

**UNIVERSITY OF TORONTO FACULTY OF LAW
SPORTS & ENTERTAINMENT LAW SOCIETY**



**2014 HOCKEY ARBITRATION
COMPETITION OF CANADA
Chair – Amir Torabi**

OFFICIAL RULES

(Updated as of August 2014)

TABLE OF CONTENTS

ARTICLE	TOPIC	PAGE #
1	Administration	3
2	Overview of the Competition	3
3	Required Reading	3
4	Teams	3
5	Competition Structure	4
6	Briefs	6
7	Oral Arguments	8
8	Scoring	8
9	Faculty Assistance/Coaching	10
10	Penalties	10
11	Deviations from NHL CBA	10
12	Dress Code and Competitor Requirements	10
13	Competition Website	11
14	Rule Interpretation	11
15	Supplemental Rules and Procedures	11

ARTICLE 1: Administration

The University of Toronto Faculty of Law Sports & Entertainment Law Society (“SELS”) organizes and administers the Hockey Arbitration Competition of Canada (“HACC”). The HACC Steering Committee, consisting of the competition’s founder and former chairs, provides general guidance and direction for the competition.

ARTICLE 2: Overview of the Competition

This HACC is a unique event where aspiring lawyers and sports fans have the opportunity to advance their written and oral advocacy skills within the specialized context of a National Hockey League (“NHL”) salary arbitration proceeding.

After the competition, the event concludes with a symposium where a select group of our guest arbitrators discuss hot topics impacting the NHL.

ARTICLE 3: Required Reading

SELS highly recommends that all participants read Article 12 of the 2014 Collective Bargaining Agreement (the “CBA”) between the NHL and the National Hockey League Players’ Association (“NHLPA”). After reading Article 12 the CBA, students will have an understanding of salary arbitration in the NHL and will be better prepared for the competition’s cases.

The current CBA can be downloaded from the NHLPA website: <http://www.nhlpa.com/inside-nhlpa/collective-bargaining-agreement>

Another helpful article can be found at:
<http://proicetohockey.about.com/od/nhlfreeagents/a/arbitration.htm>.

ARTICLE 4: Teams

1. The 2014 HACC will consist of thirty-two (32) teams.
2. Each team entering the competition must register via email to utorontosels@gmail.com.
3. Each team will consist of two (2) law students attending the same law school. Only individuals pursuing a Juris Doctor, LLM or a joint JD/MBA degree during the competition’s semester are eligible to participate. Only upper year students may participate (i.e. 2L/3L/4L students only - 1L students may not participate with the exception of second year JD/MBA students who may still be considered 1L).
4. Each school in Canada is guaranteed an opportunity to send at least one (1) team to the competition, so long as the school meets the application requirements. Schools outside of Canada may make a request to participate by contacting SELS but are not guaranteed a position in the competition.
5. Upon receipt of the formal invitation, a school may immediately email SELS to register a team in the competition.

6. The deadline for each school in Canada to register its first team is Friday, August 8, 2014. If a school has not notified SELS of its intention to register a team in the HACC by said date, the school loses the opportunity to send a team.
7. When registering a team, please notify SELS of your school's desire to send additional teams to the competition. Once each Canadian law school has been given an opportunity to register a team, schools will then be notified whether there is space to accommodate additional teams. If there are more requests to send a team than there is space in the competition, the schools that will be permitted to send additional teams will be selected randomly.
8. If a team has not already done so, the deadline to submit the names of team members is Friday, September 12, 2014 at 5 PM EST, unless the school has notified SELS that they are in the process of or will be holding a qualifying internal competition or internal team selection process that has not yet been completed.
9. If a team wishes to substitute a team member, it can do so before the brief-filing deadline (See Article 6 of the HACC Official Rules) provided that it receives approval from SELS.
10. Schools that wish to hold a qualifying internal competition, or internal team selection process, to determine who will represent them at the HACC may register a team without specifying the team members' names. In that case, when the school registers, it must include the contact information of the person in charge of the school's internal qualifying competition. In this scenario, team names must be provided to SELS by September 24, 2014 at 12 PM EST, at the latest. Please note: SELS will not administer another school's internal competition for them.
11. After the brief-filing deadline (See Article 6 of the HACC Official Rules), team members may not be substituted except for good cause.
12. Each team must report the names of all faculty members or coaches who wish to attend the competition. SELS, in its sole discretion shall determine what constitutes good cause.
13. During the competition, anyone affiliated with a team, including but not limited to team members, coaches, and other faculty members, may not directly or indirectly divulge their law school's identity to the judges until after the scores have been recorded and the results have been announced. Any violation of this rule may result in a penalty, up to and including disqualification.
14. To register for the competition, each team must send a refundable 100\$ deposit which will be returned upon the teams check-in on the first day of the competition. Any failure to attend the competition or participate in a scheduled arbitration hearing will result in forfeiture of this deposit.

