FORDHAM UNIVERSITY SCHOOL OF LAW
2027 NATIONAL BASKETBALL NEGOTIATION COMPETITION

General Information:

The National Basketball Negotiation Competition ("NBNC") is open to any law student currently attending an ABA-accredited law school. Each school may send up to two teams. Each team must consist of two competitors. The competition's preliminary rounds will be held on Friday, January 29, 2027. The final rounds will be held on Saturday, January 30, 2027. This will be an in-person event held at Fordham University School of Law, located at 150 West 62nd Street, New York, NY. If we are unable to host the competition in person, it will be held online via Zoom. We will keep everyone updated as we receive more information.

Once registered for the NBNC, competitors and coaches may NOT disclose the identity of their law school affiliation to any other team or judge in any way. Judges will be instructed not to ask competitors which school they represent, and competitors may not volunteer the information, even if the judges ask. Once teams are registered, they are final. Swapping team members between rounds is strictly prohibited. At the conclusion of the final round, competitors are free to reveal their school association.

Coaches may accompany teams to the Competition, though they are not required. Coaches may observe, but are not permitted to speak to, or in any way communicate with, their team at any point during the negotiation rounds, caucuses, or self-analysis.

Round Format:

Each team will participate in two preliminary rounds. All rounds (preliminaries, quarterfinals, semifinals, and final rounds) will be structured as follows:

- **50 minutes**: Negotiation Session
    - Each team may take one break of no more than five minutes during a round. Any time allocated towards a break will be considered **part** of the 50 minutes allocated towards the negotiation session. In the event a break is taken, both teams must leave the room for the duration of the break. During a break, competitors may not speak to anyone other than their teammate for that round.
- **10 minutes**: Team preparation for self-analysis (outside the presence of the judges and opposing team). Judge(s) will utilize this time to score the negotiation session.
- **10 minutes**: Team #1 self-analysis with judge(s) (outside the presence of opposing team)
- **10 minutes**: Team #2 self-analysis with judge(s) (outside the presence of opposing team)
- **5 minutes**: Judge(s) score self-analysis. Judge(s) submit final scores.
- **10 minutes**: Judge feedback with both teams (both teams are present).

Note: Teams are not required to reach an agreement to be successful in their round and advocating for their client.

Self-Analysis:

When the 50-minute negotiation has concluded, competitors will have ten minutes to prepare their self-analysis. Competitors may not speak to anyone at this time, other than their teammate for that round. Following this ten-minute period of preparation and reflection, each team will have ten minutes to analyze its performance as well as the outcome of the negotiation before the judges. This will take place outside the presence of the opposing team. Teams should begin by addressing the following questions:

1. ***In reflecting upon the entire negotiation, what preparation and strategies worked best for your team?***
2. ***How well did the outcome of the negotiation advance your client's interest?***
3. ***If faced with the same scenario again, what would you have done differently?***

Teams should also be prepared to answer additional questions from the judges regarding their performance. A team may utilize this time to explain why it chose a particular approach or specific tactic. For scoring purposes, judges may consider anything said during this session.

Permissible Materials and Outside Research:

During the negotiation rounds, competitors may use blank flip charts, previously prepared printed notes that fit on one single piece of paper (double-sided if necessary), calculators, and an analog timekeeping device. Technological devices, cell phones, computers, tablets, or similar electronic communication devices may not be used for any reason, except for the sole use of the Trade Machine in Round 1. The rounds will take place in classrooms. Teams may use the classroom white board if they so choose. Permitted materials may be used only while both parties are present during the negotiation session. If a team attempts to use unauthorized materials, the judges will deduct points.

Each problem represents a closed universe, and all the information necessary to conduct the negotiation has been provided, in the form of either general or confidential facts. However, competitors may conduct outside research to assist their preparation and gain general background information, as long as competitors do not rely upon outside facts or use facts not provided in the problem sets during the negotiation. Any references used during preparation to gain this background knowledge must come from sources that are publicly available (e.g. no subscription is necessary to access the information).

Any pre-prepared exhibits provided to the other side during the negotiation must also be given to the judges prior to the start of the negotiation. However, this does not apply to any pre-prepared exhibits that are clearly visible to all in the room (i.e. notes on a flip-chart, or larger "presentation-type" materials).

To challenge another team's use of materials (including improper source or factual veracity), a team must first ask the opposing team to provide confirmation of the source. If the opposing team cannot provide their source, or the challenging team believes the source or information to be incorrect or an impermissible use of outside materials, the challenging team shall notify the judges and timekeeper of their specific challenge, along with the reason for the challenge, at the conclusion of the negotiation round, but before self-analysis. At the end of the negotiation round, the timekeeper will verify the fact or source in question with NBNC officials. If the source or information is proven incorrect, the Fordham Sports Law Forum will, at its discretion, deduct three points from the violating team's final score for that round. Good faith errors may be excused at the discretion of competition management.

