

For The Record

The Official Newsletter of the National Sports Law Institute



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2004 National Sports Law Institute Year in Review

by Paul M. Anderson, Editor
NSLI Associate Director

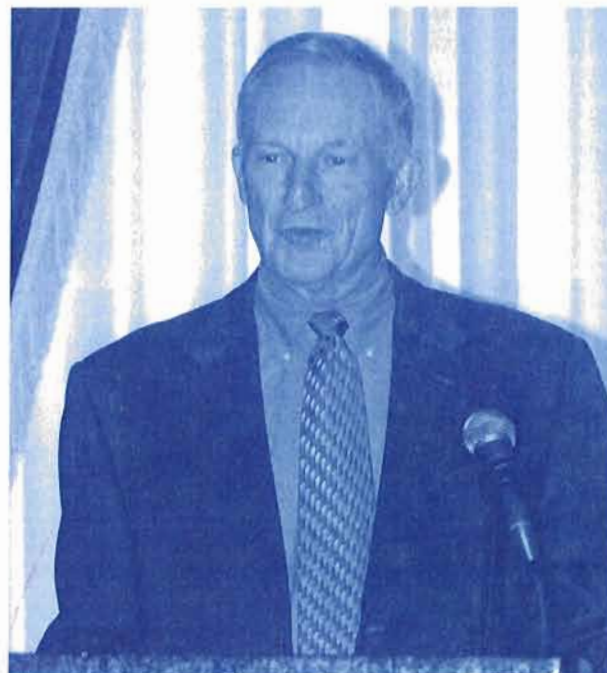
During the past year the National Sports Law Institute and the Sports Law Program at Marquette University Law School have continued to provide diverse educational opportunities for law students as well as current and future leaders in the sports industry, while also providing a national forum for the thoughtful consideration and discussion of American and International sports law issues.

THE EVOLVING NATURE OF HIGH SCHOOL, COLLEGE AND OLYMPIC SPORTS IN THE 21ST CENTURY

On Thursday, October 21 and Friday, October 22, 2004, the National Sports Law Institute hosted *The Evolving Nature of High School, College and Olympic Sports in the 21st Century* conference at the Hilton Milwaukee City Center in downtown Milwaukee. Conference sponsors included the law firm of Foley & Lardner, College Sports Inc., ScheerGame Sports Development, LLC and the Sports & Entertainment Law Section of the State Bar of Wisconsin.

The two-day conference featured several panels discussing cutting edge issues in amateur athletics from drug testing in sports to amateurism and gender equity. The conference began with a panel on Drug Testing in Sports. Moderated by NSLI Director Matt Mitten, Chair of the NCAA's Committee on Competitive Safeguards and

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2004 Master of the Game Award Winner Dr. Cedric Dempsey

NSLI CALENDAR

FRIDAY, APRIL 22, 2005

NSLI's Annual Awards Banquet
Wisconsin Club, Milwaukee, WI, 6 - 9 pm

FRIDAY, MAY 6, 2005

"Copyright: Representing Visual and Performing Artists,"
Sports & Entertainment Law Section of the State Bar of
Wisconsin

Midwest Airlines Center, Milwaukee, WI, 10-25 am - 12:05 pm

For more information on NSLI events please see the NSLI
website at <http://law.marquette.edu/jw/nsli/events>.

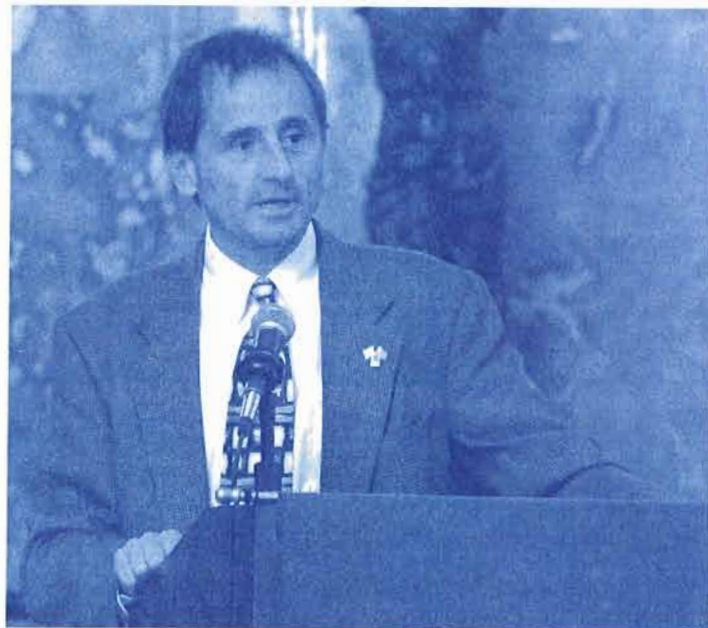
LOOK INSIDE . . .

