



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*, USA Today.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.

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You have been negotiating your whole life...
since your first breath of air.

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We will try to change some old habits...in order to prove one learned something today.

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Now it is time to figure out just how good you are.

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You will examine your brain
(way of thinking).

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OVERVIEW

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

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Farmer Brown has a problem.
His cows like to type.
All day long, he hears:

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

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NEGOTIATIONS:

CLICK, CLACK, MOO
COWS THAT TYPE!

By Doreen Cronin

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At first, he could not believe his ears.
Cows that type? Impossible!

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

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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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"No milk today!" cried Farmer Brown. In the background, he heard the cows busy at work:

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

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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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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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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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“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 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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Farmer Brown decided this was a good deal. He left the blankets next to the barn door and waited for duck to come with the typewriter. The next morning, he got a note:

Dear Farmer Brown,

The pond is quite boring. We'd like a diving board.

Sincerely,
The Ducks

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DEFINITIONS

1. Define the term “negotiation.”
2. Define the term “wise agreement.”

See Worksheet #1

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Click, Clack, QUACK
Click, Clack, QUACK
Cliekety, Clack, QUACK

LOOK OUT BELOW.

DIVING IN!

THE END.

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NEGOTIATION

EVERYTHING

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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

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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WISE AGREEMENT

The one you win!

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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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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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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 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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INTERESTS

1. Needs
3. Desires
5. Concerns
4. Fears

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MOST POWERFUL

1. Coerce
2. Economic costs
3. Two Forms:
 - a. Act of aggression
 - b. Withholding of benefits

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WHO IS RIGHT

1. Rarely Clear
2. Contractual
3. Fairness

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POWER IS PERCEPTON

- Recognize sources of your /their power
- Time
- Options
- Risk Taking
- Information

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Power
Rights
Interests

By Lewicki, R.

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SOFT vs. HARD

Soft Negotiating:
Building
Maintaining

Hard Negotiating:
Leverage
Firm Stance

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ARE YOU KNOWN AS A:

1. Hardball
2. Softball

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WHICH APPROACH IS BETTER?

1. Interest
2. Rights
3. Power

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EFFECTIVE DISPUTE RESOLUTION SYSTEM

BY LEWICKI, R.

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MUTUAL GAINS - STYLES

<p>-COMPETITIVE-</p> <ul style="list-style-type: none"> • Position Bargaining • Guarded communication • Own needs/objectives • Explosive Climate • My way, Only way • No Change 	<p>-COLLABORATIVE-</p> <ul style="list-style-type: none"> • Problem Solving • Sharing information • Balance Needs • Accepting Climate • Our Solution • Willingness to Change
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DIFFERENT STYLES

1. Avoiding
3. Accommodating
4. Competing
7. Collaborating
9. Compromising
6. No strategy

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COMPETING - STYLE

Position Negotiating yields a contest of:

- Will
- Anger
- Resentment building

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NEGOTIATING DIPLOMACY

***THE ART OF LETTING
THEM HAVE YOUR WAY***

By: Italian Diplomat Daniele Vare

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PRE-NEGOTIATION

- Hold out incentives
- Offer something of value/need
- Make your value visible
- Get credit for your value
- Step up pressure
- Exert control over process
- Build alias
- Plant seeds of ideas ahead of time

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PICK YOUR BATTLES

What are your (and theirs) objectives for negotiation?

- a. Hope to get
- b. Intend to get
- c. Must get

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THREE MAIN STAGES

- I. Analysis
- II. Planning
- III. Discussion

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I. ANALYSIS STAGE

1. Separate Acts
2. Invent First
3. Brainstorming
4. Postpone
5. Listen
6. Perspectives
7. Units

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MISTAKES (2)

1. Premature judge
2. Single answer
3. Fixed pie
4. Solving their problem is your issue

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MISTAKES (1)

- PERCEPTION
- EMOTION/HUMAN SIDE
- COMMUNICATION

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II. PLANNING STAGE

1. Prioritize ideas
2. Separate the people from the problem
3. Focus on interests - not personal position

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NONNEGOTIABLE ITEMS

1. Standards
2. Legal Requirements
3. Health and Safety
4. Overhead Costs
5. Code of Conduct/Ethics
6. Market Value/Rate

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III. DISCUSSION STAGE

1. Come to terms and settle
2. Go back and forth between stages
3. Review the agreement

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OBJECTIVE CRITERIA TO INCLUDE

- Market value _____
- Precedent/Tradition
- Scientific
- Professional Standards
- Moral Standards
- Equal Treatment
- Cost Efficiency

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ESCAPE PLAN

1. Fail to reach a deal
2. Poor timing
3. Fall-back position

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THE END

....