<i>ARTICLE 5: Competition Structure</i>
--

1. SELS will randomly divide the pool of thirty-two (32) teams into two (2) conferences of sixteen (16) teams. Then, SELS will randomly divide each conference into two (2) divisions of eight (8) teams. The following table illustrates the pool division:

WESTERN CONFERENCE		EASTERN CONFERENCE	
PACIFIC	CENTRAL	METROPOLITAN	ATLANTIC
1	9	17	25
2	10	18	26
3	11	19	27
4	12	20	28
5	13	21	29
6	14	22	30
7	15	23	31
8	16	24	32

2. SELS will create three different salary arbitration cases. The players used in each case are actual NHL players who are arbitration eligible during the summer of 2014.
 - a. Each case will include the salary figure the player either settled on with his club or was awarded during his summer arbitration hearing. This number will serve as a midpoint figure.
 - b. SELS will then assign teams to a side (either player's side or club's side) in each case.
 - i. The player's side task is to argue that the player is worth at least one dollar above the midpoint figure using permissible criteria.
 - ii. The club's side task is to argue that the player is worth at least one dollar below the midpoint figure using permissible criteria.
 - iii. Teams should, although are not required to, choose a specific player salary amount above or below the midpoint figure in order to best frame their argument.
NOTE: All NHL clubs and players submit a salary figure representing their valuation of the player at the arbitration hearing, even though an NHL arbitrator is not required to select either of the specific valuations provided by the club/player. Encouraging teams to select a specific salary number will assist arbitrators in understanding the arguments/comparable players, and will also reflect a true arbitration proceeding.
3. Teams must ignore anything that happens to the three subject players after their salary figures are decided during the summer of 2014.
4. For each assignment, a team will write a brief and prepare for oral argument. A team's performance will be evaluated based on advocacy skills.
5. Teams will be power ranked based on brief quality relative to all other briefs in their Division.
 - a. Within each Division, the best brief per case will receive 10 Brief Points, second best will receive 9 Brief Points, third best will receive 8 Brief Points, fourth best will receive 7 Brief Points, and so on.