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Medical Aspects of Sports, the panel included: (1) Professor Richard McLaren, from the University of Western Ontario, London, Ontario, Canada, a Member of the Court of Arbitration for Sport and a member of the NSLI's Board of Advisors, who discussed "General Aspects of Drug Testing in Sports;" and (2) Travis Tygart, General Counsel, United States Antidoping Agency, Colorado Springs, Colorado, who discussed "Representing the League, Player and Team in Steroid Testing."

The second panel focused on International and Olympic Sport Issues and was moderated by John Collins, Collins & Collins, in Chicago, Illinois and a member of the NSLI's Board of Advisors. The panel included: (1) Gary Johanssen, Assistant General Counsel, United States Olympic Committee, Colorado Springs, Colorado, who discussed "Reorganization of the United States Olympic Committee;" (2) Professor Richard McLaren, who discussed "CAS Cases from the Athens Olympics;" and (3) John Ruger, Athlete Ombudsman, United States Olympic Committee, Boulder, Colorado, who discussed "Athlete Rights in an Olympic (Non-CBA) Setting."

During lunch Keynote Speaker Professor Ken Shropshire, David W. Hauck Professor at the Wharton School, Chairman, Legal Studies Department, University of Pennsylvania and a member of the NSLI's Board of Advisors, spoke about "The Evolution of the African American Athlete Post-*Brown v. Board.*"



John Ruger, Athlete Ombudsman, United States Olympic Committee

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Barbara Osborne, University of North Carolina

The two afternoon panels focused on Title IX and Gender Equity. Clark Griffith, attorney at law, CCG, PA, Minneapolis, Minnesota and Vice Chair of the NSLI's Board of Advisors served as the moderator of the first part. Panelists included: (1) Holt Hackney, editor and publisher, Hackney Publications, Austin, Texas, who spoke on "National Wrestling Coaches Association v. Department of Education;" (2) Professor Nancy Hogshead-Makar, Florida Coastal School of Law, Jacksonville, Florida, discussed "Roderick Jackson v. Birmingham Board of Education;" and (3) Dr. Ellen Staurowsky, Department of Sport Management and Media, Ithaca College, New York, spoke about "On Behalf Of Our Minor Daughters: Reflections on Title IX in the 21st Century." The second panel was moderated by Janis Doleschal, Sports Law Consultant, Pierski & Gray, LLP, retired Commissioner for Sports & Athletics, Milwaukee Public Schools, and a member of the NSLI's Board of Advisors, who discussed "Title IX in High School Sports: The Good, the Bad, and the Ugly." The second panel also included: (1) Kathryn Statz, Associate Athletic Director for Varsity Sports, DePaul University, Chicago, Illinois, who spoke on "Managing Title IX on Campus;" and (2) Professor Barbara Osborne, Department of Exercise and Sport Science at the University of North Carolina at Chapel Hill, North Carolina, who spoke about "Title IX and Sexual Orientation Discrimination in Intercollegiate Athletics."

The first day of the conference ended with a tour of Marquette University's Al McGuire Center followed by a reception in Eisenberg Memorial Hall at Marquette University Law School.



Elsa Cole, General Counsel, NCAA

The second day of the conference began with a two part panel on Amateurism & Academics: Compatible or Conflicting Goals, moderated by C. Peter Goplerud, Dean & Professor of Law, Florida Coastal School of Law, Jacksonville, Florida. The first panel included: (1) Elsa Cole, General Counsel, NCAA, Indianapolis, Indiana, and member of the NSLI's Board of Advisors, whose topic was "In Defense of Amateurism;" (2) Shawn Eichorst, Senior Associate Athletic Director, University of South Carolina, Columbia, South Carolina, who discussed "Student Athlete Welfare vs. Student Athlete Exploitation;" and (3) Michael Marcil, Commissioner, Sunshine State Conference, Orlando, Florida, who spoke on "The Correlation Between Institutional Mission and NCAA Divisional Membership." The second panel included Martin Greenberg, Managing Director, College Town, LLC and a member of the NSLI's Board of Advisors, who discussed "The Collegiate Facilities Arms Race;" and (2) James McKeown, Partner and Chair, Antitrust Practice Group, Foley & Lardner, Milwaukee, Wisconsin, who spoke about "Sports & Antitrust: Defining the Procompetitive Benefits for Restrictions on Amateur Athletes."

After the final conference panel, attendees were invited to the Master of the Game luncheon honoring 2004 Master of the Game, Dr. Cedric Dempsey. The Master of the Game Award honors an individual who has made significant contributions to the sports industry and who exemplifies the highest level of professionalism in his or her field. Cedric Dempsey became the NCAA's third executive director on January 1, 1994. As president, Dr. Dempsey supervised a staff of 350 and provided leadership in the governance structure for the more than 1,200 colleges,

universities, conferences and affiliated organizations that comprise the Association.

In his time with the NCAA Dr. Dempsey facilitated the reorganization of NCAA Divisions I, II and III into a federated system and structured the Association so that Presidents now have legislative authority. He planned and administered the relocation of the NCAA from Kansas to Indiana. He organized key functions of the NCAA into new organizational units, established new goals for the NCAA Foundation and increased Foundation Board membership. Dr. Dempsey worked to provide students with a voice at the institutional, conference and national levels by establishing local, conference and national student athlete advisory committees and developed a public relations plan to help the general public understand the mission, goals and values of intercollegiate athletics programs.

