

PAT SULLIVAN

DRRC Teaching Initiatives

Webinar Series

Professor Lynn P. Cohn
Director, Center on
Negotiation and Mediation
Northwestern University School of Law
Tel: (312) 503-2598
l-cohn@law.northwestern.edu

UNIQUE FEATURES OF PAT SULLIVAN

- **Involves live client/attorney interaction in a deal context**

PAT SULLIVAN ADDRESSES SOME OF THE SHORTCOMINGS OF SIMULATION-BASED TEACHING

- **Actual Human Reactions**
- **Interests developed through interviewing**
- **Role of client/lawyer/agent vs. piece of paper**
- **Opportunity for drafting language**

PAT SULLIVAN OVERVIEW

- **Endorsement contract between General Brands, food company, and Pat Sullivan, the recent Olympic Gold Medalist in figure skating**

PAT SULLIVAN ROLES

- **Pat Sullivan: Gold Medalist**
- **Pat Sullivan's attorney**
- **Joe Horton: VP of Marketing, General Brands**
- **General Brands' attorney**

PAT SULLIVAN LOGISTICS: Client Role

- **Volunteers/Business Students/Athletes**
- **Must have ability to get into role and share information as directed**

PAT SULLIVAN – Lawyer Role

- Law students/young lawyers

PAT SULLIVAN: Pre-Negotiation

- ❑ All roles receive General Information
- ❑ Confidential Role for their side only
- ❑ Lawyer/client meeting (60 minutes minimum)

PAT SULLIVAN: Pre-Negotiation Sequencing

- ☐ **Do meeting/negotiation/debrief in class**
- ☐ **Do negotiation/debrief in class**
- ☐ **Do only debrief in class**

PAT SULLIVAN – Contract Issues

- **Duration of Contract**
- **Number of Days Per year**
- **Nature of Services**
- **Salary Per Year**
- **Drug Testing Clause**
- **Image Clause**
- **Summer Employment**
- **Ice Show Performance**

PAT SULLIVAN: ZOPA



The number of issues allows for trade-offs

PAT SULLIVAN: Comparable Data

- ❑ Lee Favorie, silver medalist (France): 75 days for \$175,000
- ❑ Sandy Jones, bronze medalist (U.S.): 50 days for \$700,000 over 4 years
- ❑ Mickey Jorpon, basketball superstar: \$40-50 million
- ❑ Lion Irons, golf: \$60 million

PAT SULLIVAN: Drug Testing Challenge

- ❑ Rumors about Drug Use
- ❑ Other explanation for behavior that Pat prefers not to disclose
- ❑ Pat will consent to drug use but Pat's attorney opposed to these clauses
- ❑ Actual language in the General Brands' attorney information

PAT SULLIVAN: Debrief

- ❑ Ideally clients/attorneys together
- ❑ If two classes, let professor critique own students
- ❑ Outcomes on board/distribute/discuss orally

PAT SULLIVAN: Debrief

How did the attorney and client prepare?

Goals:

- **Build Trust**
- **Exchange information re: facts, issues, interests**
- **Discuss strategy**
- **Discuss process**

PAT SULLIVAN: Debrief

- **Did you discover any potential conflicts of interest?**

PAT SULLIVAN: Debrief

- **Who did the negotiating?**
- **Did it go as planned/expected?**

PAT SULLIVAN: Debrief

- **Did having the client at the table impact the negotiation?**

PAT SULLIVAN: Debrief

- **What are the positives/negatives of having an attorney/client?**
- **What did you learn about working with an attorney/client?**

PAT SULLIVAN: Debrief

- **How did attorneys handle the drafting of the drug testing and image clauses?**

PAT SULLIVAN: Debrief

- **Were there any impasses? Why?**

PAT SULLIVAN: Debrief

- When should you engage an attorney?