

NATIONAL SPORTS LAW NEGOTIATION COMPETITION

Competition Rules (2015-)



**CENTER FOR
SPORTS LAW AND POLICY**

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1) COMPETITION OVERVIEW

a) Schedule

A Friday Night Mixer will be held at the Law School. Rounds 1 and 2 of the Competition will be held on Saturday at the Law School. Please see itinerary on the NSLNC website for the weekend schedule: <http://www.tjssl.edu/conferences/nslnc/schedules>

b) Finals

The **top four** teams from the Saturday Rounds will advance to the Final Round on Sunday.

c) Location

All competition activities, except as otherwise stated, will occur at Thomas Jefferson School of Law, 1155 Island Ave, San Diego, CA 92101 on floors 1 – 3 of the Law School.

d) Accommodations

Various hotel options can be found on the NSLNC website at: <http://www.tjssl.edu/conferences/nslnc/hotel-travel-tips>.

2) NSLNC BOARD JURISDICTION

The NSLNC Board will resolve any logistical issues, scoring issues, or other issues that may arise that do not specifically fall within the situations contemplated by these rules. All Board decisions shall be final.

NSLNC Board: <http://www.tjssl.edu/conferences/nslnc/meet-nslnc-board-assistants>

3) FACT PATTERNS

a) General Information and Purpose

The fact patterns used for each round of the Competition focus on different issues within the field of Sports Law. Having competitors negotiate different areas related to Sports Law and the operation of industries in the areas of professional and semi-professional sports will expose them to crucial aspects of Sports Law and related businesses rather than focusing on one particular issue. Fact patterns are based on real-life issues but some liberties are taken for the purposes of creating a workable fact pattern.

b) Disclaimer

While the fact patterns are often based on real-life issues with competitors representing real-life parties, the facts in the problem will *always* supersede and take precedence should there be any discrepancies between the facts and any information on players, companies, teams, collective bargaining agreements, and the like.

4) REGISTRATION

a) Registration Deadlines

Registration for all teams shall conclude no later than one month prior to the first day of completion

b) Registration Procedure

i) Method of Entry

Teams may register online via <http://www.tjssl.edu/conferences/nslnc> or may send a check and completed registration form via mail.

ii) Registration Form

Each individual team must complete a separate registration form regardless of whether a school is sending multiple teams. The registration form must include:

- (1) Name of school;
- (2) Names of competitors;
- (3) Email addresses of competitors;
- (4) Name and email address of Student Coach (if applicable);
- (5) Name of Faculty Advisor

iii) Maximum Allowable Entries

Law schools may register up to two (2) teams per school.

(1) Board Discretion

The Board may limit the number of allowable entries or allow additional entries per school based on the specific needs of the competition.

c) Late Registrants

The board may extend an invitation to late registrants at its discretion based on the needs of the competition.

d) Withdrawals and Cancellations

i) Withdrawals

If a team must withdraw from the competition, they must submit their withdrawal in writing via mail or electronic communication no later than thirty (30) days from the first day of competition in order to receive a refund of entry fees. Withdrawals submitted less than thirty (30) days from the first day of competition will forfeit their entry fee and receive a refund of the balance within sixty (60) days.

ii) Cancellations

If for any reason, the Board deems it necessary to cancel the competition or must rescind an invitation to compete, any registration fees paid by the competitors will be refunded in full within ninety (90) days of notice of cancellation. NSLNC shall not be responsible for any costs incurred in preparing to attend a competition that is cancelled.

5) COMPETITORS

a) Team Composition

A team shall consist of two (2) law students registered at the same law school.

i) Substitutions

Individual competitors may not be substituted with other students once the competition begins. In the event of a sickness or absence on the day of competition, the remaining competitor will not be disqualified and may continue as a solo competitor.

ii) Alternates

A Student Coach may serve as an alternate in the event an individual competitor must withdraw if the Student Coach was designated on the team's initial registration and if an alternate request is submitted no later than ten (10) days prior to the first day of competition. Any requests submitted later than ten (10) days prior to the first day of competition are subject to the Board's approval.

b) Law Student Requirements

i) Registration Requirements

Competitors must be currently registered at and attending an ABA accredited law school unless the NSLNC approves of an exception.

(1) Exception Requests

In the event a team from a non-ABA accredited law school desires to compete, a written exception request must be submitted to the NSLNC board via email or regular mail with the following information:

- (a) Law School Name;
- (b) Accreditations; and
- (c) Names and Class Standing of proposed competitors.

ii) Student Standing

Each competitor must have completed a minimum of two semesters of legal education.

6) COMPETITION PREPARATION

a) Outside Research

Except as provided, teams may only use the facts in the fact pattern. Competitors are permitted to conduct outside research, but the information contained in the fact pattern is considered a closed universe unless otherwise stated. Only reasonable inferences based on outside research may be made for additional information. **Any information based on outside research that serves to change any material fact in the fact pattern(s) is an ethical violation and may subject the competitors who use this outside information to penalties that can include but are not limited to disqualification from the competition.** If there are any questions about whether specific outside information serves to change a material fact of the fact pattern, please contact the NSLNC Board at NSLNC@tjsl.edu.

b) Citation of Outside Sources

Any outside information used by a team must be cited from a reputable source (league website, major news service, player's association, or company website) and must be readily available at no cost to all competitors. If a competing team refers to any fact outside the problem, they must:

- i) Identify it as outside research so that the opposing team will know that the factual assertion is not a confidential fact; and
- ii) Support it by citation to a source described in this paragraph.

c) Penalties for Misrepresentation

Any misrepresentation of an outside fact is an ethical violation for which points will be deducted. If a judge finds that a team's misrepresentation was intentional and material, the judge may award the win to the non-infracting team.

d) Reasonable Inferences and Self-Serving Facts

i) Reasonable Inferences

A reasonable inference is an inference that derives naturally from the fact pattern without changing any material fact. Any facts deriving from case law, news sources, or any other outside source not explicitly cited by the fact pattern that serves to change any material fact of the negotiation is considered to *not* be a reasonable inference. The judges are instructed to interpret this rule narrowly.

ii) Self-Serving Facts

Self-serving facts are either invented facts or facts resulting from an unreasonable stretch of logic that materially alter a party's position in its own favor. Self-serving facts are expressly prohibited and will result in an ethical violation. Continued use of self-serving facts will result in an automatic loss or disqualification, depending on the severity of the violation.

iii) The Fact Pattern Governs

Teams may only use facts from the fact patterns. The NSLNC bases its fact patterns in real-world situations that can change prior the competition date. Regardless of any real-world developments, the facts within the fact pattern supersede any outside developments. Outside research must be cited per rule 3(b).

iv) Challenging Cited Information

Teams may challenge information presented as cited facts. If the challenged team is unable to provide a valid source, this will be considered an ethical violation and shall be noted on the judge's sheet.

v) Intentional or Multiple Violations

If a judge finds that ethical violations are intentional or if they find a team is guilty of multiple ethical violations, the judge may award the round to the non-infracting team.

e) Fact Pattern Clarifications

i) Time Limits on Submitting Clarification Questions

Any questions about fact patterns, clarifications on the facts contained within the fact patterns, or about the rules need to be addressed within the allotted time outlined in the table below.

Round:	Questions must be submitted:
1	No later than ten (10) days from the release of the problem.
2	No later than twenty (20) days from the release of the problem
3 (Final Round)	Up to 11:59 p.m. Pacific Standard Time the Saturday of competition weekend.

ii) Question Submissions

All clarification questions must be received **in writing through email communication** to NSLNC@tjisl.edu. No clarification questions asked orally, by text message, or by any other non-email method will be answered by any NSLNC Board member, fact pattern drafter or anyone else associated with the competition. **There will be no exceptions to this rule.**

iii) Responses to Questions

(1) Timing of Response

- (a) Round 1 responses will be communicated to competitors no later than twelve (12) days from the release of the problem.
- (b) Round 2 responses will be communicated to competitors no later than twenty-two (22) days from the release of the problem.
- (c) Round 3 responses will be communicated to competitors no later than two (2) hours prior to the start of the first heat of the final round.