Dr. Dempsey has always been committed to enhancing the principle of gender and diversity equity within any organization. In his time with the NCAA, the ethnic diversity of the management team increased from 8% to 22% and gender representation increased from 18% to 36%.

Prior to joining the NCAA in 1994, Dr. Dempsey was director of athletics at several universities, including the University of Arizona, the University of Houston, San Diego State University, and the University of the Pacific (California). Prior to serving in these positions, Dr. Dempsey was assistant director of health, physical education, recreation and athletics, assistant basketball coach, and a professor at Arizona. Dr. Dempsey was the head basketball, cross-country and tennis coach at Albion College in Albion, Michigan and served in various capacities at the University of Illinois, Champaign. In total, Dr. Dempsey has accumulated more than 40 years of experience in college athletics positions and organizations.

Dr. Dempsey earned a Bachelor of Arts degree from Albion College in 1954 and a Master's degree in Education from Albion in 1956. He received a Ph.D. from the University of Illinois in 1963.

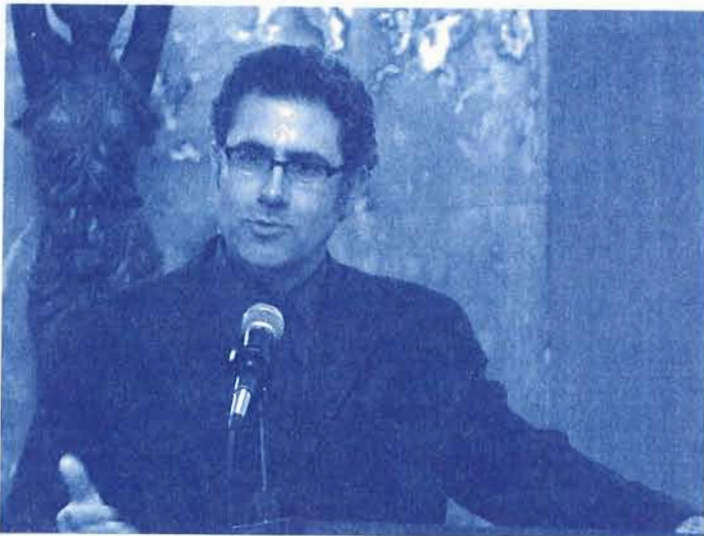
After the Master of the Game luncheon, the NSLI hosted an "Ethical Issues in Sports & Entertainment Law Seminar," co-sponsored by the Sports & Entertainment Law Section of the State Bar of Wisconsin. After a welcome from NSLI Associate Director Paul Anderson, the Chair of the Sports & Entertainment Law Section, the first panel discussed Ethical Issues in Entertainment Law. The panel included moderator Jeff Tanner, attorney, Special Projects, Narada Productions, Inc. and secretary of the

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Sports & Entertainment Law Section, and speaker Ken Abdo, Abdo Abdo Broady & Satorius, P.A., St. Paul, Minnesota, and chair, American Bar Association's Forum On the Entertainment and Sports Industries, who discussed "Entertainment Law Ethics."

The second panel focused on Ethical Issues in Sports Law and was moderated by Professor Peter Rofes, the law school's Associate Dean for Academic Affairs. This panel included: (1) Matt Banker, Membership Services Coordinator, NCAA, Indianapolis, Indiana, who discussed "Ethical Issues and NCAA Transfer Legislation - Permission to Contact and Hearing Opportunity Realities;" (2) John Collins, Collins & Collins, who spoke about "Conflicts of Interest in Sports Representation;" (3) William Miller, Executive Vice-President, The Leib Group, LLC, Mequon, Wisconsin and Past-Chair, Sports & Entertainment Law Section, who spoke on "Ethical Issues in Sponsorship Negotiations;" and (4) Charles I. Henderson, Attorney-at-Law, Davis & Kuelthau, S.C., Milwaukee, Wisconsin and a member of the NSLI's Board of Advisors, who discussed "Ethical Issues in Tax-Exempt Sports Organizations."

The NSLI then hosted a reception for all participants. Approximately 150 individuals attended the conference. A limited number of conference materials are still available for purchase for \$20.00 plus shipping and handling. For more information contact the NSLI at (414) 288-5815, send an email to munsli@mu.edu, or check the NSLI's website at <http://law.marquette.edu/jw/pubs> under "conference/seminar materials."



Ken Abdo, Abdo Abdo Broady & Satorius, P.A

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NSLI BOARD OF ADVISORS

The NSLI's Board of Advisors assists the NSLI's directors with conference and educational programming, fund raising, award nominations and provides guidance for the future direction of the NSLI and Sports Law Program at Marquette University Law School. Currently Ronald Walter, Vice President, Milwaukee Bucks and Partner, Foley & Lardner, Milwaukee, Wisconsin, serves as chair, and Clark Griffith, Attorney at Law, CCG, PA, Minneapolis, Minnesota, serves as vice-chair. The newest additions to the Board in 2004 are: Professor Patricia Cervenka, Director of the Law Library, Marquette University Law School; John S. Black, General Counsel, The National Federation of State High School Associations, Kansas City, Missouri; Maidie Oliveau, Founder, LawSports, Los Angeles, California; and Casey Shilts, General Counsel, Southwest Sports Group, Inc., Dallas, Texas.



