

Tuesday, October 21 11:00 am-12:30 pm

501 Negotiating is a Contact Sport

Rich Cho

General Counsel
Seattle Storm

Lance Lopes

General Counsel
Seattle Seahawks

Bart Waldman

General Counsel
Seattle Mariners

Ellen Zavian

Associate General Counsel
Association of Corporate Counsel

Faculty Biographies

Rich Cho

Rich Cho is in his eleventh season in the NBA and eighth as assistant general manager. He has also served as the team's director of basketball affairs and vice president of legal. As an attorney and mechanical engineer with experience on both the team and agent side of professional sports, Mr. Cho brings a diverse collection of skills to the team's management staff. Mr. Cho's responsibilities include drafting and reviewing of player contracts, contract negotiations, salary cap matters, and being involved in all player personnel issues ranging from the NBA draft to free-agent signings and trades. In addition to his interaction with player agents, teams, scouts, the NBA legal staff and the NBA Information Technology Group, Mr. Cho has also been responsible for the design and implementation of one of the NBA's most advanced and comprehensive college and professional player-evaluation systems. On the business side of the franchise, Mr. Cho has been involved in various legal issues ranging from employment contracts to sponsorship and licensing agreements.

Prior to law school, Mr. Cho worked as an engineer at Boeing in Seattle. He began his work with the Sonics as an intern for Walker. He continued in that role until his graduation from law school when he was hired by the Sonics organization as a part-time consultant

Mr. Cho is a graduate of the Pepperdine University School of Law and earned his degree from Washington State University.

Lance Lopes

Lance Lopes, vice president and general counsel, is responsible for the legal affairs of the Seattle Seahawks of the NFL, Seattle Sounders FC of the MLS and Qwest Field and Qwest Field Events Center. Mr. Lopes was hired to handle legal affairs for the Seahawks and assist in player contractual negotiations and salary cap administration. In 2003, he became vice president of corporate partnerships and was responsible for all corporate sponsorship and media sales.

He joined the Seahawks after serving seven years as general counsel for the Green Bay Packers, adding the title of assistant vice president and vice president. While with the Packers, he assisted with the salary cap before becoming the lead negotiator and cap administrator. In 2000, Mr. Lopes left the Packers to join the original management team of StubHub as director of corporate development/sports. Prior to working for the Packers, he practiced law in Seattle and Honolulu.

A graduate from the University of Oregon School of Law, he obtained a bachelor's from Linfield College.

Bart Waldman

Bart Waldman is executive vice president, legal, and governmental affairs of the Seattle Mariners Baseball Club.

He joined the Mariners after 27 years with Seattle's Perkins Coie law firm, where his practice focused on sports law, and labor and employment law. While at Perkins Coie, he served as primary outside counsel to the Mariners, handling all aspects of contract negotiation and drafting, salary arbitration, general business advice, and labor matters. He served as the club's lead counsel in all aspects of the planning, financing, and development of Safeco Field. He has also negotiated and prepared most of the club's major contracts, including player contracts, television and radio contracts, ballpark leases, ticketing and concessions agreements, and major sponsorships. Before joining the Perkins law firm, he held administrative and legislative positions with the US Department of Health, and Education and Welfare and the Association of American Medical Colleges.

Mr. Waldman has served as vice chairman of the Seattle-King County Chamber of Commerce Task Force on Human Rights, a trustee of the Municipal League of King County, and an officer of the Puget Sound Senior Baseball League. He has been a guest instructor at the University of Washington School of Law, and a frequent speaker at seminars and continuing education programs.

Mr. Waldman is a graduate of Harvard College and Georgetown University Law Center, where he was selected for the staff of the Georgetown Law Journal.

Ellen Zavian

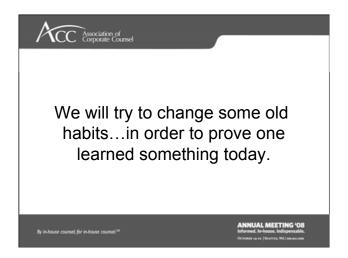
Ellen M. Zavian is currently associate general counsel at the Association of Corporate Counsel, heading the legal new media division.

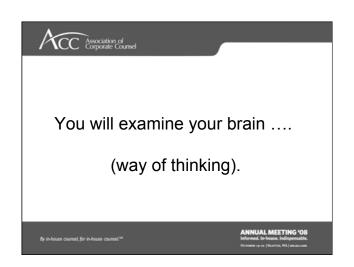
In her career, Ms. Zavian has represented over 40 NFL players, as the first female/attorney to represent them, the members of the 1996 US Women's soccer and softball teams in contract negotiations with their governing bodies, professional skateboarders in negotiations with ESPN for the X-Games, and held the title of commissioner for the Central Atlantic Collegiate Conference (NCAA Div. II).

Ms. Zavian served as national coordinator for the NFL Players Association/John Hopkins Native Vision project, which helped deal with life issues facing the Native American population across the country. She has been a columnist for Street & Smith's Business Journal, Brand Marketing, and Operation Bass magazines, while regularly writing, as a freelancer, for Street & Smith's PRO, Football Annual and College Basketball and Sports Illustrated for Women, Pro Football Weekly, USAToday.com, MSNBC.com, to name just a few. She also has taught sports law and management at George Washington University and other area institutions. She has won numerous awards, sits on the panels/boards within the sports-legal world and continues to practice as an AAA certified arbitrator.











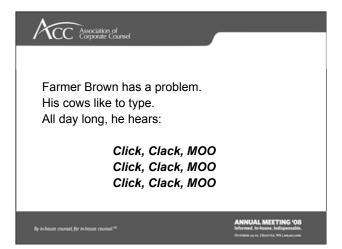
OVERVIEW

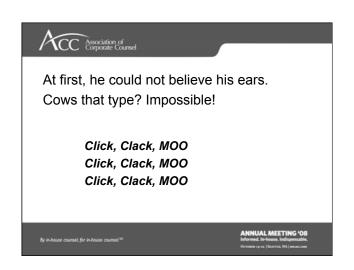
- Story Time
- Categorizing your negotiating characteristics
- Developing your own method
- · Applying techniques to real life
- · Mind Maps

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Attached to the barn door was a note. It read:

Dear Farmer Brown,

The barn is very cold at night. We'd like some electric blankets.

Sincerely, The Cows

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It was bad enough the cows had found the old typewriter in the barn, now they wanted electric blankets!

"No way," said Farmer Brown. "No electric blankets."

So the cows went on strike. They left a note on the barn door that read:

Sorry, we're closed. No milk today.

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Click, Clack, MOO Click, Clack, MOO Click, Clack, MOO

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The next day, he got another note:

Dear Farmer Brown,

The hens are cold too.
They'd like electric blankets.

Sincerely, The Cows

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The cows were growing impatient with the farmer. They left a new note on the barn door that read:

Closed! No milk. No eggs!

"No eggs!" cried the Farmer Brown. In the background he heard them.

Click, Clack, MOO Click, Clack, MOO Click, Clack, MOO

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"Cows that type. Hens on Strike! Whoever heard of such a thing? How can I run a farm with no milk and no eggs!"

Farmer Brown was furious. Farmer Brown got out his own typewriter.

Dear Cows and Hens:

There will be no electric blankets. You are cows and hens. I demand milk and eggs.

Sincerely,
Farmer Brown

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Duck was a neutral party, so he brought the ultimatum to the cows.

The cows held an emergency meeting. All the animals gathered around the barn to snoop, but none of them could understand MOO.

All night long, Farmer Brown waited for an answer.

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Duck knocked on the door early the next morning. He handed Farmer Brown a note:

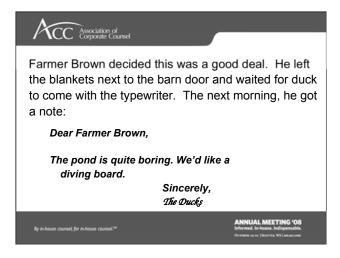
Dear Farmer Brown,

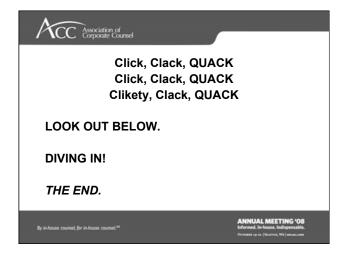
We will exchange our typewriter for electric blankets. Leave them outside the barn door and we will send Duck over with the typewriter.