(2) Responses to Questions Regarding Confidential Facts

Responses will be communicated to ALL competitors unless the question pertains to confidential facts. In the event a question is submitted regarding confidential facts, the response will only be submitted to competitors on that side of the fact pattern.

7) **COMPETITION**

a) General Format

The competition consists of three (3) rounds, 2 preliminary rounds that will take place on the first day of competition and one final round that will take place on the second day of competition.

b) Negotiation Format

i) Round Schedule

The competition consists of three rounds, two preliminary rounds on the Saturday of the competition and one final round on the Sunday of the competition. Timing of the rounds is as follows:

(1) Negotiation Period

Each round consists of a 45-minute negotiation period. This negotiation period shall not be extended under any circumstances. For all rounds, it is up to the negotiation teams to determine who begins speaking first unless the negotiation fact pattern explicitly specifies otherwise.

(2) Self Analysis Preparation

Each team has a 10-minute period to prepare their self-analysis. During this time both teams will leave the room and each team will be invited back in individually to deliver their self-analysis.

(3) Self Analysis Delivery

Teams will have a 10-minute period of self-analysis delivered in front of the judges per team. Judges may ask the competitors questions during this period. Judges may consider anything said during this session for scoring purposes.

- (a) Team A will go first during the self-analysis period in Round 1.

- (b) Team B will go first during the self-analysis period in Round 2.
- (c) The lower seeded team will go first during the self-analysis period in the Final Round.
- (d) In all rounds, teams will address the following questions in any order:
 - (i) **“In reflecting on the entire negotiation, if you faced a similar situation tomorrow, what would you do the same and what would you do differently?”**
 - (ii) **“How well did your strategy work in relation to the outcome?”**

(4) Judges Comments

Score sheets will be collected and the judges will have 15 minutes to provide feedback at the conclusion of both self-analysis periods with both teams back in the room. This comment period may be split between the two teams if and only if both teams give express oral consent.

ii) Timekeeping

An independent NSLNC timekeeper or one of the judges will serve as designated timekeeper.

iii) In-Round Break

Each team is entitled to one (1), five (5) minute break (also known as a “caucus”) during the round. During the break, the time will continue to run. Both teams must exit the room during a break. Teams are prohibited from communicating with each other during a break.

iv) Additional Materials

(1) Permitted Materials

Permitted materials may only be used while both parties are present during the 45-minute negotiating session. No prepared materials may be handed out during the negotiation session or self-analysis with the exception of materials explicitly authorized within the fact pattern. Competitors are permitted to use the following materials within the round:

- (a) Blank flip charts
- (b) Black/white boards
- (c) Previously prepared notes – either handwritten or printed.
- (d) Calculators, if the fact pattern or the NSLNC board explicitly authorizes such use
- (e) Stopwatches or cell phones set to airplane mode for the purposes of timekeeping only

(2) Prohibited Materials

No electrical items including computers, tablets, cellular phones, personal digital assistants, or any other similar electronic communication devices may be used for additional research during the entire duration of the round. No such items may be used to communicate to others for any purposes during the entire duration of the round.

(3) Questions Regarding Materials

Any questions regarding the use of additional materials must be submitted in writing within ten (10) days of the first day of the competition.

(4) Consequences of Violation

A team found using or attempting to use unauthorized additional materials will forfeit the round.

v) Communication

Teams are expressly prohibited from communicating with any person, including coaches, advisors, other team members, the opposing team, or any other individual in the facility during the

round. Cell phone, e-mail, and any other written or oral communication are prohibited while a round is ongoing. Any violation of this rule will result in disqualification.

c) Coach/Advisor and Observer Conduct

Teams are permitted to have coaches, faculty advisors and other observers sit in on their competition rounds so long as there is room in the competition room. Coaches and Faculty Advisors must register with the NSLNC board before the competition.

i) Communication

Coaches/Advisors and observers may NOT communicate with any team members while a round is active. Any violation of this rule will result in disqualification.

ii) Scouting

Coaches/Advisors and observers are expressly prohibited from scouting other teams (i.e. a coach/advisor and/or observer may not observe a round and report the confidential facts or strategies observed to a team that has not yet negotiated). Any violation of this rule will result in disqualification.

iii) Entering and Exiting a Competition Room

Once the round has begun, a Coach/Advisor/Observer may not exit and re-enter the room. Coaches/Advisors/Observers may not enter a room if negotiation has already begun. If a Coach/Advisor/Observer must leave a room once negotiation has begun, they will do so as quickly and quietly as possible and may not re-enter the room. Any violation of this rule may trigger a review by the NSLNC Board which may result in a penalty or disqualification in the event the review reveals a violation of Rule 6(c)(1).

8) THE FINAL ROUND AND AWARDS CEREMONY

Following the completion of the Saturday negotiation rounds, the NSLNC Board will compile the judging records and numerical scores for each team following the completion of all rounds on the first day of competition. The four teams with the lowest combined scores at the end of the two preliminary rounds will advance to the Final Round, which will take place on Sunday morning. The announcement of the four finalists will be announced at a reception on Saturday afternoon at the TJSJL campus.

a) Final Round Scheduling

i) Final Round Seeding

The four finalist teams will be placed into the Final Round according to their preliminary round ranking (or “seed”). The first seeded team will face the fourth seeded team and the second seeded team will face the third seeded team.

ii) Pairing Finalist Teams with Confidential Facts

The teams will be assigned confidential facts according to coin flip where the first seeded team will call heads or tails. The first and third seed will receive one side of the confidential facts, and the second and fourth seed will receive the other side of the confidential facts.

iii) Final Round Scheduling

The first seed will have the exclusive option of choosing whether they will compete in the first heat or second heat of the Final Round. Such decision will be final and may be made without any

input from the other finalist teams. If the first seed does not have a stated preference, such placement will be made by coin flip where the first seeded team will call heads or tails.

iv) Scheduling in the Case of Two Finalists from One School

If two teams from the same school reach the Final Round, *for the purposes of placement into heats and determining seeding*: (1) the higher-seeded team from the school with two finalist teams will be considered the first seed; and (2) the lower-seeded team from the school with two finalist teams will be considered the third seed. Under no circumstances will two teams from the same school face each other in the final round and/or receive differing confidential instructions. The original first-seeded team (e.g., the team that placed first in the preliminary rounds) will still have the exclusive option of choosing the heat preferred outright or by coin flip even if they are considered the second seed for the purposes of scheduling the final round.

v) Mandatory Final Round Scheduling Conference

All final round scheduling and confidential fact pairing will take place at a conference with the NSLNC board at the Saturday afternoon reception immediately following the announcement of the four finalist teams. Any finalist team that is not present at the reception and cannot be located within 30 minutes of when the finalists are announced shall be disqualified from the Final Round. If disqualification occurs, the team below the disqualified team will move up one place (e.g. if the third place team is disqualified, the fourth place team will become the third seed and the fifth place team will become the fourth seed). If the fifth place team cannot be located, the following teams will be moved up accordingly until four finalist teams have been located.

b) Awards

Trophies will be presented to the winner and runner up competing in the final Championship round. Plaques will be awarded to the third and fourth place teams.

- i) Teams will be responsible for shipping costs to their law school in the event that they cannot attend the ceremony and collect their trophy/plaque in person. When possible, notification should be given to the Board of a team's potential absence from the Final Round ceremony.

9) JUDGING

a) Composition

The two preliminary rounds will be judged by a three (3) judge panel comprised of practicing lawyers, judges, and other professionals from the sports industry. Once empaneled, a panel will observe both heats of a single round in a single room, viewing four teams total per round.

b) Round Evaluation Form

Teams will be judged based on categories in the attached Evaluation Form. Teams will be judged on a 7-point scale with one as the highest rating and seven as the poorest rating. Judges will circle their rating for each category. Judges should rank teams in the final evaluation consistent with their ratings on this form. The primary purpose of this form is to serve as a tie-breaking mechanism.

c) Round Final Evaluation

At the conclusion of the round, the judges will rank the four (4) teams observed within the round from one (1) to four (4) with one being the highest rank and four being the lowest rank.

d) Feedback

The Evaluation Forms, Feedback, and Comment Sheets provide the only written feedback the teams will receive. Evaluation Forms or Feedback and Comment Sheets will not be distributed directly to the competitors; they will be collected and distributed later.

e) Tie-Breaking

i) Preliminary Rounds

In the event that the scores on the ranking sheets result in a tie, ties will be broken according to the following:

- (1) First Tiebreaker: Lowest overall total score on the evaluation form.
- (2) Second Tiebreaker: Ethical violations: a team that observes ethical requirements wins over any team that committed an ethical violation.
- (3) Third Tiebreaker: Lowest score on Criterion IV: Outcome of Session.
- (4) Fourth Tiebreaker: Lowest score on Criterion VI: Self-analysis.

ii) Finals Qualifications

For purposes of qualifying for the finals only, the following additional tiebreakers will be used:

- (1) Fifth Tie-breaker: If the teams are still tied, then for each team, the scores from each judge should be consulted and arranged in ascending order (lowest to highest); the scores would then be matched against the other team in a format similar to "sudden death match play" in golf -- the first team to have a lower score than other team would be the winner.
- (2) Sixth Tiebreaker: Coin flip.

iii) Final Round

In the event of a tie in the final round, the first three tie-breaking mechanisms listed above will be employed in order until the tie is broken. In the event none of the first three mechanisms above breaks the tie, the tied teams will share their final ranking.

f) Challenging the Judges' Decisions Following a Round

Any dispute, challenge, inquiry, or request must be received and reported to an NSLNC Board member, within 30 minutes of the release of the scores. After the period for challenge has expired, the Board shall have 30 additional minutes to resolve the challenge. The results will become final 1 hour after scores are released; if the Board lacks conclusive evidence to change a score within that hour, the original score will stand.

10) CONTACT

Any questions, comments, or concerns should be directed to the NSLNC Board at NSLNC@tjssl.edu.

EVALUATION CRITERIA FORM—JUDGING SCALES

(Each judge should receive FOUR copies of the Evaluation Form for each Round – EIGHT for the entire day.)

Judge’s Number: _____ Cell #: _____ Date: _____ Room #: _____

Team Letter Designation: _____ Client Name: _____

Negotiation judged:

(Please mark “X” on the line for the Round observed)

Round #1 _____ Round #2 _____ Final: _____

Criteria I-V should be completed following the end of the negotiation and while the teams are preparing for the self-analysis.

I. NEGOTIATION PLANNING

This scale assesses whether the team was familiar with the facts and law and had a strategy and tactics reasonably designed to the situation set out in the fact pattern. How well-prepared was this team, judging from its performance and its apparent strategy?

7	6	5	4	3	2	1
Very Unprepared	Unprepared	Somewhat Unprepared	Neutral	Somewhat Prepared	Prepared	Highly Prepared

II. FLEXIBILITY IN DEVIATING FROM PLANS OR ADAPTING STRATEGY

This scale assesses whether the negotiators seemed responsive to the negotiation as it unfolded or whether their strategy and tactics seemed scripted or otherwise pre-planned in a way that did not work effectively in the context of the actual negotiation. Was this team able to adapt its strategy to for example, to new information or to unforeseen moves by the opposing team?

7	6	5	4	3	2	1
Very Inflexible	Inflexible	Somewhat Inflexible	Neutral	Somewhat Flexible	Flexible	Highly Flexible

III. OUTCOME OF SESSION

Based on what you observed in the negotiation and the self-analysis, to what extent did the outcome of the session, regardless of whether agreement was reached, serve the client's goals?

7	6	5	4	3	2	1
Goals not served at all	Goals not served	Goals somewhat not served	Neutral	Goals served somewhat	Goals served well	Goals served very well

IV. TEAMWORK

How effective were the negotiators in working together as a team, in sharing responsibility, and providing mutual backup?

7	6	5	4	3	2	1
Totally lacking in teamwork	Lacking teamwork	Somewhat lacking in teamwork	Neutral	Somewhat good teamwork	Very Good Teamwork	Excellent Teamwork

NOTE: For a single-person team, average criteria I, II, III, V, VI, and VII and enter that result (to the nearest whole number) as the teamwork rating.

V. RELATIONSHIP BETWEEN THE NEGOTIATING TEAMS

This scale focuses on word choice, attitude and tone, and implied and explicit communications. Did the way this team manage its relationship with the other team contribute to or detract from achieving its client's best interests?

7	6	5	4	3	2	1
Relationship Managed Very Poorly	Relationship Managed Poorly	Relationship Managed Somewhat Poorly	Neutral	Relationship Managed Somewhat Well	Relationship managed well	Relationship managed extremely well

Criteria VI and VII should be completed after both teams have completed their self-analysis.

VI. SELF-ANALYSIS

Students will begin this 10-minute period by answering directly to the judges, responses to the following questions:

- (1) "In reflecting on the entire negotiation, if you faced a similar situation tomorrow, what would you do the same and what would you do differently?"
- (2) "How well did your strategy work in relation to the outcome?"

Based on the team's self-analysis during the review session, how adequately understood the negotiation dynamics and learned from today's negotiation?

7	6	5	4	3	2	1
Did not understand or learn at all	Did not understand or learn	Did not understand or learn much	Neutral	Understood And Learned Somewhat	Understood and learned well	Understood and learned extremely well

VII. NEGOTIATING ETHICS

Based on your observation, do you believe the negotiating team observed or violated the ethical standards of the legal profession? For example, 1) did the team misrepresent material facts? 2) did the team invent self-serving material facts? etc. Select and circle one:

TEAM OBSERVED ETHICAL STANDARDS or TEAM VIOLATED ETHICAL STANDARDS

If you circled TEAM VIOLATED ETHICAL STANDARDS, was the ethical violation so severe that, in your judgment, the team should be disqualified from the competition? Circle one:

YES, DISQUALIFY

NO, DO NOT DISQUALIFY

Please explain in detail:

PLEASE be sure to complete **ALL** categories before turning in this form.

The Evaluation Criteria Forms will be collected by the competition administrator **PRIOR** to the judges providing feedback to the last two teams.

RANKING SHEET

(Each judge should receive ONE copy of ranking sheet for each Round – TWO for the entire day.)

This sheet should be completed only after observing all four teams.

Judge's Number: _____ Cell #: _____ Date: _____ Room #: _____

Negotiation judged:

(Please mark "X" on the line for the Round observed.)

Regional Competition Round #1 _____ Round #2 _____ Final: _____

Based on my personal opinion, having observed the negotiation between teams _____ & _____ and between _____ & _____, I rank the teams I observed as follows:

(Please fill in all blanks above and immediately below with the team letter designations.)

1 = Most effective team: _____

2 = Next most effective team: _____

3 = Third most effective team: _____

4 = Least effective team: _____

Suggested criteria:

- Remember that parties need not reach an agreement and, in some situations, the best outcome might be no agreement at all. Judges should focus on the teams' planning and the negotiation process, rather than on whether the teams reach agreement.

A good negotiation outcome is often one that:

- Is better than the best alternative to a negotiated agreement (with this party)
- Satisfies the interests of
 - the client – very well
 - the other side – acceptably (enough for them to agree and follow through)
 - third parties – tolerably (so they won't disrupt the agreement)
- Respects clients instructions and creatively uses them to shape agreement or seek approval for agreements outside scope of authority
- Adopts a solution that is the best of all available options
- Is legitimate – no one feels "taken"
- Involves commitments that are clear, realistic, and operational
- Involves communication that is efficient and well understood, and
- Results in an enhanced working relationship or an agreement to negotiate further.
 - See instructions on individual rounds for an analysis of the instructions that the teams have, the agreements that are possible, and what to look for in terms of evaluating the provisions of an agreement

Please note that the competition administrator will collect the Ranking Sheets and Evaluation Criteria Forms before judges provide feedback to the last two teams. They will verify that judges have completed all categories before leaving the room.

