

**THOMAS JEFFERSON SCHOOL OF LAW**

**NATIONAL SPORTS LAW**  
**NEGOTIATION COMPETITION**

**2011**

**September 23-25, 2011**

**Competitor Rules**



There will be two preliminary rounds (Saturday, 9/24/11 Round One (1) at 10:00 a.m. and Round Two (2) at 1:00 p.m.). The top two teams will advance to the Final Championship Round on Sunday 9/25/11 at 10:00 a.m. All competition activities except for the Friday night baseball game and Saturday night social in the Gaslamp District will occur at Thomas Jefferson School of Law, located at: 1155 Island Avenue, San Diego, CA.

## **1. FACT PATTERNS**

The fact patterns used for each round of the Competition will focus on a different issues of Sports Law. By having competitors negotiate different areas related to sports law, they will be exposed to several crucial aspects of the sports business rather than just focusing on one particular issue. The Competition will be able to adjust to emerging issues from year to year and avoid covering the same topic areas as other competitions.

The facts in the problem will supersede and take precedence should there be any discrepancies between the facts, players, companies, teams, collective bargaining agreements, and the like. While the competitors may conduct outside research, the information contained in the fact pattern is considered a closed universe unless otherwise stated and only reasonable inferences may be made for additional information. Any outside information used by a team must be cited from a reputable source (league website, major news service, player's association, company website/promotional information) and must be readily available at no cost to all competitors. If a competing team refers to any fact outside the problem, they must (1) identify it as outside research so that the opposing team will know that the factual assertion is not a confidential fact; and (2) support it by citation to a source described in this paragraph. Any misrepresentation of an outside fact is an ethical violation for which points will be deducted. If a judge finds that the misrepresentation was intentional and material, the judge may deem the team engaging in the intentional misrepresentation to be the loser of the round.

## **2. QUESTIONS ABOUT THE FACT PATTERNS**

Any questions about the fact patterns, or clarifications on the facts contained within the fact patterns, or about the rules need to be addressed within ten (10) days of the release of that fact pattern. Answers to the questions and any clarifications will be communicated to all competitors, unless it relates to confidential facts, in which case any response will only be communicated to the appropriate teams. After the ten (10) day period has expired, no additional

questions will be answered, nor will any more clarifications be made unless deemed necessary by the NSLNC Board.

### **3. REASONABLE INFERENCES AND SELF-SERVING FACTS**

Except as provided in Rule 1 above, teams may only use the facts in the fact pattern. Any outside information used must be from league sources and teams must disclose where the cited statistics originated or the reference for any information is based. If challenged and the team relying on such information is unable to provide a reliable citation, this will be considered an ethical violation and points will be deducted by the judges. If a judge in his or her discretion finds the violation was intentional or there were multiple violations, the judge may award the round to the opponents of the team committing the violation.

Teams may not make up self-serving facts, but may make reasonable inferences using common sense. If a team uses facts that cannot be supported by a source or by data, the team will be deemed to have committed an ethical violation. If a judge in his or her discretion finds the violation was intentional or there were multiple violations, the judge may award the round to the opponents of the team committing the violation.

### **4. REQUIREMENTS**

In order for the Competition to run smoothly and ensure a fair competition, several rules must be followed by the Competitor's and the teams entering the Competition: (1) the teams must register properly; (2) Competitors must meet basic requirements; and (3) teams must follow the regulations of team composition.

#### **A. Registration Prior to the Competition**

All registration for teams should conclude at least one month before the actual Competition dates. Each team needs to complete a separate registration form, even if teams are from the same law school.

#### **B. Law Student Requirements**

The Competition is open to any law student attending an ABA accredited law school. Each Competitor must be on a team consisting of students from the same law school.

Each Competitor must have completed a minimum of two semesters of legal education (“Competitor”). This requirement ensures that each Competitor understands the basics of general legal principals within sports negotiation (contracts, torts, property, etc.).

### **C. Composition of Teams**

Each team will be comprised of two (2) Competitors. These Competitors will compete in each round, and may not be substituted with other students once the Competition begins. However, each team may also have a student coach. If a sickness or absence occurs, a one person team may compete and the one competitor team will not be disqualified. Student Coaches may fill in where notice is provided ten (10) days before the competition for such illness or absence, but no student coach will be able “fill-in” the after the ten (10) day period.

