

## PROGRAM ON NEGOTIATION AT HARVARD LAW SCHOOL

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

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### General Instructions

It is the year 2030. Football (formerly referred to as “soccer” in the United States but now known as “football” worldwide) continues to be the most popular international sport. Women’s football has surpassed men’s football as the most attended, watched and marketed sport in the world. In two independent studies, KerchenSport and International Sports Marketing Services found that media coverage of women’s football has increased more than 60 percent over the last three years, with the last Women’s World Cup final reaching 298 countries. Sales of women’s football merchandise have risen to \$500 billion per year.

Three years ago, in the 2027 Women’s World Cup, a previously unknown Ghanaian forward named Ama Ata Fie emerged as one of the most prolific goal scorers in the world. In the opening round match against Belgium, Fie’s three goals led Ghana to a remarkable 3-1 victory. In the quarterfinal against Ecuador, Fie again scored three goals to put her country in the semifinals for the first time in its history. While Ghana fell to Portugal in the semifinals, Fie scored another goal and added an assist, leaving the World Cup with 22 points and tying the Women’s World Cup record.

After her World Cup success, Fie’s agent, Kofi Mwenchena, negotiated a deal with the Ipanema Football Club in Brazil. At the time, Ipanema was one of the top clubs in the All-South American League. The three-year deal put Fie in the upper echelon of South American club salaries with a US\$12 million/year contract. The average player salary in the League was US\$6.5 million per year, with US\$15 million as the top salary.

Initially, Fie lived up to expectations. She scored an impressive three goals in five tournament games during her first year, and was selected to the All-South American First Team in both of her first two seasons. In her final season with Ipanema, Fie failed to qualify for the League’s First Team (though she made the Honorable Mention team), primarily because she suffered from serious tendonitis in her Achilles tendon most of the season. The team has gone downhill as well: in Fie’s first year with Ipanema, the team made it to the finals of the South American Championships (where they lost to a Venezuelan club team); but in her second and third years, they did not advance beyond the South American quarterfinals.

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This simulation was written by Jeremy Bird under the supervision of Melissa Manwaring. Copies are available online at [www.pon.org](http://www.pon.org), telephone: (800) 258-4406, Fax: (617) 495-7818. This case may not be reproduced, revised or translated in whole or in part by any means without the written permission of the Director of Curriculum Development, Program on Negotiation, Harvard Law School, 518 Pound Hall, Cambridge, MA 02138. Please help to preserve the usefulness of this case by keeping it confidential. Copyright © 2003, 2007 by the President and Fellows of Harvard College. All rights reserved. (Rev. 3/07)



Fie's three-year contract with Ipanema has ended. As a free agent, she hopes to sign a lucrative contract with more competitive international club. South America and Europe have the two most competitive and profitable international club programs, and newspapers have reported on Swedish and Venezuelan club teams' high interest in signing Fie.

Kofi Mwenchena, a Ghanaian sports agent, has represented Fie for the past six years, even before she surfaced as one of the world's most popular and successful football stars. Fie and Mwenchena signed an official contract six years ago, just before Fie was drafted to a Ghanaian club team (See Exhibit A). Mwenchena's contract with Fie has now expired, and the two have not yet been able to agree on terms of a potential new contract.

In addition, a leading international newspaper has reported that Fie has recently held private discussions with an agent from the United States (See Exhibit C). The article caused significant tension between Fie and Mwenchena in their last attempt to discuss their contract.

International club rules state that official free agent negotiations begin in less than one week. Fie is still in Brazil completing some marketing obligations for Maccabi Wireless, while Mwenchena is back in Ghana to attend his brother's wedding ceremony, but he and Fie have agreed to try to finalize their contract negotiations via e-mail. The parties need to decide as soon as possible whether to renew their contract, and if so, what the terms will be.



## Exhibit A

### Contract

Agreement made this 1<sup>st</sup> day of September, 2024, by and between Kofi Mwenchena (hereinafter the "Agent") and Ama Ata Fie (hereinafter the "Player").

In consideration of the mutual promises contained in this Agreement, the parties agree as follows:

#### Contract services:

Commencing on the date of this Agreement, the Agent agrees to represent the Player to the extent requested by the Player in conducting individual compensation negotiations for the performance of the Player's services as a professional football player. After a contract with the Player's club is executed, the Agent agrees to continue to assist, advise and counsel the Player in enforcing her rights under that contract. In performing these services, the Agent is acting in a fiduciary capacity on behalf of the Player. In no event shall the Agent have the authority to bind or commit the Player in any manner without the express prior consent of the Player, and in no event shall the Agent execute a player contract on behalf of the Player.

#### Compensation for Services:

In exchange for the Agent's services performed pursuant to this Agreement, the Player shall pay the Agent a fee of three percent (3%) of the compensation received by the Player for her professional football services in each playing season, unless any greater or lesser amount has been agreed to in writing by the parties.

#### Time for Receipt of Payment of Agent's Fee:

The Agent shall not be entitled to receive any fee for the performance of his services pursuant to this Agreement until the Player receives the compensation upon which the fee is based. Within fifteen (15) days of the Player's receipt of each compensation payment during the term of this Agreement, the Player shall make her fee payment to the Agent in the amount computed in accordance with the paragraph above.

In no case shall the Agent accept, directly or indirectly, payment of his fee from that Player's club. Further, the amount of the Agent's fee shall not be discussed with the club with whom the Agent is negotiating on behalf of the Player, nor shall the Agent or Player secure an agreement from the club respecting the amount of the Agent's fee.

#### Expenses:

All expenses incurred by the Agent in the performance of the services under this Agreement shall be solely the Agent's responsibility and shall not be reimbursable by the Player, except that with respect to each player contract negotiated under this Agreement (irrespective of the number of playing seasons covered) the Player shall (i) reimburse the Agent for reasonable travel, living, and communications expenses (e.g. telephone, posted) actually incurred by the Agent up to One Hundred Thousand Dollars



(\$100,000.00); provided, however, if the expenses exceed One Hundred Thousand Dollars (\$100,000.00) the Player shall be obligated to reimburse the Agent for the amount of the excess only if she gave express prior consent to the Agent to incur those expenses. The Player shall promptly pay all expenses, fees, and costs for which she is obligated under this paragraph upon receipt of an itemized statement.

Term:

The term of this Agreement shall begin on the date hereof and shall continue in effect for 6 years; provided, however, that either party may terminate this Agreement effective thirty (30) days after written notice of termination is given to the other party.

Arbitration:

Any and all disputes between the Player and the Agent involving the meaning, interpretation, application, or enforcement of this Agreement or the obligations of the parties under this Agreement shall be resolved exclusively through binding arbitration.

[Signed]

Ama Ata Fie  
("Player")

[Signed]

Kofi Mwenchena  
("Agent")

**Exhibit B**

Translated excerpt from the *Rio Sol*, sports section  
[4 weeks ago]

*With just over a month to go before free agent negotiations begin, Ipanema striker Ama Ata Fie is in talks with U.S. football agent Lesley McGuire over a potential agency deal. A native of Ghana, Fie tied a WWC points record playing for the Ghanaian National Team in the 2027 Women's World Cup, and became a local favorite after she joined Ipanema the following year.*

*For the past six years, Fie has been represented by fellow Ghanaian Kofi Mwenchena. While some sources expressed surprise that Fie would contact an American agent now that her contract with Mwenchena is expiring, others have commented that Fie and McGuire would be a good match, given McGuire's work with several other football stars such as Canadian Susan Hackley and American Nancy Lawton. Both Fie and McGuire declined to comment.*



### Exhibit C

#### Timeline

- 2023 19-year old Ama Ata Fie and Kofi Mwenchena meet at a recruiting event in Accra, Ghana
- 2024 Fie and Mwenchena enter into 6-year player-agent contract; Mwenchena negotiates Fie's first professional contract: a 2-year, \$500,000/year deal with a Ghanaian club team in Accra. By mid-season, the rookie Fie becomes a first-string forward.
- 2025 Fie is named club MVP, though the club fails to qualify for the West African Championships.
- 2026 Mwenchena negotiates Fie's contract renewal with the Ghanaian club team, at \$750,000/year for two years. Fie struggles with tendonitis during the first half of the 2026 season, but recovers and finishes the season with the third-highest number of goals scored in her club's history
- 2027 At age 23, Fie shatters her club's all-time goal scoring record by three goals; after being named to the Ghanaian National Team, she leads Ghana to the Women's World Cup semifinals, tying WWC points record
- 2028 Mwenchena negotiates Fie's 3-year, \$12 million/year contract with Ipanema Football Club. Fie is selected to the All-South American First Team and scores an impressive 3 goals in five tournament games before Ipanema loses to a Venezuelan team in the South American Championship finals
- 2029 Fie is selected to All-South American First Team again; she scores one tournament goal before Ipanema loses in the quarterfinals
- 2030 Fie struggles again with tendonitis, scoring only 3 goals all season – her fewest since 2023. She is not selected to the All-South American First Team this year, and Ipanema is eliminated from the South American Championships in the first round. Fie's and Mwenchena's player-agent contract expires.