- b. The total sum of a team’s Brief Points will determine its position in the Division’s power ranking.
 - c. A Breakaway Score will be assigned based on the power ranking of each team in each Division. The highest ranked team will be given a Breakaway Score of 20, second highest will be given a Breakaway Score of 18, third highest will be given a Breakaway Score of 16 points, fourth highest will be given a Breakaway Score of 14 points, and so on. The Breakaway Score acts as one component in the tiebreaker formula used to determine Division winners after the oral argument rounds.
6. Three Preliminary Rounds:
- a. SELS will assign a salary arbitration case to each of the three preliminary rounds.
 - b. Throughout the three preliminary rounds, the top four teams in each Division – based on Breakaway Score – will argue against three of the bottom four teams in the other Division within the same Conference, and vice-versa.
 - c. The above-noted matchups will be randomly selected.
 - d. In each round, the team with the higher oral argument score will receive a “Win” and the team with the lower oral argument score will receive a “Loss”.
 - e. After the preliminary rounds, the team with the best Win-Loss record in each Division will advance to the Conference Finals (i.e. Semi Finals). In the case of a tie, the tie breaker will be determined in the following order:
 - i. 1st tie breaker: total margin of victory in oral arguments plus a team’s Breakaway Score
 - ii. 2nd tie breaker: total scores for all three briefs
 - iii. 3rd tie breaker: total oral argument points
 - iv. Should teams still be tied, a coin flip will be administered.
7. Playoff Rounds
- a. Quarter Finals (if applicable): The winner of each Division will argue against the second-place team in the other Division within the same Conference. The teams will re-argue one of the three cases, as determined by SELS.
 - b. Semi Finals: The winner of each Quarter Final matchup will advance to the Semi Finals and will argue against the winner of other Quarter Final matchup within the same Conference. The teams will re-argue one of the three cases, as determined by SELS.
 - c. Championship Round: The winner of each Semi Final matchup will advance to the finals. The teams will re-argue one of the two cases not argued during the Semi Finals.
 - d. NOTE: Teams should be made aware that they may have to alternate sides during the playoff rounds (ie: argue for a position that they did not write their brief on). We have yet to run into this problem during the competition, but it is a possibility.
8. This format is subject to change should the number of teams in the competition change.

<i>ARTICLE 6: Briefs</i>

- 1. Article 12.9(g)(ii)-(iii) of the NHL CBA governs the scope of permissible information in an arbitration hearing. The competition will adhere to the rules regarding permissible information.

2. Sources of Information
 - a. Player or team statistics must come from NHL.com.
 - b. Salaries must come from capgeek.com
 - c. Other statistics (i.e., statistics that are not a player's performance statistics, including salaries) and non-statistical information may be obtained from any nationally available news material.
 - d. Information that is only available through a "pay-site" or other membership-restricted means is inadmissible.
 - e. Advanced Statistics: Teams should keep in mind that arguments surrounding advanced statistics, though becoming more prevalent, have not been widely accepted during arbitration proceedings. It is up to the team's discretion as to whether they want to use advanced statistics in their arguments. Teams must note that their arbitrator may have to be educated on what the particular stat (ie: Corsi, Fenwick etc.) means, which may negatively impact the teams argument and severely impact their advocacy time.
3. Briefs shall not exceed eight (8) pages, exclusive of cover page and optional table of contents, but inclusive of any charts, tables, lists, other appendices, and footnotes.
4. The font of the brief's body must be 12-point Times New Roman and the font of the brief's footnotes must be 10-point Times New Roman. The use of any other type of font will be grounds for a penalty.
5. Briefs must be double-spaced, except footnotes, argument headings, and extended quotations.
6. Formal citation style is not required; however, all citations should allow SELS to quickly and easily verify the accuracy of the information.
7. Briefs require the following page layout: paper size of 8 ½ x 11" and 1-inch margins all around.
8. Briefs must include a cover page:
 - a. Red font for submissions representing the player
 - b. Blue font for submissions representing the club
 - c. The cover page should only include the team's number, the case, and the side represented. Do not include any identifying information other than your team number anywhere on the submission.
9. Submitting Briefs
 - a. Each team must submit one (1) electronic copy to: utorontosels@gmail.com
 - b. Submission Deadlines
 - i. Electronic copies must arrive via e-mail at above-noted email address by 11:59 p.m EST. on Friday, October 10, 2014.
 - ii. Any failure to comply with this deadline for service will result in a penalty in grading.
 - c. Method of Delivery
 - i. SELS will verify receipt of team briefs once all of a team's briefs have been received; the submission date is the date of arrival.
 - ii. The electronic copy of the brief must be sent as a Portable Document Format file (Adobe PDF). Failure to comply will result in a penalty.
 - iii. The subject line of the electronic brief submission must read as follows:
HACC Brief Submission – Team [Insert Team #]

- iv. The email attachment must contain only the electronic copies of the submitted briefs (the email and the attachment must be free of any other files).
10. A team may not revise or amend its brief after submission, even if the deadline for submission has not yet passed.

ARTICLE 7: Oral Arguments

1. Article 12.9(g)(ii)-(iii) of the NHL CBA governs the scope of permissible information that a team may use during oral arguments.
2. Teams should refrain from introducing evidence that is not included in their brief. The judges take time to read and study each brief and may look negatively on evidence that is introduced if it is not included in the brief.
3. Oral arguments may only reference information available on the date the player's salary was decided (either by negotiated settlement with his club or by an arbitrator in a hearing) during the summer of 2014.
 - a. Thus, a team may introduce any information (not pertaining to a case's subject player), including comparative hockey salaries, that was published or made known on or before the date that the player's salary was decided during the summer of 2014, even if the information was not included in its brief or the opposition's brief.
 - b. Any information, including comparative hockey salaries, published or made known after that date is inadmissible.
4. Teams may not introduce information about anything that happens to a case's subject player after the cases are released.
 - a. Examples
 - i. Assume Wayne Gretzky signed his contract on July 20, 2014. Let's also assume that he was captain of the Oilers before July 20, 2014 and was subsequently stripped of the captaincy after having been arrested for drunk driving on July 21, 2014. The information related to the arrest and subsequent revocation of his captaincy is irrelevant for the purposes of the competition.
 - ii. SELS released the 3 cases for last year's competition on August 4, 2012. After the cases were released, teams were required to ignore what happened in the hockey world, in general. So if a possible comparable signed a contract after August 4, 2012, he could not be used. However, if the potential comparable signed before August 4, 2012 he could be used.
5. If a team violates section 7.2, 7.3 or 7.4, then the opposing team should object to the arbitrator immediately. The arbitrator may impose penalties at his/her discretion.
6. Each oral argument hearing will last 36 minutes. Each team will be allotted 18 minutes. At the beginning of their opening remarks, they may allocate any amount of this time for a rebuttal by requesting this from the judge. A model hearing would run as follows:
 - a. *Player's Side Opening Remarks- 12 minutes*
 - b. *Club's Side Opening Remarks- 12 minutes*
 - c. *Player's Side Rebuttal- 6 minutes*

- d. *Club's Side Rebuttal- 6 minutes*
7. Team members may divide the time allotment between themselves as they wish; however, team members are encouraged to divide time equally and are judged on equal division of time.
 8. The aforementioned time constraints are inclusive of any questions posed by the arbitrators.
 9. A team may ask for additional time to respond to a question asked prior to the expiration of its time allotment. The arbitrator, at his/her discretion, may grant such a request.
 10. **EXHIBITS:** Teams must include exhibits, charts, and/or tables in their briefs. In addition, teams must provide a printout of all exhibits/charts/tables that they wish to use in their oral argument, even if they are already included in their brief. A copy of the exhibits/charts/tables must be provided to the arbitrator(s) and the opposing team before the hearing begins.
 11. **SPECTATORS:**
 - i. Scouting: HACC Competitors and Coaches may not sit in on or view any HACC round(s) that they, or their team, are not a party to, unless they have completed all of their own HACC rounds and have been eliminated from the competition.
 - ii. With the exception of Article 7, Section 11.(i) and Article 9, Section 4, non-parties to the competition (including members of the public and friends or relatives of competitors) may sit in on and view any of the playoff round(s) of the competition. These individuals may not relay any information witnessed in a round to any HACC competitor or coach. SELS reserves the right to penalize teams for information received from any non-party to the competition. Any requests to spectate non-playoff rounds will be determined at the sole discretion of the HACC Chair.

ARTICLE 8: Scoring

1. Brief Scoring
 - a. With the guidance of industry professionals, executives of SELS will serve as anonymous brief judges. Brief judges will have no knowledge of the identifying information of any particular law school or team member.
 - b. Each judge will evaluate the briefs based upon a standard scale.
2. Oral Argument Scoring
 - a. Each arbitrator will evaluate the oral arguments based upon a standard scale.
 - b. If there is a panel of three arbitrators in any of the playoff rounds, a simple majority of the arbitrators determines the round's winner. If there is no majority, total oral argument scores will be used to determine the winner.
 - c. If there is a panel of two arbitrators in any of the playoff rounds, SELS will randomly select one judge's ballot prior to the beginning of the round. In the event of a tie vote, the randomly selected judge's ballot will be excluded.
 - d. In all oral argument rounds, ties are not allowed; there will always be a winner and a loser.
 - e. The team's margin of victory will be calculated by subtracting the losing team's point total from the winning team's point total.
 - f. Teams that wish to review their oral argument score sheets may ask for the score sheets at the competition's reception table once SELS is finished recording them.

- g. In the event that a team forfeits a round due to an unforeseeable occurrence (i.e. serious illness), the team's scheduled opponent will be declared the winner of that round with no margin of victory. Should a team with a forfeited win be involved in a tiebreaker, only the rounds argued by all teams involved will count toward the tiebreaker (i.e. the forfeited round for one team will be thrown out for all teams in the tiebreaker).

ARTICLE 9: Faculty Assistance/Coaching

1. A team can receive limited faculty assistance. Team members may discuss the mechanics of salary arbitration with faculty members or coaches. However, team members should not ask faculty members or coaches to review or edit their briefs.
2. Only team members may conduct research.
3. After the brief is filed, team members may receive faculty/coach assistance in the preparation of their oral arguments.
4. One coach per team may sit in on the arbitration hearing but must sit in a place that does not interfere with the hearing. The Coach may not speak or otherwise interrupt or disturb the hearing in any way. A breach of this rule may result in a penalty at the arbitrator's discretion.

ARTICLE 10: Penalties

1. SELS, in its sole discretion, will assess penalties for violation of these rules. Uniform penalties will be assessed for each type of violation.
2. Teams that fail to submit electronic copies of their briefs by the deadline will receive an initial five point penalty against their brief score, with an additional 2-point penalty for every subsequent 24-hour period that their brief is late.
3. Teams that fail to submit electronic copies of their briefs altogether (i.e. any or all of the briefs are not submitted at all) will be allowed to participate in oral arguments but will be ineligible to advance past the preliminary rounds.

ARTICLE 11: Deviations from NHL CBA

The competition will follow the NHL CBA's salary arbitration rules and procedures only to the extent noted in these rules.

ARTICLE 12: Dress Code and Competitor Requirements

All competitors are required to wear professional attire. In addition, all competitors are required to attend BOTH days of the competition, regardless of their finish in day 1. Competitors who are eliminated after Day 1 are expected to arrive at the venue for the final round and panel. Our judges and panelists dedicate their Saturday for this portion of the event and we owe it to them to ensure that the event is well attended. In addition, the second day is being used as our media

coverage day in order for us to showcase this event nationally. The event social will also take place after the Playoffs/Panel.

ARTICLE 13: Competition Website

SELS will post electronic copies of the following materials on the competition's website:

1. The three salary arbitration cases
2. All briefs submitted by each team
3. All the matches in the preliminary round of the competition
4. The Brief Scoring Rubric
5. The Oral Argument Scoring Rubric
6. Any additional relevant information

The website's URL will be sent to all participants via email.

ARTICLE 14: Rule Interpretation

SELS, in its sole discretion, shall interpret these rules. All decisions are final.

Any request for information or rule interpretation should be sent to Chair Amir Torabi via email at utorontosels@gmail.com.

ARTICLE 15: Supplemental Rules and Procedures

SELS, in its sole discretion, may create additional rules and standards to address situations not presently covered or contemplated by these rules.