴
<i>Negotiate effectively</i>	<i>Negotiate solutions to clients' issues, including.</i>
They will be able to recognise the strengths and weaknesses of the client’s case and that of all other parties and to seek an outcome by negotiation which is in the best interests of the client.	

¹ Solicitors Regulation Authority, ‘SQE2 Assessment Specification’ (SQEWebsite, April 2024) <<https://sqa.sra.org.uk/exam-arrangements/assessment-information/sqe2-assessment-specification>> accessed 23 July 2025.

² BSB, ‘The Bar Qualification Manual’ (Bar Standards Board, 2025) <<https://www.barstandardsboard.org.uk/training-qualification/bar-qualification-manual-new.html?part=&q=negotiation>> accessed 23 July 2025, 3.15ff.

³ Bar Standards Board, ‘The Professional Statement for Barristers’ (Bar Standards Board, September 2016) <[bsbprofessionalstatementandcompetences2016.pdf](https://www.barstandardsboard.org.uk/professional-statement-for-barristers-2016.pdf)> accessed 31 July 2025.

⁴ Solicitors Regulation Authority, ‘Statement of Solicitor Competence’ (Solicitors Regulation Authority, 8 September 2022) <<https://www.sra.org.uk/solicitors/resources/continuing-competence/competence-statement/>> accessed 23 July 2025

Professional Statement for Barristers, 1.7 ³	Statement of Solicitor Competence, B.6 ⁴
Barristers should:	
a) Identify in so far as possible all parties' interests, objectives and limits.	a. Identifying all parties' interests, objectives and limits
b) Develop and formulate best options for meeting the client's objectives.	b. Developing and formulating best options for meeting parties' objectives
c) Present options for resolution cogently.	c. Presenting options for compromise persuasively
d) Recognise, evaluate and respond to options presented by the other side.	d. Responding to options presented by the other side
e) Develop appropriate compromises consistent with the client's instructions.	e. Developing compromises between options or parties
f) Bring the negotiation to an appropriate conclusion.	

Some suggested reading resources

Coburn C, 'Negotiation Conflict Styles' (Harvard University No date)

<<https://hms.harvard.edu/sites/default/files/assets/Sites/Ombuds/files/NegotiationConflictStyles.pdf>> accessed 23 July 2025
Fisher R and Ury W, *Getting Past No: Negotiating With Difficult People* (Random House Business 1992)

Fisher R, Ury WL and Patton B, *Getting to Yes: Negotiating Agreement Without Giving In* (3rd Revised ed, Penguin Books 2011)

Harvard Law School, 'Welcome to the Teaching Negotiation Resource Center' (*PON - Program on Negotiation at Harvard Law School*, 2022) <<https://www.pon.harvard.edu/store/>> accessed 31 July 2025

Shonk K, 'Principled Negotiation: Focus on Interests to Create Value' (*PON - Program on Negotiation at Harvard Law School*, 30 May 2025 June 2025) <<https://www.pon.harvard.edu/daily/negotiation-skills-daily/principled-negotiation-focus-interests-create-value/>> accessed 31 July 2025

Simpson A, 'Junior Lawyer's Skillset: The Art of Good Negotiation' (*LexisNexis blogs*, 10 December 2019) <<https://www.lexisnexis.co.uk/blog/in-house/successful-lawyer-s-skillset-the-art-of-good-negotiation>> accessed 31 July 2025

The Harvard Principles of Negotiation (Directed by EPM, 2022) <<https://www.youtube.com/watch?v=9UpkaF8PINI>> accessed 23 July 2025

The First Round

For this first round of the competition, you will need to prepare and submit a written negotiation plan. At this stage, you are **not** acting for one party or the other. You are considering the fact pattern and setting out in writing the issues you have identified as requiring negotiation and the structure and tactical approach to be taken to the negotiation meeting.

Your plan may be in any format you like, but you should consider the following points:

1. **Issues and information**

What do you think are the issues that will need to be negotiated? What further information will each party need from the other and what questions do you think need to be asked to draw that further information out of the other party?

2. **Objectives**

What do you think are the parties' objectives? What concerns do you think each party may have?

3. **Strengths and Weaknesses**

What are the likely bargaining strengths for each party and, conversely, what are the potential weaknesses.

4. **Negotiation Meeting**

How do you plan to conduct the negotiation meeting itself? What issues will you discuss and in what order of priority?

5. **Competition Closing Date**

The closing date for the President's Cup competition is Friday 7th November 2025, 5pm. Submit your written plan and completed application form to Head of Operations, Michelle Foster via email:

Michelle.foster@nottslawsoc.org

6. **Final Round Competition Date**

The final round will be held on Monday 8th December 2025, 6pm. A venue is yet to be confirmed.

INFORMATION FOR BOTH PARTIES

Leipzig Kiosk is a British four-piece “new romantic” band that was internationally famous in the 1980s. The only remaining active member of the original line-up is its lead singer and songwriter Minty O’Halloran. Minty, now in his early seventies, tours occasionally under the name Leipzig Kiosk with family members or session musicians providing flute, keyboard and drums. His battles with alcohol, cocaine, divorces and near-bankruptcy have been well-documented in the press. Nevertheless, the band still has a loyal following and the occasional tours have been successful. There was a resurgence of interest during COVID, when Minty gave some free performances online and there are rumours in the music press of a new album, including new tracks (not all in the “new romantic” style) and readings of Minty’s political poetry.

Thalassa Cruises plc operates several cruise liners on routes in the Mediterranean, Baltic and around the Canary Islands. For each cruise – or sometimes for the season of 10 to 12 individual cruises – it hires several entertainers and one headline act. The company’s general reputation is for providing family-friendly and whale-watching cruises largely for UK and Irish tourists, but it has started to provide four or five specialist cruises each year in addition, for, e.g., fans of particular bands or themed to particular historical periods. Thalassa can charge a premium for specialist cruises and would like to capitalise on the renewed interest in Leipzig Kiosk.

Minty has not previously done cruise ship work but is keen to branch out into doing so without compromising the essence of Leipzig Kiosk. He believes this is the key to its success and the loyalty of its fans in the UK, Australia and Canada.

The band’s agent and executives from Thalassa have arranged a meeting to iron out the terms of a contract for Leipzig Kiosk to be a headline act on Thalassa’s cruises next season.