

## **Ray Rice vs. New England Patriots: “Fourth and 1”** **Special Judge’s Instructions for ROUND ONE**

Background Information:

- Ray Rice

Rice is a former running back in the National Football League (“NFL” or “League”) who had a lot of success in the league before getting suspended because of domestic violence issues. He is still physically capable of playing in the NFL and feels that he has been rehabilitated and wants to get back in the League before he officially retires.

- New England Patriots

The Patriots are an NFL franchise that has had more recent success than any other team in the NFL, while having more controversy hang over their heads than any other team as well. While being controversial for some legitimate, proven reasons, they have also had good luck with and a reputation for signing players that have had off-the-field issues and having them play at a high level with no issues on or off the field.

There will be four main issues negotiated in this round: (1) contract length and value; (2) charity programs and hours; (3) counseling and whether or not it is mandatory; and (4) an extent of the morality clause in the contract:

1. Contract Length and Value: Can Rice and the Patriots both agree on a number of years as well as the guaranteed money? Both sides must consider any additional performance bonuses to be agreed on as well.
2. Charity Programs: Rice has set aside hours to participate in community service, but will he agree on the Patriots offered community service programs and number of hours per week, or will the Patriots give in and be more lenient? Both sides have an interest in Rice doing community service for public relations (“PR”) reasons, bolstering both sides’ images.
3. Counseling Issues: Rice is already participating in counseling with his wife, and the Patriots want to make sure that continues. Rice may fight back and say that because he is already attending counseling, it should not be required. If the Patriots absolutely need it to be required for PR reasons, they can offer more performance bonuses to sway Rice to ultimately agree. Both sides have an interest here and agree already to a certain extent with the exception of whether or not “mandatory counseling” should be included in the contract, so more time should be spend on the other issues.
4. Extensive Morality Clause: The Patriots need to include an extensive morality clause in any contract with Rice (more extensive than the normal morality clause required by the NFL Collectively Bargained Agreement (“CBA”). Rice will most likely agree if the value of his contract is in his favor.

Here is a visual to see where the two sides can agree:

<b>Issues</b>	<b><u>Patriots</u></b>	<b><u>Rice</u></b>	<b><u>Zone of Possible Agreement (ZOPA)</u></b>
<b><i>Contract value and length</i></b>	1. Looking for a 1-3 year K with a minimum of \$760k per season with up to \$1 million in performance bonuses. 2. Patriots would be willing to spend \$2-2.5 million in total value but would prefer less.	Rice wants a 2-4 year contract worth at least \$2-3 million. Rice wants as much guaranteed money as possible and as many performance bonuses as possible.	2-3 year K, with a base salary (guaranteed money) of \$760k - \$1 million per season. Performance bonuses for playing 16 games and being Patriots leading rusher between \$500k - \$1 million each, per season. Because the Patriots are flexible on total value with the addition of performance bonuses, they will give him between \$2-2.5 million in total value per season.
<b><i>Charity Programs</i></b>	The team is flexible on mandatory community service, but would really like to see Rice involved in charity organizations. They have even offered suggestions.	Rice and his wife also have two hours per week set aside for community involvement. Rice would like to become more actively involved.	Rice is looking to be active in the community to better his image, and the Patriots would like to see him doing charity work to better their own image as well. Rice may not volunteer as much as the team would like, but if Rice is putting in an effort to be involved with the community, the team will be willing to agree.
<b><i>Mandatory Counseling</i></b>	Flexible on mandatory counseling, but would prefer it. Would make giving more contract bonuses easier if Rice participated in counseling.	Rice and his wife plan to continue with their counseling sessions because it has been beneficial for their marriage.	Patriots will ask to require counseling, Rice will either agree or say that it should not be required, if Rice's party fights back, Patriots can give more performance bonuses to get him to agree to stipulations in the contract. This is an issue that should not have much time spent on it because Rice has already stated he wants to continue counseling. The only issue here would be whether or not Rice has a problem with mandatory counseling being included in the contract.
<b><i>Morality Clause in K</i></b>	Patriots want to make sure that the contract includes an extensive morality clause. The team wants to make sure that they have the ability to terminate the contract in case any terms are violated and Rice causes the team any reputational harm.	Rice is willing to agree to an extensive morality clause if the money offered is within his range.	Rice will agree to the morality clause if other terms are met.