



The Melbourne Sports Law Association are delighted to present the inaugural edition of our Sports Law Negotiations Competition. This provides MLS students with an immersive, realistic experience negotiating issues essential to the contemporary sports law landscape. Upon completion of the competition, students will have ascertained a greater understanding of the sports law landscape, while developing the skills required to negotiate and reach agreements on sports law issues.

The factual scenarios devised by our team and sports law practitioners will be based on issues currently prevalent in the sports law industry. The competition will be judged by experienced legal professionals, who will provide invaluable feedback and expertise to competing MLS students.

We look forward to watching you negotiate, thank you for your interest and support in our program and wish you the best of luck for the competition!

Benji Batten, James Whitfort and Luke Karapetsas

MSLA Negotiations Officers

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COMPETITION FORMAT

- Each team consists of two members only, who shall remain together for the duration of the competition. The competition will have four rounds in total, including semi-finals and a grand final. All teams will partake in the first two rounds, with the top four progressing to the finals.
- Teams will receive their brief at **1pm three days prior to their negotiation**. All teams will receive a common set of facts setting out the background of the scenario.
- Additionally, each team will be given confidential instructions from their client that is known only to their side. Teams are expected to read over the briefing and devise a strategy to come to the best deal. It is important that teams have a detailed knowledge of the problem, so that they do not need to refer to basic information during the negotiation. The more practice and preparation teams undertake, the better.
- Depending on the scenario, the brief may include a partially completed contract. It is recommended that teams utilise their preparation time to devise additional clauses beneficial to their client's interests and assess what clauses the counterparty may propose. In such scenarios, reaching a compromise with the other side on which clauses are to be included will likely form the bulk of the negotiation.
- Depending on the scenario, the teams may receive an outline of the applicable law – for example, an abridged version of the WADA Anti-Doping Code. In such scenarios, teams would not be expected to research beyond this document in their preparation.

On the day:

- Teams are to present themselves to the LSS Office **at least 15 minutes** before the start of their negotiations.
- The negotiation session goes for 40 minutes.
- Judge/s will be present in the room to assess your performance based on a standard scoresheet.
- Teams must begin the negotiation by introducing themselves to the other team and stating which client they are representing (*ie. Good evening, my name is James, and this is my colleague, Luke. Today we are representing our client, Cricket Australia.*)
- Each team may take two 2-minute time-outs during the negotiation. No time-outs may be taken inside the final 5 minutes. The time-outs are not included in the 40 minutes.
- The judges will notify teams when there is five minutes remaining. It is strongly recommended that at this time any agreed upon issues are put into writing. If the judges are not clear on what agreement has been made, they may consider there to be no agreement.
- Once the negotiation is over, the judges will speak with each team privately to confirm and clarify aspects of the negotiation, and to provide individualised feedback. Team

reflections are not scored. Examples of what may be discussed include but are not limited to:

- o Interpretation of the client's instructions;
- o Team strategies;
- o Relationship with the other team;
- o Behaviour during the negotiation; and
- o Outcome.

The judges will then call both teams into the room, provide overall feedback, and announce a winner. The decision of the judges is final and cannot be appealed.

The feedback you receive from the judges on the night is often more informative than the scoresheet. If you would like a copy of your scoresheet, you may request it via email (melbournesportslaw@gmail.com) within 24 hours of competing.

COMPETITION RULES

- There is to be no communication between teams until the round of rounds have been completed due to the confidential nature of client-specific facts.
- Competitors who collude may be expelled from the competition at the discretion of the Competition Officers in consultation with the judges.
- The negotiation may involve teams coming to an agreement on what, if any, clauses are to be added to a standard-form contract. This may take the form of:
 - o A playing contract (player-organisation)
 - o A sponsorship agreement (player/organisation – sponsor)
 - o An abridged stadium agreement (organisation – stadium owner)
- In their agreement, teams must not violate the laws of contract.
- There is scope for law to be introduced by teams. However, they should note that marks will only be awarded for doing so under Criterion heading 4 (refer to the marking sheet). Therefore, prolonging time spent on this may detract from the negotiation as a whole and cause the introducing team to lose points.
- Any documents (such as an agenda) presented to the other team must be confined to two single sided A4 sheets of paper with size 12 font. Please do not bring pre-written contracts as this can narrow the negotiation, however you can bring an agenda outlining what you want to discuss throughout the negotiation.
- Any agendas must be sent to both the opposition and the judges **60 minutes prior** to the competition.
- You may bring in as little or as much as you like when it comes to printed/handwritten notes. Going overboard on materials may prohibit the negotiation.
- If teams wish to swap time slots, they must do so personally via the Negotiations Facebook page. Once confirmed, an email should be sent to the Competition Officers at melbournesportslaw@gmail.com. This must be sent **at least 48 hours** before your time slot in the following format:

- Subject: [Team Name] time slot swap
 - Current time allocation
 - Name of team you are switching with
 - Time slot you are switching into

- Teams must remain courteous and respectful towards each other at all times. There is zero tolerance towards poor behaviour, and judges have the discretion to deduct points or disqualify teams for disrespectful behaviour.
- The judges' decision is final and cannot be appealed. Do not contact a judge to discuss your score. Contacting a judge to dispute your result will lead to instant disqualification. The feedback given by the judges and your score sheets is exhaustive guidance on your performance in the competition.
- If your opponent forfeits from the competition, your team will automatically win.
- Any complaints must be addressed directly to the Competition Officers at melbournesportslaw@gmail.com. If a matter is particularly sensitive you may contact the MSLA Negotiation Officers personally.