SPORTS LAW ALUMNI ASSOCIATION

The NSLI's Sports Law Alumni Association consists of Marquette University Law School graduates who are committed to supporting the NSLI and the Sports Law Program. Association members select an annual alumnus of the year, publish a quarterly alumni newsletter, participate in Alumni Practice Series panels and the Annual Alumni Career Panel, and the Association co-sponsors an annual golf outing. In 2004, the Association added several new members: Hank Abromson, Ober, Kaler, Grimes & Shriver, Baltimore, MD (L'04); William Appleton, Jr., judicial law clerk, Supreme Court of the Commonwealth of the Northern Mariana Islands in Saipan (L'03); Genevieve Birren, M.S. Student in Sports Business—School of Continuing and Professional Studies, New York University, Jersey City, NJ (L'04); Nathan Cihlar, Associate Attorney, Swid Law Offices, LLC, Mosinee, WI (L'04); Dan Foutz, General Manager, San Diego Riptide, San Diego, CA (L'04) John Gillard, Jr., Brodek & Gillard, SC, Racine, WI (L'96); Thomas Hamilton, Milwaukee, WI (L'04); Kate Jett,

Associate, Baker Botts LLP, Coppell, TX (SMU L'04); Jason Lampli, Air Force JAG, Lawrence, KS (L'04); Danez Marrable, Athletics Academic Coordinator, Winthrop University, Rock Hill, SC (L'03); Michael Massucci, Timothy F. Kelly & Associates, Dyer, IN (L'03); Brent Moberg, Rockford, IL (L'04); Erika Moore, Law Offices of Erika Moore, Milwaukee, WI (L'04); Nathaniel St. Clair, II, Foley & Lardner, LLP, Milwaukee, WI (L'04); and Thomas Stuck, Naval Legal Service Office Southwest, San Diego, CA (L'04).

SPORTS LAW CERTIFICATE

Students graduating from Marquette University Law School are eligible to earn a Sports Law Certificate from the National Sports Law Institute in the semester of their graduation from law school. The following graduates earned the NSLI's Sports Law Certificate upon graduating from Marquette in May of 2004: William Appleton, Jr., Hank Abromson, Genni Birren, Aaron Bitter, Chris Buckler, Nathan Cihlar, Nathan Dosch, Christopher Eippert, Will Evans, Dan Foutz, Thomas Hamilton, Kate Jett, David Kuypers, Brent Moberg, Erika Moore, Sean Pflugner, Nadya Sewzyck, Nathaniel St. Clair, II, and Brenda Van Cuick.

AWARDS AND SCHOLARSHIPS

On April 23, 2004, the NSLI hosted its annual Awards and Scholarship dinner at the Wisconsin Club in downtown Milwaukee. The dinner provides the Directors of the National Sports Law Institute, members of the NSLI's Board of Advisors, and members of the Sports Law Alumni Association with the opportunity to honor the winners of several student awards and scholarships, Sports Law Certificate candidates, the Marquette University Law School Sports Law Moot Court team, outgoing members and the newest editorial board of the *Marquette Sports Law Review*, the annual winner of the Sports Law Alumnus of the Year Award, and the Annual winner of the Joseph E. O'Neill Award.

Francis D. & Jane Keogh Kelly Scholarship

This scholarship recognizes a student in the Sports Law Program at Marquette for his/her excellence in the study of sports law and his/her service to the sports law program at Marquette. The 2003-2004 recipient of the **Francis D. & Jane Keogh Kelly Scholarship** is Thomas Stuck, former Editor-in-Chief of the *Marquette Sports Law*

Review, now an attorney with Naval Legal Service Office Southwest, San Diego, California.



Thomas Stuck, 2004 Francis D. & Jane Keogh Kelly Scholarship Winner

Joseph E. Tierney Jr. Award

This award was created by the National Sports Law Institute and Bernice Y. Tierney in memory of Joseph Tierney Jr., a former NSLI Board Member and strong supporter of the Institute. The Award is given annually to the student in the Sports Law Program who graduates with the highest grade point average in sports law classes while completing the requirements for the Sports Law Certificate. The 2004 winners of the **Joseph E. Tierney Jr. Award** are Christopher Eippert, now an attorney with Kohler & Hart LLP, in Milwaukee and Aaron Bitter, Lewisville, Texas.

Martin J. Greenberg Award

This award is presented in honor of former Director Martin J. Greenberg. It is given annually to the third year law student who has excelled in the study of sports law and service to the Sports Law Program. The 2004 winners of the **Martin J. Greenberg Award for excellence in the study of sports law** were Genni Birren, currently M.S. student in sports business at New York University and Brent Moberg, now an attorney in Rockford, Illinois.

Carl Scheer Venue Excellence Award

This award was created through the generosity of the Greenberg family trust, and is given to the student who writes the best analytical paper in the Sports Venues: From Election Day to Game Day, course taught by Professor Martin J. Greenberg. In 2004, 12 students received A grades in the Sports Venues course and tied for the **Carl Scheer Venue Excellence Award**, including: Adam Bardosy, Joseph Behlmann, Genni Birren, Chris Buckler, Mark Dodds, Sharon Horozaniecki, Robert Koch, Robert McEwan, Michael Monroe, Adam Tuttle, Josh Uller and Melissa Vittone.

Joseph E. O'Neill Prize for Student Writing

This prize is awarded to the student who has published the best article in the *Marquette Sports Law Review* during the current academic year as judged by the Sports Law Review's Advisory Board. The 2004 winner of the **Joseph E. O'Neill Prize for Student Writing** was Brent Moberg, former Executive Editor of the *Marquette Sports Law Review* for his article "Football Play Scripts: A Potential Pitfall for Federal Copyright Law?" which appeared in Volume 14 of the *Marquette Sports Law Review*.

Annual Alumni Scholarship & Annual Alumni Achievement Award

The Sports Law Alumni Association created the **Annual Sports Law Alumni Scholarship** as an expression of alumni support for the Institute, Marquette's Sports Law Program, and particularly the editors of the *Marquette Sports Law Review*. Portions of the scholarship fund are given annually to the editors of the *Sports Law Review*. The recipients of this scholarship in 2003-2004 included Hank Abromson, Brent Moberg, Erika Moore and Thomas Stuck.

At the awards banquet, Ben Menzel, President of the Sports Law Alumni Association also announced the creation of the Annual Sports Law Alumni Achievement Award. Marquette University Law School students can apply for the award during the second semester of their second year. Candidates will be evaluated using the following factors: (1) performance in sports law courses taken at Marquette; (2) membership and performance on the Marquette Sports Law Review; (3) service to the Sports Law Society; and

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Greg Heller, Counsel- Teams, Venues & Sports, Turner Broadcasting System, Inc., Atlanta, Georgia

(4) attendance at, and service to, NSLI and Sports Law Program activities. The first winner of this award will be announced at the NSLI's 2005 Annual Awards Banquet.

Sports Law Alumnus of the Year Award

The Sports Law Alumni Association presents the **Sports Law Alumnus of the Year Award** annually to the graduate who demonstrates the following qualities: dedication to the sports law program at Marquette University Law School while a student at Marquette, contributions to the Sports Law Alumni Association, contributions to the field of sports law in general, and support of the NSLI and Sports Law Program after their graduation. The winner of the 2004 award is Greg Heller, a 1996 graduate of Marquette University Law School and Counsel - Teams, Venues & Sports, Turner Broadcasting System, Inc., Atlanta, Georgia.

As Senior Counsel for Turner Broadcasting System, Inc. ("TBS"), Greg provides guidance on legal and business affairs for all of the TBS sports business units, which currently include the Atlanta Braves, Atlanta Hawks, Atlanta Thrashers, Philips Arena, TNT and TBS Sports (and its NBA, NASCAR, PGA, British Open, MLB and Pac-10/Big 12 College Football properties) and Turner Sports Interactive (and its NASCAR.com & PGA.com properties) and previously included the Goodwill Games, an international sporting event. Greg's work at TBS includes providing counsel and guidance on a variety of matters related to the day to day business operations of the TBS sports properties, including sponsorships, advertising, content distribution, vendor issues, license agreements, ticketing, sales and marketing, music deals, promotions and sweepstakes, player

Contracts, television and radio rights, interactive media, on-air talent, interpretation of NBA, NHL and MLB rules and regulations, litigation, employment, intellectual property and other related matters.

Greg graduated cum laude with a Bachelor of Science degree in Sports Marketing/Management from Indiana University. While at Indiana, Greg completed internships with the Peoria Chiefs, a minor league affiliate of the Chicago Cubs, and with the Indiana University athletic department. While at Marquette, Greg was an active participant in the sports law program, including serving as a member and Student Articles Editor of the *Marquette Sports Law Journal*, serving as a member of the Sports Law Society, authoring a law review article on the NCAA enforcement process, and completing internships with the National Sports Law Institute, Harley Davidson, the Milwaukee Brewers, and Reece & Lang PC, the legal division of an Atlanta-based sports management firm.

Upon graduating from Marquette, Greg became an Associate Attorney with the Atlanta firm of Powell Goldstein Frazer & Murphy where he concentrated his practice on general corporate law, mergers and acquisitions, securities law and sports and entertainment law matters from 1996-1997. In the fall of 1997, Greg joined the Chicago law firm of Horwood Marcus & Berk and continued his practice in general corporate, mergers and acquisitions, and sports and entertainment law matters before joining TBS in the fall of 2000.

Joseph E. O'Neill Award

The **Joseph E. O'Neill Award** was established by the O'Neill family, the law firm of Davis & Kuelthau, S.C. and the National Sports Law Institute after Mr. O'Neill's untimely death in 1992. The award is given annually to an individual in the sports industry who has made a significant contribution to the field and done so while exemplifying the highest ethical standards. The 2004 winner of the O'Neill Award is Michael Marcil, a graduate of the Marquette University Law School class of 1985 and the Commissioner of the Sunshine State Conference in Orlando, Florida.

Mike is originally from Omaha, Nebraska where he attended Creighton Prep High School and played varsity football and basketball. He received his bachelor's degree from Creighton University in 1982 and a law degree from Marquette University in 1985. In 1986, Mike earned a Masters of Science degree in sports administration from St. Thomas University in Miami, Florida.

Since 1986 Mike has served in a variety of administrative capacities in intercollegiate athletics at the university and athletic conference levels. In October 1997, Mike became the fifth commissioner of the North Central Conference, a position he held until 2004 when he was named the commissioner of the Sunshine State Conference, a nine-member Division II conference based in Orlando, Florida.

In addition to serving as commissioner of the North Central Conference, Marcil has also been active in collegiate athletics on the national level, serving on numerous NCAA committees, including the NCAA Executive Committee and as chair of the NCAA Division II Management Council. Over the past 19 years, he has served as an administrator for three intercollegiate athletic programs, the NCAA national office, and two intercollegiate athletic conferences.



Mike Marcil, Commissioner, Sunshine State Conference

CAREER PANEL

Each year the National Sports Law Institute and the Sports Law Alumni Association host a Sports Law Alumni Career Panel. The alumni panelists present their perspective on how to break into the sports industry.

On March 16, 2004, the Seventh Annual Sports Law Alumni Career Panel was held at Marquette University Law School. Panelists included: Matt Carey (L'99), Director of Tier I/Advanced Development Boys Hockey, Powerade

IcePort, Cudahy, WI; James Gray (L'90), partner, Pierski & Gray, LLP & Associate Professor, School of Law, Griffith University, Queensland, Australia; Bill Miller (L'96), Executive Vice President/Professional Sports, The Leib Group, LLC, Mequon, WI; and Kristi Schoepfer (L'01), Assistant Professor, Sports & Activities, University of Wisconsin-Parkside, Kenosha, WI.

ALUMNI PRACTICE SERIES

In the fall of 2003, the NSLI and the Sports Law Alumni Association hosted the first Alumni Practice Series. Each semester a Marquette graduate will be invited to talk to students in the Sports Law Program about the practical aspects of his/her job within the sports industry. On April 13, 2004, Bill Miller (L'95), Executive Vice President/Professional Sports, The Leib Group, LLC, presented "21st Century Naming Rights." On September 30, 2004, Keith Miller (L'01), Director of Compliance, University of Southern California, discussed "Careers in Collegiate Athletics."

CURRENT ISSUES IN SPORTS LAW

On April 5, 2005, NSLI Associate Director, Professor Paul Anderson presented his "Current Issues in Sports Law" presentation to students in the Marquette Sports Law Program. This annual presentation provides an overview of current issues in the sports law area, especially for students in the Sports Law Program who have not yet taken any sports law courses.

WELCOME MIXER

On August 26, 2004, the NSLI hosted its fourth annual welcome mixer at the Milwaukee Alehouse for students and alums interested in Marquette's Sports Law Program.

PUBLICATIONS

Marquette Sports Law Review

Under the leadership of editor-in-chief Thomas Stuck, Volume 14, Number 2 of the *Sports Law Review* was published in the spring of 2004. The issue included the following articles, essays and comments:

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- Hayden Opie, *Drugs in Sports and the Law – Moral Authority, Diversity and the Pursuit of Excellence*
- Mark Kahn, *May the Best Merchandise Win: The Law of Non-Trademark Uses of Sports Logos*
- Paul Batista, *Student Athletes and the Buckley Amendment: Right to Privacy Does Not Include Right to Sue*
- Kevin Braig, *A Game Plan To Conserve The Interscholastic Athletic Environment After LeBron James*
- Russ VerSteege, *A Legal Commentary on the National Federation of High School Associations Track and Field Rules Relating to the Pole Vault*
- Joan Howland, *Let's Not "Spit the Bit" in Defense of "The Law of the Horse": The Historical and Legal Development of American Thoroughbred Racing*
- Alan Pogroszewski, *Is Canada Overstepping Its Borders? The Alberta Province Tax Specifics Targets Professional Hockey Players in Order to Help Finance Its Professional Franchises*
- Brent Moberg, *Football Play Scripts: A Potential Pitfall for Federal Copyright Law?*
- Thomas Stuck, *Facility Issues in Major League Soccer: What Do Soccer Stadiums Have To Do With Antitrust Liability?*
- Hank Abromson, *The Copyrightability of Sports Celebration Moves: Dance Fever or Just Plan Sick?*

Under the leadership of editor-in-chief Michael Baird, Volume 15, Number 1, a symposium issue focusing on International Sports Law & Business In The 21st Century, was recently published. Symposium articles included:

- Dimitrios Panagiotopoulos, *International Sports Rules' Implementation — Decisions' Executability: The Bliamou Case*
- James Nafziger, *Avoiding and Resolving Disputes During Sports Competition: Of Cameras and Computers*

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- Nathalie Korchia, *Fundamental Guarantees With Respect To Disciplinary Process - Some Reflections*
- Klaus Vieweg, *The Definition of Doping and the Proof of a Doping Offense (An Anti-Doping Rule Violation) Under Special Consideration of the German Legal Position*
- Stephen Ross, *Player Restraints and Competition Law Throughout the World*
- Mikhail Loukine, *Legal Regulation of Sports Agents' Activity in the Russian Federation*
- Michael Seibold & Angela Klingmüller, *Sports Facility Financing and Development Trends in Europe and Germany 2003*
- Martin Greenberg, *Sports Facility Financing and Development Trends in the United States*
- Richard McLaren, *The CAS Ad Hoc Division At The Athens Olympic Games*
- Jenna Merten, *Raising a Red Card: Why Freddy Adu Should Not Be Allowed to Play Professional Soccer*
- Stacey Meyer, *Unequal Bargaining Power: Making the National Letter of Intent More Equitable*
- Joshua Hecht, *Snowboarding Liability: Past, Present and Future*

These and all other issues of the *Marquette Sports Law Review* can be ordered online at <http://law.marquette.edu/jw/mslr>.

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For The Record is the official newsletter of the National Sports Law Institute consisting of articles on timely topics within the sports industry, event announcements, useful information for researchers, and other information for the sport industry practitioner. Articles published in Volume 15 included:

- Martin Greenberg, *The Donald Brown, Jr. Case -- Another Look at Liquidated Damages Provisions*

- Lewis Kurlantzick, *Steroid Use by Athletes*
- Allan Erbsen, *An Anti-Doping Agenda for the Next Olympics*
- Bob Lattinville, *Retaining Coaches with Conscientious Compensation*
- Holt Hackney, *Athletic Departments to Be Challenged by the FLSA's New Regs*
- Holt Hackney, *Sports Law Attorneys Focus on 'Sin Clauses' When Negotiating Contracts*
- Lewis Kurlantzick, *Pete Rose: The Fundamental Conflict*

Sports Facility Reports

Volume 5, Issues 1 and 2 of the online newsletter *Sports Facility Reports* were published in 2004. These issues included articles on

- 2004 Naming Rights Review: NR Field Sees Fourth Biggest Year To Date
- Naming Rights Industry Continues Strong In 2004 Calendar Year
- The Economic Costs Of The Athens Olympics Construction Delays
- Updated Sports Facility Reference List

Each issue also includes cumulative *Facility Update Charts* providing information on each team in the four major American sports. This newsletter is only available online. Interested individuals should go to <http://law.marquette.edu/jw/sfr>, to register to receive *Sports Facility Reports* by email.

You Make the Call...

Volume 6 of the NSLI's case reporting newsletter *You Make The Call...* was a double issue providing reports on the following cases:

- *Angstadt v. Midd-West School District*

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- *Reid v. Kenowa Hills Public Schools*
- *McCormick v. School District of Mamaroneck*
- *Bloom v. NCAA*
- *National Wrestling Coaches Association v. Department of Education*
- *Northeastern University v. Brown*
- *University System of Maryland v. Baltimore Sun Co.*
- *Clarett v. NFL*
- *Crue v. Aiken*
- *Playmakers LLC v. ESPN, Inc.*

This newsletter is also only available online. Interested individuals should go to <http://law.marquette.edu/jw/ymtc> to register to receive *You Make the Call*. . . by email.

Sports Law Alumni News

This newsletter provides member profiles and news, information on alumni and NSLI events and other useful information for members of the Sports Law Alumni Association. It is produced on a quarterly basis and sent to members directly by email. It is also available online at <http://law.marquette.edu/cgi-bin/site.pl?2130&pageID=188>.

MEDIA COMMENTARY

During the past year, NSLI Director and Professor Matt Mitten, Marquette University Law School and NSLI Associate Director and Professor Paul Anderson offered commentary on sports-related issues to various media including: *USA Today*, *The Baltimore Sun*, *The Albany Times Union*, *The Cincinnati Post* and the *Milwaukee Journal Sentinel* among other publications

SPORTS LAW MOOT COURT TEAM

Marquette University Law School's 2003-2004 Sports Law Moot Court team of T.D. Stuck, Brent Moberg, and Michael Baird competed in the National Sports Law Moot Court Competition held in New Orleans in February of 2004.

NSLI DIRECTORS

In 2004, NSLI Director and Professor Matt Mitten published the following articles:

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- *Sports Law and Regulation: Cases, Materials, and Problems* (Aspen Publishers 2005) (with Robert Berry, Timothy Davis and Rodney Smith)
- *Recommendations for Physical Activity and Recreational Sports Participation for Young Patients With Genetic Cardiovascular Diseases*, 109 CIRCULATION 2807 (with Barry J. Maron, M.D., et al.) (2004)
- *Analysis: American Gymnast Retains Gold Medal*, 1 Sports Litigation Alert (Issue 20, Dec. 3, 2004)

Professor Mitten spoke at the following conferences:

- Organizer, Moderator, and Speaker, *The Evolving Nature of High School, College, and Olympic Sports in the 21st Century*, National Sports Law Institute, Milwaukee, WI, October 21 & 22, 2004
- Speaker, *NCAA Athletic Eligibility Rules: What You Can't Do If You Want To Play*, ABA Forum on the Entertainment and Sports Industries Conference, Los Angeles, CA, October 8, 2004
- Speaker, *Protection of Sports-Related Trademarks and Athletes' Publicity Rights in the United States*, International Symposium on Sino-American Sports Law HuaQiao University, Quanzhou, Fujian, P.R. China, August 10, 2004
- Moderator and Panelist, *Drug Testing Issues in Sports*, 30th Annual Sports Lawyers Association Conference, Baltimore, MD, May 20, 2004
- Speaker, *What's New in Sports Law?*, National Federation of State High School Associations Summit & Legal Meeting, Indianapolis, IN, April 16, 2004
- Moderator, *Conversations About the Role of Sport in Society*, Marquette University, Milwaukee, WI, January 27, 2004

In 2004, NSLI Associate Director Paul Anderson was elected chair of the Sports & Entertainment Law Section of the State Bar of Wisconsin. Professor Anderson was also elected to serve as vice chair of the School Advisory Board for the St. Thomas Aquinas Academy in Milwaukee, Wisconsin. The current Editor of the *Journal of Legal*

spects of Sport. Anderson was also named the Editor of the *SLA Newsletter*, the official newsletter for the Sports & Recreation Law Association.

Professor Anderson published the following articles:

- Book Review, *The Business of Sports Agents*, 14(2) SETON HALL JOURNAL OF SPORT LAW (2004).
- *Arena of Public Trust: Cities Put a Lot on the Line When Financing Professional Sports Facilities* (with Bill Miller), SPORTSTRAVEL 20-21 (September 2004).
- *Stadiums, Arenas, And Sports Referendums: A Comparative Analysis Of Cities Involved In The Stadium Game*, (with Michael Mondello), accepted for publication in the INTERNATIONAL JOURNAL OF SPORT MANAGEMENT (January 2004).
- *Promised Land: Facility Leasing Challenges in US Sports*, (with Bill Miller), STADIA, Issue 26, at 20-21 (January 2004).

Professor Anderson spoke at these conferences:

- Moderator, "Ethical Issues in Sports & Entertainment Law," co-sponsored by the National Sports Law Institute and the Sports & Entertainment Law Section of the State Bar of Wisconsin, Friday October 22, 2004.
- "Analysis of the Professional Sports Lease Agreement," in Professor Martin Greenberg's, Workshop In Sports Law - "Sports Venues: From Election Day To Game Day," Marquette University Law School, October 6, 2004.
- Moderator, "Practical Advice for Sports and Entertainment Lawyers," State Bar of Wisconsin Sports & Entertainment Law Section's panel at the State Bar's Annual Convention, Monona Terrace Convention Center, Madison, Wisconsin, May 7, 2004.
- Establishing the Relationship: An Analysis of the Facility Lease Agreement in Intercollegiate, Minor and Major League Sports, 17th Annual Conference Sport, Physical Activity, Recreation and Law Conference, Las Vegas, Nevada, March 5-7, 2004.

- "Current Issues in Sports Law: 2003," February 2, 2004, Marquette University Law School.

NEW FOR YOUR BOOKSHELF

1. *Golf and the Law: A Practitioner's Guide to the Law and Golf Management*
Thomas H. Sawyer
Carolina Academic Press (2005)
ISBN 0-89089-916-9 | xiii + 223 pages
2. *International Sports Law*
James A. R. Nafziger
Transnational Publishers (2004)
ISBN 1-57105-137-6 | 500 pages
3. *Law in Sport and Physical Activity*
Annie Clement
Sport & Law Press, Inc. (2004)
ISBN 0-9658874-2-1 | 260 pages
4. *Risk Management in Sport: Issues and Strategies (2nd Edition)*
Herb Appenzeller (editor)
Carolina Academic Press (2005)
ISBN 1-59460-014-7 | xx + 531 pages
5. *Sports & Inequality*
Michael Cozzillio & Robert Hayman
Carolina Academic Press (2005)
ISBN 0-89089-290-3 | xxii + 1074 pages
6. *Sports Law and Regulation: Cases, Materials and Problems*
Matthew Mitten, Timothy Davis, Rodney Smith & Robert Berry
Aspen Publishing (2005)
ISBN 0-7355-4058-6 | xxix + 1075 pages
7. *Title IX*
Linda Jean Carpenter & R. Vivian Acosta
Human Kinetics (2005)
ISBN 0-7360-4239-3 | ix + 270 pages

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