

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

**September 20-22, 2013**

**Competition Rules**



There will be two preliminary rounds on Saturday, 9/21/13 (Please see itinerary on the NSLNC website (<http://www.tjssl.edu/conferences/nslnc/schedules>) for the weekend schedule). The top four teams will advance to the Final Championship Round on Sunday 9/22/13. 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, floors 1-3, accessible by the elevators and the Grand Staircase, located at 1155 Island Avenue, San Diego, California 92101. Various hotel options can be found on the NSLNC website at <http://www.tjssl.edu/conferences/nslnc/hotel-travel-tips>.

## **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 the allotted time, which is **10 days from the release date for all Rounds (Saturday, September 8, 2013 at 11:59 p.m.)** and sent to

[NSLNC@tjsl.edu](mailto:NSLNC@tjsl.edu). 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 allotted time 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, which must include email addresses and contract information.

## **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 begins 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 provide any notes or commentary to the teams during the negotiation rounds, including judges’ questions and scoring, but may comment when the judge’s score cards have been completed and collected. The above rule does not apply to private discussions held with competitors and their coaches/advisors during the break period between the negotiation and self-evaluation. 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.

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 permitted to sit in on their team’s rounds, but may not provide any notes or commentary to the teams during the negotiation rounds, including judges’ questions and scoring, but may comment when the judge’s score cards have been completed and collected. The above rule does not apply to private discussions held with competitors and their coaches/advisors during the break period between the negotiation and self-evaluation. 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 before or during the negotiation rounds.

## **5. NEGOTIATING FORMAT**

### **A. General Format**

The Competition will consist of three rounds, with the first two rounds consisting of a morning and afternoon session. Each round will consist of a 45-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 75 minutes in active competition. 15 minutes of comments by the judges will follow for a total of 90 minutes per round. An independent NSLNC timekeeper or the judge’s will keep the time.

Each team will negotiate once in the morning and once in the afternoon on Saturday 9/21/13. The top four 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 scores will begin negotiations.

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

Each team may take one break of no more than 5-minutes during a round. The 45-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. Generally, as long as there is space available in

the room in which the negotiation takes place, observers are welcome. They are not permitted to enter once the negotiation has begun or leave prior to the end of the negotiation session. Observers must maintain silence throughout the session, follow the instructions of the judges and timekeeper and do nothing to disrupt the session. No observers affiliated with any competition team not in the room are permitted in the room during the entire session. See Section 4(c) ("Coaches and Advisors are not permitted to “scout” other teams...").

#### **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 45-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, if any, as specifically authorized by the fact pattern.

Any questions about whether additional materials fall within these guidelines or questions about the competition rules in general must be submitted within ten (10) days of the Competition date. 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.**

Law Schools sending two teams will be representing the same sides, meaning they will have the same confidential facts for the negotiation rounds. Essentially, two teams will not be able to share confidential facts from different sides of the negotiation because they will represent the same side, albeit in different negotiations with different opposing teams. Law schools sending two teams have the option to train and work together in preparation for the Competition, but must compete and work separately during the Competition.

### 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**

### **A. Ranking**

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. Each preliminary round will consist of two heats. The same set of judges will score both heats of each preliminary round. The panel will thus see four teams. At the end of both heats, the judges will rank the four teams they have seen in the two heats of that round from 1 to 4 with 1 being most effective and 4 being least effective. The "Ranking Sheet" is attached as Attachment A. These rankings will be the primary method of determining of which four teams advance to the finals. The four teams with lowest combined scores for the two preliminary rounds will advance to the finals. In case of ties, the ties will determined based on the tie-breaking formula stated in rule 10(D).

Judges will also fill out an evaluation form which will rank each team from 1 to 7 (one being the highest and 7 being the lowest). Scores on the evaluation form will be used as a tie breaker if there is a tie in determining what four teams advance to the finals. The "Judges Scoring Sheet" is attached to these rules as "Attachment B" to help competitors determine what skills will be analyzed in this Competition.

## **10. SCORING**

### **A. How the Ranking System Works**

When both negotiating sessions have ended, each team's rank (1-4) should be written in the space provided on the attached Ranking Sheet. These rankings will be the primary factor in determining which teams will advance to the final round and/or win this competition.