Sincerely,
The Cows

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NEGOTIATION

A process by which two or more people move from the point where they have a conflict or disagreement to where they have a solution or agreement that maximizes the return to both parties.

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WISE AGREEMENT

The one you win!

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WISE AGREEMENT

One which meets the legitimate interests of each side to the extent possible, resolves conflicting interests fairly, is durable, and considers community interests.

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WHO MAKES A GOOD NEGOTIATOR

(1) Born that way

Or

(2) Learned skill set?

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NEGOTIATIONS

- Negotiations a pivotal role in the ALL industries
- Good Negotiations yields a Wise Agreement
- · Negotiations Skills are developed
- Techniques are learned through practice (over time)

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OBJECTIVES

- ID your own strengths and weaknesses in negotiations
- · ID your areas of improvement
- ID effective behaviors
- ID steps in the negotiation process
- ID strategies
- · ID key tactics

See worksheet #3

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3 WAYS TO RESOLVE A DISPUTE

- 1. Give in,
- 2. Convey your way is the only right way; or
- 3. Collect the most power/leverage.

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3 WAYS TO REALLY RESOLVE A DISPUTE

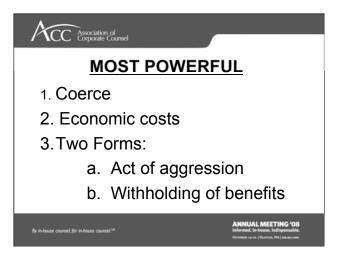
- 1. Reconcile interests of each party
- 2. Determine who is right
- 3. Determine who is most powerful

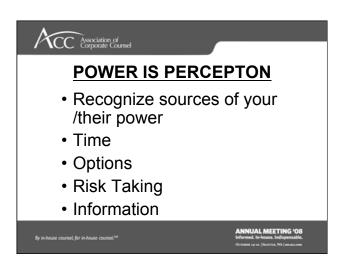
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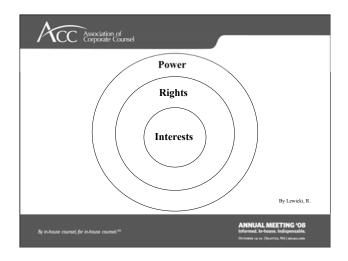
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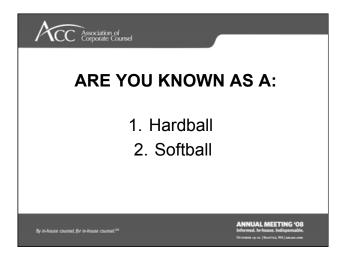