Scoring / Penalties:

This competition will be scored according to the American Bar Association Law Student Division's Competition Judging Standards. Competitors will be scored exclusively on their negotiation performance and self-analysis. Each team will participate in two preliminary rounds. The judges may deduct points if they believe it is appropriate. Penalties include whether a team abuses the time restraints, strays from the facts provided, uses an inappropriate outside source, or other misconduct or unethical behavior as determined by the judges. The number of points that judges may deduct is described below:

- Deduct two points if the team abused the time restrictions.
- Deduct three points if the team inappropriately created facts.
- Deduct one point per violation of other rules or conduct (with a maximum of five points deducted in total).

In addition to the regular scoring, judges will nominate one person from each negotiation session for the "Best Advocate" award. At the end of the quarterfinal round, the individual competitor nominated the most will be announced as "Best Advocate." In other words, this award will be based on judges' votes from the preliminary and quarterfinal rounds. However, if there is a tie, the individual competitor with the highest overall team score will be announced as "Best Advocate."

Note: The winner of this award must have advanced beyond the preliminary rounds. Advancement to the semifinal and final rounds will not be taken into consideration for the "Best Advocate" award.

Ranking Teams:

Once the scoring ballots from both preliminary rounds are collected, the following criteria shall be used to rank teams and break ties:

1. Win/loss record (this number will be 0, 1, or 2);
2. Number of judges' ballots won/lost (this number will be between 0 and 6); and 3. Point differential (which is the total number of points by which each team won or lost against its opponents in the two preliminary rounds—the higher the point differential, the higher the team will be ranked)

For example, the teams with two wins in the preliminary rounds will advance. For teams tied with one win, the Competition Chair will review the number of judges' ballots won/lost. Finally, for teams tied with one win and the same number of judges' ballots won/lost, the Competition Chair will calculate the total number of points by which each team won or lost against its opponent(s) in the two preliminary rounds. The higher the point differential, the higher the team will be ranked.

Note: This same criterion will apply to the quarterfinals, semifinals, and final rounds.

****The Judges will score this competition according to the American Bar Association Law Student Division's Competition Judging Standards – as provided below****

AMERICAN BAR ASSOCIATION LAW STUDENT DIVISION NEGOTIATION COMPETITION JUDGING STANDARDS

Format/Schedule:

You will score either one or two head-to-head negotiation sessions. Please see the Negotiation Schedule provided for the full details and timing for your round.

Scoring:

- For each head-to-head negotiation session, you will choose a winner by awarding one team a higher score than the other team. There can be no ties.
- For each head-to-head negotiation session, you will score the teams in 6 criteria, each worth 20 points, for a maximum score of 120 points.
- The 6 criteria are:
    1. Negotiation Planning/Pre-Negotiation Analysis
    2. Flexibility & Adaptation
    3. Outcome of Session
    4. Teamwork
    5. Relationship with Opposing Team
    6. Post-Negotiation Analysis (completed after the team conducts its post-negotiation analysis; anything said during the post-negotiation analysis can be considered in scoring the other criteria)
- You will also determine if the teams negotiated ethically. If you observed an ethical violation during a negotiation, you may take the violation into account when scoring that negotiation session.

Score Independently:
Please do not discuss your scores with other judges until your Scoring Ballots have been collected.

Scoring Ballots Collected Before Feedback Session:
The host administrator will collect your Scoring Ballots BEFORE you give feedback to the teams.

Comment Sheets and Oral Feedback:
In addition to promoting the development of practical lawyering skills, the ABA seeks to promote an inclusive, educational, and positive experience for all competitors and coaches. The ABA appreciates your effort at providing measured, balanced, respectful, and constructive feedback that focuses on the competitor's negotiation skills.

- Each judge should complete a Comment Sheet for each team to indicate two things the team did well and two areas for improvement.
- After your Scoring Ballots have been collected, judges will have 10 minutes total, to provide oral feedback to both teams in the room at the same time.
- During that oral feedback session, please do not tell teams which team "won" your ballot.
- At the conclusion of the oral feedback session, please give your written Comment Sheets directly to the respective teams.
- Please refrain from making positive or negative comments on items that do not directly relate to the skills that the competition is seeking to promote, such as:

- Comments on a competitor's appearance (including clothing, hair, and facial appearance)
- Comments on a competitor's accent, disability, or speech impediment
- Comments on religious clothing or jewelry
- Comments related to gender, gender identity, or gender expression
- Comments on a competitor's name or surname

The judging criteria do NOT presume one "correct" approach to effective negotiation. 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 is 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);
- 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.

Any violation of these rules may result in the disqualification of that team at the discretion of the Fordham Sports Law Forum.