Coaches will be permitted to sit in on their team’s rounds, but coaches may not sit at the table with the Competitors, or provide any notes or commentary to the teams between the period the teams are initially seated for the round, until the round, including judges questions and scoring has been completed. The coaches will also be permitted to view the self-evaluation portion of the competition for both teams and Judge’s feedback portion of each round. Coaches will be allowed to discuss team performance after each round, but not between the round and self-critique portion of the round.

In addition to student coaches, each team is permitted to be assisted by a Faculty Advisor. Each Faculty Advisor must be on the faculty or staff at the law school the team represents (the “Advisor”). Each Advisor will be allowed to sit in on their team’s rounds but may not sit at the table with the Competitors or provide any notes or commentary to the team during the round. The Advisor may also be present for the self-evaluation portion of the competition for both teams and Judge’s feedback portion of each round. The allowance of an Advisor will help the education process on the issues negotiated and provide valuable insight for those teams that utilize an Advisor. Coaches and Advisors are not permitted to “scout” other teams by attending preliminary rounds in which their teams are not participating. Coaches and Advisors are not permitted to communicate with judges about the Competition.

## **5. NEGOTIATING FORMAT**

### **A. General Format**

The Competition will consist of three rounds. Each round will consist of a 60-minute negotiation session (which may include one 5-minute break per team); a 10-minute period for teams to analyze their performance in private; and a 20-minute self-analysis period (10 minutes per team) in the presence of the judges, for a total of 90 minutes in active competition. Comments by the judges will follow. An independent timekeeper or the judge's will keep the time. Each team will negotiate once in the morning and once in the afternoon on Saturday 9/24/11. The top two teams will advance to the final Championship Round. The judges' Ranking Sheets and Evaluation Criteria Forms will be collected before the judges provide comments to the Competitors. Copies of the Judge's sheets will be provided upon request.

In Round One (1), Teams designated "A" will begin negotiations. In Round Two (2), Teams designated "B" will begin negotiations. In the Championship Final round, the team with the highest overall score will begin negotiations.

### **B. Breaks during a Round**

Each team may take one break of no more than 5-minutes during a round. The 60-minute period will continue during any such break. Both teams must leave the room during the break.

### **C. Observers**

Because of the potential for disruption of the competition, faculty advisers, coaches and others observing the negotiations are discouraged from leaving the room from the beginning of each negotiation session through the end of the judges' comments. Faculty advisers and other observers who unavoidably enter the room late, leave early, or temporarily excuse themselves, should do so discreetly and without disruption. Such persons must avoid all communication regarding the competition until the end of the completed round, which includes both the 90 minutes of active competition and the time for the judges' comments (See Rule 7).

### **D. Permissible Materials**

During the course of the rounds, Competitors may use additional materials, but those materials are limited to blank flip charts, black/white chalkboards, previously prepared notes in any format or medium, and calculators and stopwatches. No other technological devices may be

used for additional research, including computers, iPads, cellular phones, personal digital assistants, and similar electronic communication devices.

Permitted materials may be used only while both parties are present during the 60-minute negotiation session; they may not be used during the self-analysis. No prepared materials may be presented or handed out during the negotiation session or self-analysis, except as specifically authorized by the fact pattern.

Any questions about whether additional materials fall within these guidelines must be submitted within ten (10) days of the release of fact pattern for each round. If a team attempts to use unauthorized additional materials, the judge may award the round to the opponents of the team committing the violation.

## **6. SELF-ANALYSIS**

### **A. Process**

Following the 10-minute preparation for self-analysis, each team will have 10-minutes in which to analyze for the judges the team's performance in the negotiation. This will take place outside the presence of the opposing team. The teams with an "A" designation will go first in the self-analysis for Round One (1) and teams with a "B" designation will go first in the self-analysis for Round Two (2).

For the teams in the Championship Round, the team with the lower overall score based on the judging criteria contained herein will go first in the self-analysis and the team with the overall highest score based on the judging criteria will go second in the self-analysis portion of the Championship Round.

### **B. Content**

Students will begin this 10-minute period by addressing directly to the judges, responses to the following questions, which the judges will not be expected to prompt:

(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?"

Teams should also be prepared to answer additional questions from the judges concerning the team's performance. In addition, the team might use this as an opportunity to explain why it chose a particular approach or even a specific tactic. The judges may consider for scoring purposes anything said during this session.

## **7. COMMUNICATION**

During the rounds, the breaks during the rounds prior to the judge's critiques, and all breaks during the rounds, the competitors may not communicate with any person, including a coach or Advisor, for any reason. This includes contact with other competitors, students, judges, other attendees, or anyone located in the facility during these times. No cellular phone or email communication is permitted during these times. **Any violation of this rule will result in disqualification of the team.**

In situations where one law school is sending two teams, the Competitors on different teams are strictly prohibited from sharing confidential facts with the other team. Additionally, separate teams from the same law school may not prepare, practice, or spar with Competitors from the other team.

## **8. NSLNC COMMITTEE**

Any logistics, scoring issues, or other issues that cannot be resolved within these rules or issues that arise during the Competition, will be resolved by the Board of the NSLNC. All decisions made by the Board shall be final.

## **9. JUDGING**

The two preliminary rounds of the Competition will be judged by a three (3) judge panel. The judges are comprised of practicing lawyers, judges, and sports personnel. Judges will score each round according to who they believe had a better performance in the round and will give teams a numerical score. The primary means of determining a team's performance will be the number of judges selecting a team as winning the round, and in case of a tie breaker, the scores the judges awarded each team will be utilized. The "Judges Scoring Sheet" is attached to these rules as "Attachment A" to help competitors determine what skills will be analyzed in this Competition.

## 10. SCORING

To calculate which teams are the two (2) top teams and will advance to the final Championship round, there is one factor used and two (2) layers of tie-breaking factors. The first criteria will be head to head record.

Head to head record will be determined by each judge in each round determining which teams they witness compete. Judges will decide who was the stronger team based on the criteria listed on the Judges Scoring Sheet. After each round, each judge will determine which team was stronger based on performance of the factors mentioned above. The team that two (2) judges list as having won the round, will be determined the winner of each round. The two (2) teams with the best “win/loss” record will advance to the final Championship round.

In the event more than two teams are tied for the best “win/loss” record, then the Committee will look at the overall number of points awarded by the Judges to each team.

### Example:

Three teams end the first two rounds undefeated. Team A was judged in round one to have won the round by all three judges and won all three votes in round two. That team’s overall ballot record is 6-0, the best possible score.

Team B won the first two rounds 3-0 but only received two (2) ballots as winning the second round. Their overall ballot record is 5-1.

Team C won the first round 2-1 in judge’s ballots and won the second round 2-1. Their overall ballot record is 4-2.

Under this scenario, teams A and B advance to the finals.

The next tie-breaker is the total number of points on the Judges’ score sheets. If more than two teams end the first two rounds with the same win/loss record, and the identical overall ballot record, then the total number of points awarded on the judging score sheets will determine the team that advances to the Championship final. If there is still a tie, the tie will be broken by calculating which team scored higher on overall representation according to the Judges’ score sheets. The final tiebreaker is performance at the table (the total of points scored on criteria “II. A. through H.” according to the Judges’ score sheets.



## **11. AWARDS AND ADVANCING TO FINALS**

Trophies will be presented to the teams competing in the final Championship round. The trophies symbolize the success and achievement for these teams reaching the finals. Following the completion of all rounds on Saturday, the NSLNC Board will compile the judging records and numerical scores for each team. The announcement of the two teams selected for the final round taking place on Sunday will be announced at a reception on Saturday afternoon at the TJSJL campus.

## **12. CONTACT**

Any questions, comments, or concerns should be directed to the administrators of the Competition that are listed in emails and on the Competition website. Once teams arrive in San Diego, each team will have a point person associated with the Competition that will assist that team with directions, information, and answering questions. These individuals will be able to provide team members with information and updates as the Competition progresses.

# **ATTACHMENT A**

# 2011 NSLNC JUDGE'S SCORE SHEET

NSLNC 2011 JUDGE'S SCORE SHEET

Judge \_\_\_\_\_

Team \_\_\_\_\_

Round \_\_\_\_\_

## **I. PLANNING AND PREPARATION (25% of total score)**

- Knew its side's interests
- Demonstrated thought about the other side's interests
- Had specific goals
- Had an identifiable strategy for achieving those goals
- Demonstrated solid preparation
- Understood the dynamics of leverage created by facts, law and/or business realities

1	2	3	4	5
Poor	Fair	Satisfactory	Good	Excellent

## **II. PERFORMANCE AT THE TABLE (50 % of total score)**

### **A. Presentation**

- Demonstrated an understanding of the difference between interests and positions
- Presented issues and options in a way that could be heard productively by the other side
- Assess the articulateness, clarity, persuasiveness, and effectiveness of the team's oral presentation

1	2	3	4	5
Poor	Fair	Satisfactory	Good	Excellent

### **B. Information Gathering and Communications with Other Side**

- Used active listening skills to promote communications
- Used appropriate questioning techniques to gather information.
- Offered proposals in a way that reflected careful planning and skillful implementation
- Accurately assessed and discussed benefits and risks, as well as other consequences of failing to reach settlement

1	2	3	4	5
Poor	Fair	Satisfactory	Good	Excellent

### **C. Advocating Their Side's Interests**

- Understood and advanced client's legal and non-legal interests
- Did not sacrifice client's interests in order to reach an agreement
- Used Leverage appropriately to gain advantage for client

1	2	3	4	5
Poor	Fair	Satisfactory	Good	Excellent

**D. Generating and Selecting Creative Options**

- Generated a range of legal and non-legal options to meet client's interests, as well as interests of other side
- Evaluated and selected options based on interests and, where appropriate, objective criteria
- Actively encouraged the development of creative ideas
- Effectively managed distributive features of dispute (effectively bridged any final gaps)

1	2	3	4	5
Poor	Fair	Satisfactory	Good	Excellent

**E. Building a Problem-Solving Relationship**

- Established a problem-solving relationship/atmosphere with other side, if possible
- Recognized the other side's interests and tried to satisfy them when possible given client's interests
- Took initiatives to convert the other team into problem-solvers

1	2	3	4	5
Poor	Fair	Satisfactory	Good	Excellent

**F. Teamwork (Did both competitors participate in session)**

- Communicated effectively with each other
- Worked together as a coordinated team; how effective the team members were in sharing responsibility, backing each other up, not undercutting each other, and generally working together as a team

1	2	3	4	5
Poor	Fair	Satisfactory	Good	Excellent

**G. Ethics**

- Did not make up self-serving facts
- Did not make any misrepresentations (puffing is not considered a misrepresentation)
- Acted affirmatively to prevent inappropriate misleading of the other side.

1	2	3	4	5
Poor	Fair	Satisfactory	Good	Excellent

**H. Self Evaluation**

- Explained the dynamics of the negotiation (leverage, strategy, tactics, key moments)
- Demonstrated an ability to learn from their experience.

1	2	3	4	5
Poor	Fair	Satisfactory	Good	Excellent

**III. OVERALL REPRESENTATION (25%)**

- How effective was team in meeting its client's interests
- Did they get the best deal they could in the circumstances
- Did they think outside the box to create solutions that benefitted their client
- Did they stay within the parameters of their instructions
- Did they create a relationship with the other side likely to promote the agreement

1	2	3	4	5
Poor	Fair	Satisfactory	Good	Excellent

**RECAP SHEET**

**I. Planning and Preparation Score** \_\_\_\_\_ **x 5** = \_\_\_\_\_

**II. Performance at Table**

**A. Presentation** = \_\_\_\_\_

**B. Information Gathering and Communications** = \_\_\_\_\_

**C. Advocating Their Side's Interests** = \_\_\_\_\_

**D. Generating and Selecting Creative Options** = \_\_\_\_\_

**E. Building a Problem Solving Relationship** = \_\_\_\_\_

**F. Teamwork** = \_\_\_\_\_

**G. Ethics** = \_\_\_\_\_

**H. Self Evaluation** = \_\_\_\_\_

**III. Overall Representation Score** \_\_\_\_\_ **x 5** = \_\_\_\_\_

**Grand Total** = \_\_\_\_\_

**Based on the grand total, did this team win or lose the round?**

**TEAM NUMBER/CODE:** \_\_\_\_\_ **WON LOST** (*please circle one*)

*(Please return this scoring card/sheet to the NSLNC Board, Committee member, or Timekeeper in the negotiation room).*