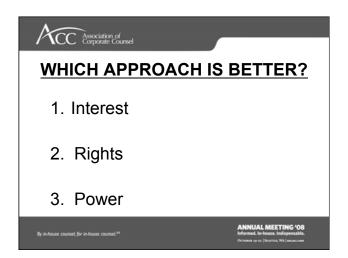


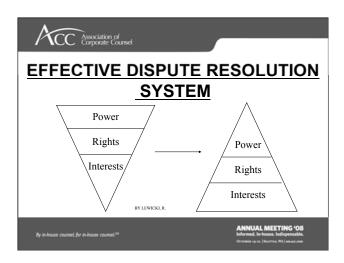










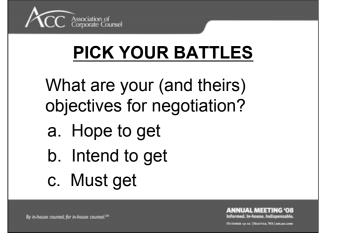




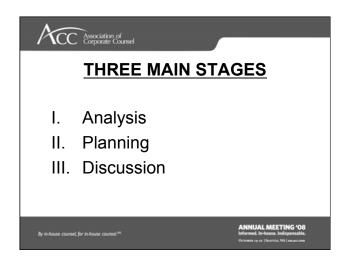


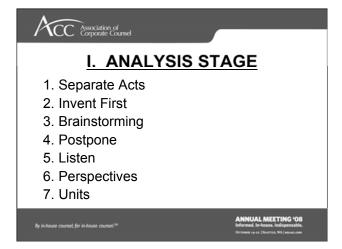


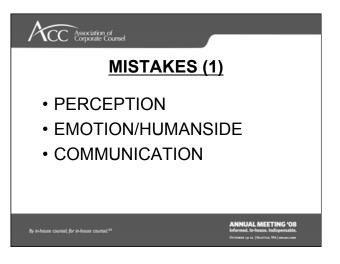


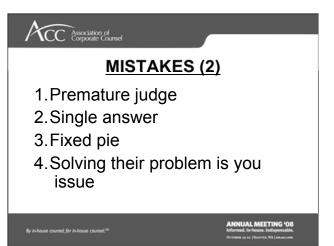


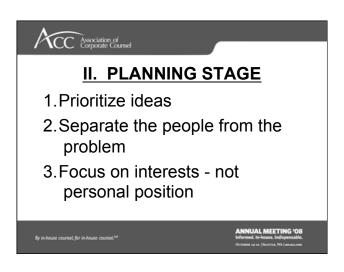






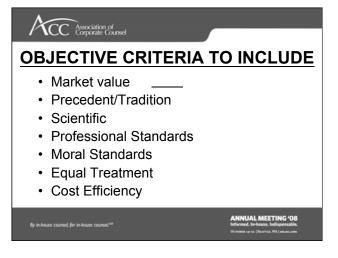


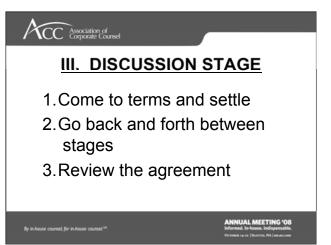


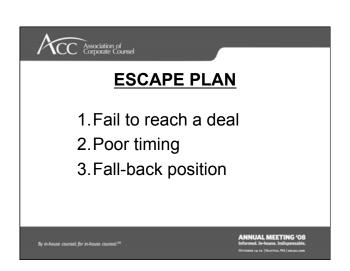




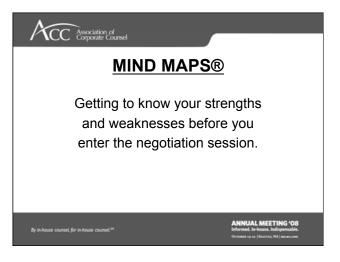
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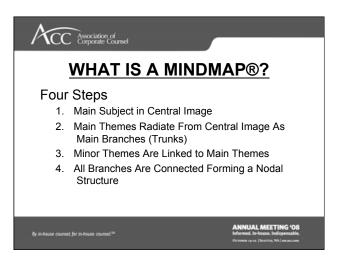














MIND MAPPING - Techniques

- Use multiple colors
- · Use pictures and words
- Link ideas
- · Use your own coding system
 - Symbols, dates, colors, images
- Examine for themes, patterns

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MIND MAP LEADERSHIP

1. Center: You (as leader)

2. Legs

Strengths: Known & SuspectedWeaknesses: Known & SuspectedLife lessons: Significant life events

- Role Models: Who, Why, When?

- Commitments: to leadership development

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YOUR MAP

- 1. Focus on the peaks and valleys
- 2. Determine three action items you can accomplish within a specified period of months:
 - What are they?
 - What resources do you need?

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Best

Alternative

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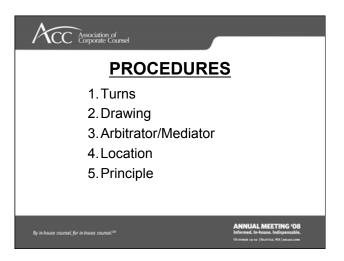
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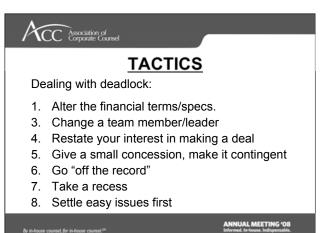
Agreement

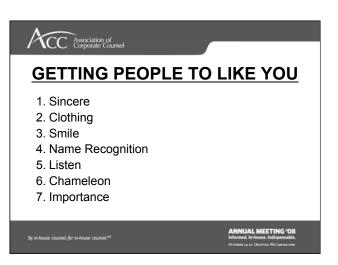
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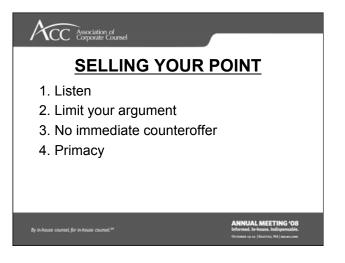


















EXAMPLES OF NEGOTIATIONS

- 1. U.S. Olympic National Soccer Team Members
- 2. U.S. Olympic National Softball Team Members
- 3. Professional Skateboarders (extreme athletes)
- 4. Paralympic Cyclist

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U.S. Olympic Soccer Team Members

- 1. 1995 Option to Renew
- 2. Lockout vs. Strike decision
- 3. Terms
 - Gold/Silver/Bronze: equal payment
 - Per Diem
 - Working Conditions: travel, housing;
 - Marketing Rights: individual

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U.S. Olympic Softball Team Members

- 1996 Olympic Issues
 - Pre-Olympic Schedule
 - Individual Equipment Rights
 - Filed USOC and ASA Article IX Complaint
 - Professional vs. Amateur Definition
 - Future concerns with professional league

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PROFESSIONAL SKATEBOARDERS

- ESPN X-Games Contract
- NBC Gravity Games Contract
 - Image Rights
 - I-Max Film (with Disney)
 - Working Conditions
 - Input to Vert Ramps/Park Ramps
 - Accommodations/Food/Travel Expenses

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PARALYMPIC CYCLIST

- 1996 Issue
 - No tie-breaking Rule
 - No Separate Male and Female Events
- 2001 Issue
 - Classification Issue

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REFERENCES

- 1. Getting To Yes (Ury, Fisher)
- 2. Getting Past No (Ury & Fisher)
- 3. Women Don't Ask (Babcock)
- 4. See Jane Win (Rimm)
- When Talking Makes Things Worse (Stiebel)

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Articles of Interest

Negotiation WIKI

http://changingminds.org/disciplines/negotiation/tactics/tactics.htm

Tricks that work:

http://myactualprofits.com/wordpress/2008/05/16/negotiation-tactics-and-tricks/

Tactics that Work:

http://ezinearticles.com/?Negotiation---Tactics,-Tricks-And-Threats&id=431340

Dealing with Unethical Tactics:

http://www.thenegotiationguru.com/unethical-tactics-in-negotiation-how-you-deal-with-them

Youtube:

Communication Skills

http://www.youtube.com/watch?v=yK5fi8qQC6g&feature=related

Comparing American and Chinese Negotiations:

http://www.youtube.com/watch?v=LMsatlxZbOk&feature=related

The Art of Survival

http://www.youtube.com/watch?v=ksbPdW5Pla4&feature=related



Worksheet #1

Directions

Business:

Each of us is involved with some type of negotiation daily. In the space provided here, list examples of some of the your wwn negotiations, both on the job and in your personal life. While some examples are from the past, please be sure to include ones that your are involved in presently and are anticipating in the near future.

Personal:
<u>Directions</u> Define, as a <i>group</i> , the term 'negotiation'.
<u>Directions</u> Define, as a <i>group</i> , the results of a productive negotiation (aka: define 'wise agreement').



Worksheet #3

Directions

Think of your negotiating skills and list your current strengths and improvement opportunities. You can add to this list during the course.

STRENGTHS IMPROVEMENT OPPORTUNTIES



-							
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			THEIRS
List your	objectives (rate on scale	e 1-10, one being th	e least important)
	OBJECTIVES	RATE MINE	WHY I BELIEVE IT IS IMPORTANT TO THEM
		_ _ _	
List what	you believe to be the ot	her party's objectiv	es (rate as above)
OBJECTI	IVES	RATE THEIRS	WHY I BELIEVE IT IS IMPORTANT TO THEM
		_ _ _	
Analysis o	of Objectives		
2. At 3. W 4. W 5. W	hich objectives can I be re there any issues on w hat questions do I need hat is my option should hat is their option if we an I afford not to make t	hich we can readily to ask and will they we not be able to r do not reach agree	reach an agreement? ask me? each an agreement?
List three	settlement options that	you believe are acc	eptable to both you and the other p



Worksheet #6

Directions:

List methods/tactics of dealing with a deadlock in negotiations:

List Questions you can ask to deal with a deadlock: