

PROGRAM ON NEGOTIATION AT HARVARD LAW SCHOOL

AN INTER-UNIVERSITY CONSORTIUM TO IMPROVE THE THEORY AND PRACTICE OF CONFLICT RESOLUTION



Confidential Instructions for Ama Ata Fie

You have a longstanding relationship with your agent, Kofi Mwenchena. He is a fellow Ghanaian, and served as your agent well before you were an international star. Kofi knows your culture and background, and you respect his decisions. After your initial World Cup success in 2027, Kofi worked hard to negotiate a contract for you with one of South America's most respected club programs in Brazil, and has been instrumental in ensuring that the club live up to all of its contract terms. Moreover, he secured your first advertising contract for you – with Teikoku Sport, for \$15 million – though you were able to secure a subsequent advertising deal with Maccabi Wireless for \$25 million without Kofi's involvement, after Maccabi approached you directly. Your contract with Kofi didn't cover advertising deals (neither of you had envisioned any advertising deals back when you signed that contract!) but you know that Kofi received a 1% cut of the Teikoku contract directly from the company, and you even gave him an extra \$100,000 as a bonus for his help with the contract negotiations.

On the one hand, you are grateful to Kofi for his support and assistance over the past six years. On the other hand, you don't get the same sense of gratitude from him: in many ways, you have made his career. He has risen to success primarily because of your performance on the football field. Before your 2027 World Cup success, Kofi was an unknown agent with no experience in international football. Now, he is well-known and well-respected because of your success. You know that Kofi has recently landed contracts with two new football players, and you doubt that that would have happened if Kofi weren't known for representing you. You would have been happy to renew Kofi's contract under the same terms as before, but to your surprise, he's now asking for a higher fee. His insistence on a new, more expensive contract has offended you and caused a great deal of tension in your relationship. It feels as if he is trying to hold you hostage before the biggest contract negotiations of your career.

You had assumed that you and Kofi would be able to renegotiate your player-agent contract without much difficulty, so you haven't made any effort to investigate other agents. In retrospect, this may have been a mistake, but you simply have not had the time. Nevertheless, about two months ago, the well-known U.S. agent Lesley McGuire approached you with an offer. McGuire represents several prestigious football players and is known for her tough negotiating skills, but her rates are very high – she was asking for 8% of your regular player compensation and 15 % of any marketing deals that she

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negotiates on your behalf. You also got the impression that McGuire wanted to push you toward the higher-paying teams in Asia. While money is certainly a consideration, it's also important to you to live in a place where you feel comfortable, such as South America or West Africa, and to play for a team that will allow you to live up to your full potential. You had told McGuire that you weren't interested because you planned to resign with Kofi, but she told you that her offer would remain open in case you changed your mind. Unfortunately, the press has made it sound as though you approached McGuire, which no doubt has upset Kofi. You haven't yet told him that McGuire actually approached you, because your last meeting with Kofi ended in a fairly bitter argument.

Last week, a young Brazilian agent named Eduardo Guilherme contacted you about the possibility of representing you in the upcoming negotiations. He is quite inexperienced (he's only been in practice for a year, and currently represents a couple of mediocre local players), so you didn't take him seriously. He did, however, offer you a remarkable deal: a flat rate of \$200,000 per year. No doubt he's willing to take such a low rate because of the prestige associated with representing a high-profile player such as you. You wouldn't think of hiring such an inexperienced agent, even if he were free, but if nothing else, you might be able to use his offer as bargaining leverage with Mwenchena.

You have considered pursuing discussions with McGuire, but you ultimately would like to keep Kofi as your agent. You value your relationship with Kofi and respect him greatly. He has numerous contacts in the international football industry, and you feel like he will represent your interests better than any other agent will. He has had many unofficial discussions with teams on your behalf over the past year, and has illustrated a concern for your desire to stay in the South American League, despite the lower salaries.

At the same time, you don't want him to take advantage of you at this crucial point in your career. Though you make a very good living, it's important to you to retain as much of your earnings as possible for two reasons: first, your younger brother has a congenital heart condition that requires nearly full-time medical care, and you have assumed responsibility for his astronomical medical bills; and second, because after your retirement you'd like to donate some of your earnings to a worthy cause back in Ghana – perhaps building a new football training camp for girls, or establishing a sports therapy clinic, or something like that. Not only does Kofi's request for a raise seem unjustified, but it also would reduce the money you have available for family and for charitable causes. If you can't work out something with Kofi, you would reluctantly go with McGuire.

The free agent market opens next week, and there are a number of quality strikers on the football market. You need to contact your agent as soon as possible and definitely before the League opens its signing period. Prepare for your e-mail negotiation with Kofi.