#### **The Judge's instructions on ranking are as follows:**

These standards are also based on the premise that there is no one "correct" approach to effective negotiation in all circumstances. Instead, the strategies and techniques used will vary with the nature of the problem, the specific mix of personalities involved, and other circumstances. Whatever approach is used, however, negotiation effectiveness can be judged at least in part by the outcome of the session, regardless of whether agreement was reached. A good negotiation outcome includes the following criteria:

- Remember to consider the teams' ethical conduct in assigning rankings. Examples include: 1) misrepresenting material facts, 2) exceeding settlement authority, or 3) inventing self-serving material facts.
- 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.

**B. Evaluation Criteria Form**

Judges are also asked to complete an Evaluation Criteria Form, on which you will rank the team on specific aspects of the negotiation on a 1-7 scale. The latter form will be used primarily to break ties. In regard to both the ranking and the evaluation criteria form, we are interested in the judge's independent judgment. Therefore, judges should not discuss their ranking with each other until the ranking sheets and Evaluation Criteria Forms have been completed and collected.

On the evaluation criteria form scales, the number 7 is at the low or poor performance end of the scale; the number 1 is at the high end of the scale. The number 4 rating, neutral, should be used if the performance was a somewhat evenhanded balance of positive and negative qualities. Indicate your rating by circling the appropriate number. The evaluation criteria form scales attempt to divide what is recognized as a dynamic and complicated process into discrete

components or attributes that should be present in any approach to negotiation. Each of these standards should be applied at the end of each of the two negotiations, in light of the effect these aspects of the process had on the outcome.

### **C. Tie-breakers**

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

- First Tie-breaker: Ethical violations: a team that observes ethical requirements wins over any team that committed an ethical violation).
- Second Tie-breaker: Lowest overall total score on the evaluation form described below.
- Third Tie-breaker: Lowest score on Criterion IV: Outcome of Session.
- Fourth Tie-breaker: Lowest score on Criterion VI: Self-analysis.

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

- 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.
- Sixth Tie-breaker: Coin flip.

These tie breakers will not be used in the finals. In the finals, if the third tiebreaker does not break the tie, the tied teams will be declared co-winners.

### **D. Feedback**

The Evaluation Criteria Forms and Feedback and Comment Sheets provide the only written feedback the teams will receive. Therefore, judges should complete each category and make comments where appropriate. However, do not give the Evaluation Criteria Forms or Feedback and Comment Sheets to the competitors yourselves; they will be collected and distributed later. The Feedback and Comment Sheets should also prove useful in the oral critique delivered to the teams at the end of each negotiation. While judges can fill out the first five scales during the 10-minute period when the teams are preparing their self-analyses, Scale VI, Self-Analysis, can be filled out only after you have seen this final aspect of the negotiating

session. Scale VII, Negotiating Ethics, should also be filled out after you have seen the team's complete performance, including the Self Analysis.

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

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. 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 four teams selected for the final round taking place on Sunday will be announced at a reception on Saturday afternoon at the TJSJL campus.

## **12. CHALLENGING JUDGE(S) DECISIONS FOLLOWING A NEGOTIATION**

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.

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

## **13. CONTACT**

Any questions, comments, or concerns should be directed to [NSLNC@tjsl.edu](mailto:NSLNC@tjsl.edu).

## **RANKING SHEET**

(Each judge should receive one copy of ranking sheet.)

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

Judge's Name: \_\_\_\_\_ Cell #: \_\_\_\_\_ Date: \_\_\_\_\_ Room #: \_\_\_\_\_

### **Negotiation judged:**

*(Please circle the competition level—Regional or National, and mark 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**

## EVALUATION CRITERIA FORM—JUDGING SCALES

(Each judge should receive four copies of the Evaluation Criteria Form—Judging Scales.)

Judge's Name: \_\_\_\_\_ Cell #: \_\_\_\_\_ Date: \_\_\_\_\_ Room #: \_\_\_\_\_

Team Letter Designation: \_\_\_\_\_ Client Name: \_\_\_\_\_

**Negotiation judged:**

*(Please circle the competition level—Regional or National / and mark 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:

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**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.