And now onto the application of these skills in real life

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MIND MAPS®

- Created by Tony Buzan
- Harness full range of cortical skills
 - Word, image, number, logic, rhythm, color
 - Spatial awareness
 - Improved learning and clearer thinking
 - Big Picture

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MIND MAPS®

Getting to know your strengths and weaknesses before you enter the negotiation session.

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WHAT IS A MINDMAP®?

Four Steps

1. Main Subject in Central Image
2. Main Themes Radiate From Central Image As Main Branches (Trunks)
3. Minor Themes Are Linked to Main Themes
4. All Branches Are Connected Forming a Nodal Structure

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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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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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MIND MAP LEADERSHIP

1. **Center:** You (as leader)
2. **Legs**
 - **Strengths:** Known & Suspected
 - **Weaknesses:** Known & Suspected
 - **Life lessons:** Significant life events
 - **Role Models:** Who, Why, When?
 - **Commitments:** to leadership development

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BATNA

Best
Alternative
To a
Negotiated
Agreement

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OUTSIDE THE NEGOTIATIONS

Items to Consider:

1. Procedures
2. Tactics
3. Likeable
4. Mutual Gain
5. Deadlock
6. Team - no "me" in team

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TACTICS

Dealing with deadlock:

1. Alter the financial terms/specs.
3. Change a team member/leader
4. Restate your interest in making a deal
5. Give a small concession, make it contingent
6. Go "off the record"
7. Take a recess
8. Settle easy issues first

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PROCEDURES

1. Turns
2. Drawing
3. Arbitrator/Mediator
4. Location
5. Principle

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GETTING PEOPLE TO LIKE YOU

1. Sincere
2. Clothing
3. Smile
4. Name Recognition
5. Listen
6. Chameleon
7. Importance

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TEAM NEGOTIATIONS

1. Keep team small
2. Advance roles assigned
3. Note taker assigned
4. Observer assigned
5. Non-spokesperson procedure

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WHEN THEY DO NOT WANT TO PLAY THE GAME

1. Position Assertion
2. Idea Attacking
3. Improve Options
4. Invite Criticism/Advice
5. Attack on Problem
6. Silence

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SELLING YOUR POINT

1. Listen
2. Limit your argument
3. No immediate counteroffer
4. Primacy

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NEGOTIATION

CONTENT

+

PROCESS

=

PSYCHOLOGICAL
SATISFACTION

Worksheet #5

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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 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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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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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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Articles of Interest


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)
5. When Talking Makes Things Worse (Stiebel)

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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

Each of us is involved with some type of negotiation daily. In the space provided here, list examples of some of the your own 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.

Business:

Personal:

Directions

Define, as a *group*, the term 'negotiation'.

Directions

Define, as a *group*, 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 OPPORTUNITIES



Directions

List the issues in order of importance to both you and the other party. (Use one of your current negotiations).

MINE	THEIRS
_____	_____
_____	_____
_____	_____

List your objectives (rate on scale 1-10, one being the least important)

OBJECTIVES	RATE MINE	WHY I BELIEVE IT IS IMPORTANT TO THEM
_____	—	_____
_____	—	_____
_____	—	_____

List what you believe to be the other party's objectives (rate as above)

OBJECTIVES	RATE THEIRS	WHY I BELIEVE IT IS IMPORTANT TO THEM
_____	—	_____
_____	—	_____
_____	—	_____

Analysis of Objectives

1. Which objectives can I be flexible on? They?
2. Are there any issues on which we can readily reach an agreement?
3. What questions do I need to ask and will they ask me?
4. What is my option should we not be able to reach an agreement?
5. What is their option if we do not reach agreement?
6. Can I afford not to make this deal?

List three settlement options that you believe are acceptable to both you and the other party:



Worksheet #6

Directions:

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

List Questions you can ask to deal with a deadlock: