

NATIONAL SPORTS LAW INSTITUTE

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Kevin Warren, Vice President of Operations & Legal Counsel, Minnesota Vikings Football, LLC., Eden Prairie, Minnesota

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James Ghiardi, Professor of Law Emeritus

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J. Gordon Hylton, Professor of Law

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Sports Law Alumni Association Liaison

William Miller, Assistant Professor, Sport & Fitness Management, University of Wisconsin-Parkside, Kenosha, Wisconsin



National Sports Law Institute

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Sports Law Program website:

<http://law.marquette.edu/jw/sports>



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MARQUETTE LAW SCHOOL SPORTS LAW



**MARQUETTE
UNIVERSITY**

LAW SCHOOL



S P O R T S L A W

Marquette University Law School's Sports Law program provides the nation's most comprehensive offering of sports law courses and student internships with local sports organizations as well as opportunities to become a member of the *Marquette Sports Law Review* and the Sports Law Moot Court team. Our broad, well-rounded curriculum is designed to provide law students with both a theoretical and practical education concerning legal regulation of the United States amateur and professional sports industries as well as an understanding of Olympic, international, and comparative sports law issues.

Sports law students learn about many specialized areas of law with general application outside the sports industry (e.g. antitrust, labor, intellectual property, federal disability discrimination laws, etc.) and develop contract negotiation, business planning, and transactional skills. They also learn how several related areas of law combine to govern a complex industry and how courts resolve competing policy concerns when different bodies of law intersect and conflict. The primary purpose of the Sports Law program, however, is to enhance our students' legal education. Virtually all of the knowledge and skills developed by students in sports law courses and internships are readily transferable and useful in serving clients in other industries.

Recently, our sports law students have also gained valuable internship experience with the NCAA, the United States Olympic Committee, Mandalay Entertainment Group, NIKE, Inc., Hicks Sports Group LLC, Genesco Sports Enterprises, the Charlotte Bobcats, and Cleveland Browns. Some of our recent alumni are employed by the Marquette University Athletic Department, the Green Bay Packers, the Atlanta Braves, the Orlando Magic, the NCAA, Northern Illinois University, Octagon, Turner Sports, the Milwaukee Bucks, the University of Wisconsin - Madison, and Fox Entertainment Group, Inc., among other organizations. Most Sports Law program alumni practice law and have a variety of clients, including some in the sports industry.

Founded in 1989, the National Sports Law Institute (NSLI) is affiliated with Marquette's Sports Law program. Its mission is to be the leading national educational and research institute for the study of legal, ethical, and business issues affecting amateur and professional sports from both an academic and practical perspective. It provides educational opportunities for law students as well as current and future leaders in the sports industry. The NSLI provides a national forum for discussion and consideration of American and international sports issues and encourages input by persons and organizations with a wide range of viewpoints. The NSLI seeks to promote a legal environment in which sports at all levels of competition will flourish. In an effort to achieve these goals, the NSLI sponsors high quality national conferences and symposia and disseminates knowledge through publication of thoughtful scholarship in the *Marquette Sports Law Review*. It also serves as a resource for the media and public. As a part of Marquette University, a Catholic Jesuit university, the NSLI is committed to searching for truth, discovering and sharing knowledge, fostering professional excellence, developing leaders, and serving those in the sports industry. Although the NSLI does not espouse any particular ideological viewpoint, it does seek to promote ethical and moral practices within the sports industry as a means of furthering Marquette University's mission.

NSLI SPORTS LAW CERTIFICATE

Only students graduating from Marquette University Law School who fulfill all of the following requirements may earn the National Sports Law Institute's Sports Law Certificate. The Certificate and a commemorative medallion are presented to each student after his or her law school graduation.

1. Both introductory sports law survey courses (3 credits): Amateur Sports Law and Professional Sports Law.
2. A sports law workshop (2 credits): Amateur Sports Law Workshop, Representing Professional Athletes and Coaches, Sports Industry Legal and Business Practices, or Sports Venues: From Election Day To Game Day.
3. The Selected Topics in Sports Law Seminar, the Sports, Law and Society Seminar, or a research paper on a sports law topic in another Law School seminar (2 credits).
4. Topics in Advanced Legal Research - Sports Law (1 credit).
5. One of the following courses: Alternative Dispute Resolution, Arbitration Workshop, Mediation Workshop, or Negotiation Workshop.
6. One or more of the following substantive law courses that significantly impact the sports industry:
 - Antitrust Law
 - Business Associations
 - Constitutional Law 2: Speech and Equality
 - Disability Law
 - Education Law
 - Federal Income Taxation of Individuals
 - Intellectual Property Law
 - Labor Law
7. *Marquette Sports Law Review* staff position for a full academic year.
8. A one semester NSLI-sponsored volunteer sports law internship (not for academic credit).



Greg Heller, Vice President and General Counsel, Atlanta Braves (Class of 1996)

Octagon



Nicola Maria Sollinger, Staff Attorney, Octagon, Inc. (Class of 2003)

Marquette Sports Law Review

Established in 1990, the *Marquette Sports Law Review* is the first United States scholarly publication to focus on legal, ethical, and business issues related to professional and amateur athletics. The *Sports Law Review* is produced and edited by Marquette Law students, who earn academic credit for their work. It publishes articles and essays submitted by sports lawyers, sports industry professionals, law professors, and law students on a broad range of sports-related topics. Recently published articles have discussed testing for performance-enhancing substances in professional sports, ownership of sports statistics, termination of college coaching contracts, managing risk in interscholastic athletics, the impact of Title IX on athletic departments, and many other subjects of current interest.

JD/MBA in Sports Business Program

The JD/MBA in Sports Business program is offered by Marquette University's Law School and College of Business Administration. The program enables most students to earn both the J.D. and M.B.A. degrees in less time than if each degree were pursued separately. By also earning the National Sports Law Institute's Sports Law Certificate, students have the opportunity to combine their knowledge of sports law with a graduate business education that will provide them with a unique package of educational credentials that promises to be attractive to sports industry employers. Graduates will acquire knowledge and understanding of the theoretical and practical legal and business issues likely to be encountered by sport organizations in the 21st century. The hallmark of this degree program is the readily transferable legal and business knowledge and skills that can be applied to a wide range of employment opportunities outside the sports industry. Detailed information about the joint degree program can be found at <http://law.marquette.edu/jw/jdmba>.

LL.M. in Sports Law for foreign lawyers

The Master of Laws (LL.M.) in Sports Law program offers foreign-educated lawyers a unique opportunity to engage in the in-depth study of sports law, including United States, Olympic, international, and comparative sports law issues. LL.M. students take the same courses as J.D. students (which provides a forum for U.S. and foreign students to learn from each other) and must complete an LL.M. Directed Research Project on an international or comparative sports law topic. Detailed information on the LL.M. in Sports Law program can be found at <http://law.marquette.edu/jw/llm>.

C U R R I C U L U M

AMATEUR SPORTS LAW (3 Credits)

This course covers various amateur sports law issues and focuses on legal regulation of interscholastic, intercollegiate, and Olympic sports. Topics covered may include constitutional law, tort law, contract law, Title IX gender discrimination, federal disability discrimination laws, the legal relationship between a university and its student athletes, regulatory authority of the National Collegiate Athletic Association, United States Olympic Committee, and high school athletic associations, antitrust law, resolution of disputes affecting Olympic sports (including the jurisdiction and operation of the Court of Arbitration for Sport), and regulation of private educational institutions and sports associations.

AMATEUR SPORTS LAW WORKSHOP (2 Credits)

A practical workshop applying the legal doctrines and theories covered in Amateur Sports Law to current legal and business issues affecting the regulation and governance of intercollegiate athletics and the operation of a university athletic department. Topics covered and practical skills developed may relate to NCAA and athletic conference regulation, internal athletic department governance, risk management, Title IX gender equity compliance, athletic event management and sponsorships, contract negotiation and drafting, and trademark licensing. Amateur Sports Law is a prerequisite.

PROFESSIONAL SPORTS LAW (3 Credits)

This course covers various legal issues affecting the professional sports industries and focuses on antitrust, labor, contracts, regulation of private associations, regulation of athlete agents and their ethical duties, and intellectual property and sports broadcasting issues.

SELECTED TOPICS IN SPORTS LAW SEMINAR (2 Credits)

This seminar explores selected topics pertaining to professional and amateur sports. Topics may vary from semester to semester. The seminar features presentations by members of the Marquette faculty pertaining to sports law issues in their fields of study. Each student in the seminar will write a substantial research paper on a specific topic chosen in consultation with the instructor.

SPORT, LAW AND SOCIETY SEMINAR (2 Credits)

An exploration of the sociological and historical significance of organized sport in American culture. Special emphasis will be placed on the way in which American sports have (and have not) been regulated by the state over the past century and a half and on the legal consequences of the regulatory schemes that have been adopted. Assignments will include both secondary and primary materials. Students will prepare a research

paper on a topic related to the subject of the seminar. Either Amateur Sports Law or Professional Sports Law is a prerequisite for this course.

WORKSHOP IN SPORTS LAW - "REPRESENTING PROFESSIONAL ATHLETES AND COACHES" (2 Credits) The study of the formation, interpretation, negotiation, and enforcement of sports marketing contracts as well as coaches' contracts. Topics covered include the agent's role in representing professional athletes and coaches, contract compliance with professional sports league collective bargaining agreements, tax planning for the athlete, and the ethical duties of attorney agents. Professional Sports Law is a prerequisite.

WORKSHOP IN SPORTS LAW - "SPORTS INDUSTRY LEGAL AND BUSINESS PRACTICES" (2 Credits) A study of core legal and business issues relevant to sports enterprises primarily from a practical perspective. Special attention is devoted to employment practices and employment agreements, sponsorship agreements, broadcast media and rights agreements, contract negotiation, and the economics of franchise operations.

WORKSHOP IN SPORTS LAW - "SPORTS VENUES: FROM ELECTION DAY TO GAME DAY" (2 Credits) The course is dedicated to the study of the legal, financial, developmental, and political creation of sports facilities in the United States. The course will examine the reasons for the stadium boom and proliferation of sports facilities in our country; the current debate relative to the desirability of public tax dollars underwriting sports venues; the ways in which sports facilities are financed and funded; the creation of governmental bodies known as stadium or taxing authorities; the development process and the real estate implications of stadium creation; the development of a long-term leasehold arrangement between landlord and tenant; litigation challenging government participation in financing and referendums; the creation of public-private partnerships and the risks, financial requirements, and nature of the partnership; the creation of contractually obligated income and the ways in which revenue generation meets the bottom line needs of all interested parties; construction implications relative to the creation of facilities including issues of cost overruns, insurance, and the ADA; relocation and retention issues relative to utilization of facilities for keeping the team at home; a review of the so-called facilities arms race in our universities and the nature of this race; and finally, trends for the future of stadium development.

WORKSHOP: TOPICS IN ADVANCED LEGAL RESEARCH - SPORTS LAW (1 Credit) This workshop focuses on advanced legal research methods and sources related to amateur and professional sports. Sources include administrative materials, treatises, practice materials, association regulations, commercial databases, and the Internet. Students will prepare a research plan that will describe and document their particular research methods used concerning a topic approved by the instructor. This workshop may be used to satisfy the Law School's advanced legal research requirement.

INDEPENDENT STUDY IN SPORTS LAW (1 or 2 Credits) Students who register for independent study do directed reading and prepare a research paper under the direction of a member of the full-time faculty. The paper is similar to that required for a seminar.

SPORTS LAW MOOT COURT TEAM (2 Credits) J.D. students interested in developing their oral argument and brief-writing skills are eligible to be selected for Marquette's Sports Law Moot Court Team if they successfully complete the Law School's Appellate Writing and Advocacy course. The team participates in the Mardi Gras Invitational National Sports Law Competition held in New Orleans each year.



*Nathaniel St. Clair, II, Associate,
Foley & Lardner LLP (Class of 2004)*



Sports Law Internships

Under the supervision of the National Sports Law Institute's directors, Marquette J.D. students have the opportunity to gain valuable legal and business experience by participating in one semester volunteer sports law-related internships. Internship sponsors may include the Marquette University Athletic Department, Miller Brewing Company, the Milwaukee Brewers, the Milwaukee Bucks, the Milwaukee Mile, Milwaukee Professional Soccer, LLC, the Northern Illinois University Athletic Department, Pierski & Gray LLP - Sports Law/Risk Management Internship, ScheerGame Sports Development, LLC, South Milwaukee High School, Time Warner Cable Sports Channel, the University of Wisconsin-Parkside, Wisconsin Sports Development Corporation, and Wisconsin State Fair Park.

Hicks Sports Group LLC Internship

Students participating in Marquette's Sports Law program are eligible to be selected for a unique internship program with Hicks Sports Group LLC, the holding company for the Dallas Stars National Hockey League club, Texas Rangers Major League Baseball team, and Mesquite Championship Rodeo. Each year, a Marquette J.D. student is selected to work full time during the summer near Dallas, Texas with Hicks Sports Group's Associate Counsel and other key company executives on a wide variety of sports-related legal and business issues. The intern attends Southern Methodist University Law School during the fall semester as a visiting student while continuing to work with Hicks Sports Group on a part-time basis.

NIKE Legal Department Externship

Students participating in Marquette's Sports Law program are eligible to be selected for a unique externship program with the NIKE Legal Department at the company's world headquarters in Beaverton, Oregon. Each year a J.D. student is selected to work for a semester with NIKE's Sports Law Practice Group on a variety of sports-related legal matters, while taking courses as a visiting student at Lewis & Clark Law School.

F A C U L T Y



Matthew J. Mitten is Professor of Law and Director of the National Sports Law Institute and the LL.M. in Sports Law program for foreign lawyers. Professor Mitten earned a BA in economics from Ohio State University and his JD, *magna cum laude*, from the University of Toledo College of Law. He practiced

antitrust and intellectual property law with Kilpatrick Stockton, LLP in Atlanta, Georgia. He teaches courses in Amateur Sports Law, Professional Sports Law, and Torts and has taught sports law courses at the University of Melbourne and the University of Queensland in Australia and the University of Barcelona in Spain. A leading sports law scholar, he co-authored *Sports Law and Regulation: Cases, Materials, and Problems* (Aspen 2005). He is a member of the Court of Arbitration for Sport, the Sports Lawyers Association's Board of Directors, and the Advisory and Editorial Board for the NCAA Scholarly Colloquium on College Sports as well as faculty co-advisor to the *Marquette Sports Law Review*.



Paul M. Anderson is the Associate Director of the National Sports Law Institute and an Adjunct Associate Professor of Law. He earned his BA in economics and philosophy, *cum laude* and *Phi Beta Kappa*, from Marquette University and is a graduate of the Law School who received the first Joseph E. O'Neill

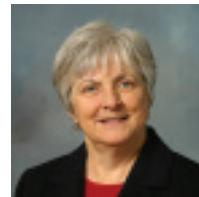
scholarship for sports ethics. Professor Anderson teaches Topics in Advanced Legal Research - Sports Law, the Amateur Sports Law Workshop, and the Selected Topics in Sports Law Seminar. He is the founder and chair of the Sports Law Alumni Association and received the 2003 Sports Law Alumnus of the Year Award. Professor Anderson is a former Editor-in-Chief and faculty co-advisor to the *Marquette Sports Law Review*, and the Editor of the *Journal of Legal Aspects of Sport*. He is the author of numerous articles and several books including *Major League Leases: An Overview Of Major League Facility Leases And How They Are Negotiated* (2001) (with William Miller). He is Chair of the Sports and Entertainment Law Section of the State Bar of Wisconsin, a member of the ABA's Forum on the Sports and Entertainment Industries, the Sports Lawyers Association, the Sport and Recreation Law Association, and the International Association of Sports Law.



J. Gordon Hylton, Professor of Law, is a member of the Marquette Law School faculty whose specialties include legal and constitutional history, property law, and the law of sports. He is a graduate of Oberlin College and the University of Virginia Law School, and holds a Ph.D. in the History of American

Civilization from Harvard University. Professor Hylton is a former chair of the Association of American Law Schools

Section on Law and Sports and a member of the Conference and Educational Programs Advisory Committee of the National Sports Law Institute's Board of Advisors. From 1997 to 1999 he was the Interim Director of the National Sports Law Institute. A specialist in the history of sports law, he teaches Professional Sports Law, the Sport, Law and Society Seminar, and a course on the history of sports in the United States in the Marquette History Department. In the sports law area, he is the author of *Sports Law and Regulation* (1999) (with Paul Anderson) as well as a series of articles on the legal history of sport.



Patricia A. Cervenka is a Professor of Law and Director of the Marquette University Law Library. Professor Cervenka earned a BA in French from Notre Dame College in St. Louis, Missouri, her JD from the University of Idaho, and her MLS from the University of

Iowa. She co-teaches the Sports Law Seminar. Professor Cervenka is currently serving as Chair of the Law and Sports Section of the Association of American Law Schools. She is also a member of the Special Libraries Association Baseball Caucus. Professor Cervenka's article, "*Free Shoes for Primary and Secondary Schools: Playing by the Rules of Title IX,*" appeared in the Fall, 2006 issue of *Marquette Sports Law Review*. Professor Cervenka maintains an avid interest in baseball with her season ticket packages for the Milwaukee Brewers and Atlanta Braves as well as traveling to baseball parks around the country.



Martin J. Greenberg is the managing member of Greenberg & Hoeschen, LLC, specializing in the areas of real estate and sports law. Greenberg is also a managing member of ScheerGame Sports Development, LLC, a sports facility development company. He currently serves as Chairman of the Wisconsin

State Fair Park Board. He is an Adjunct Professor of Law at the Marquette University Law School where he has taught real estate and sports law courses for well over 30 years. He currently teaches Representing Professional Athletes and Coaches and Sports Venues: From Election Day to Game Day. Greenberg was the founder and Director of the National Sports Law Institute of Marquette University Law School from November of 1989 to April of 1997, and is a former Chair and current member of the NSLI Board of Directors. The Institute has established the Martin J. Greenberg Award for excellence in the study of sports law in honor of his contributions to the Sports Law Program and the NSLI. Greenberg was also awarded the 2001 Joseph O'Neill Award. Greenberg has authored or co-authored several books including *Sports Law Practice* (1993 & 1998), *SportzBiz* (1989), and *The Stadium Game, Second Edition* (2001).



Ronald L. Walter is an Adjunct Professor of Law, the Vice President-Alternate Governor of the Milwaukee Bucks and serves as the team's representative on the NBA Board of Governors. Professor Walter is a former Chair of the National Sports Law Institute's Board of Advisors and teaches Sports Industry Legal and Business Practices.



Nyea Sturman, Partnership Business Manager, Orlando Magic (Class of 2003)



Matt Banker, Associate Director for Academic Reviews, NCAA Eligibility Center (Class of 2001)

NSLI Board of Advisors

Our Board consists of a distinguished group of sports lawyers, sports industry professionals, and academics who participate in the governance of the NSLI, contribute to the advancement of knowledge regarding legal, ethical, and business issues affecting the sports industry, and provide advice and guidance regarding Marquette's Sports Law program and the NSLI's educational programs and activities.

Sports Law Alumni Association

All Law School alumni who participate in the Sports Law program are invited to join the Sports Law Alumni Association. Association members raise funds for the Alumni Scholarship Fund, participate in career panels that provide guidance and advice to sports law students, speak at NSLI conferences and seminars, and support the NSLI and Sports Law program in many other ways.

Sports Law Society

Marquette University Law School's Sports Law Society provides students with a built-in network of fellow students with similar interests. The Society hosts guest speakers, sponsors social events, and its members participate in various service activities.

NSLI Awards & Scholarships

Professional Achievement Awards

- Master of the Game Award
- Joseph E. O'Neill Award
- Charles W. Mentkowski Sports Law Alumnus of the Year Award

Sports Law Student Scholarships and Achievement Awards

- Francis D. & Jane Keogh Kelly Scholarship
- Joseph E. O'Neill Prize for Student Writing
- Joseph E. Tierney, Jr. Award
- Joseph E. Tierney Memorial Scholarship
- Martin J. Greenberg Award
- Martin J. Greenberg Venue Excellence Award
- Sports Law Alumni Scholarship
- Sports Law Alumni Achievement Award