

term the name of the team shall include the words "New Jersey" or "Jersey" or "Garden State." If a municipally owned facility requires the use of the city or region's name, the lease agreement should include language that provides the specific team name and requires that it will be used during the lease term. The lease should also address how the name should be used, what occurs if the team ceases to use the name, and possibly provide permission for the team to buy out its obligation regarding the name requirement.

While Anaheim was seeking \$373 million in damages and spent approximately \$3.6 million in legal fees, it appears that during the 2004 and 2005 seasons the city and team were enjoying significant financial benefits from the success of the team. The Angels recorded the third largest home attendance in the entire Major Leagues in 2004 (3,375,677), selling out 46 of 81 home games. In 2005, as the L.A. Angels of Anaheim, the team recorded the fourth largest home attendance (3,404,686 fans), selling out 38 of 82 home games. While a name may be important, the product on the field may be just as important to the ultimate success and financial viability of the team.

National Sports Law Institute Year in Review

by **Paul M. Anderson**, Editor & NSLI Associate Director

During the past academic year the NSLI and the Sports Law Program at Marquette University Law School have continued to provide diverse educational opportunities for Marquette law students as well as current and future leaders in the sports industry. In addition, through various publications and events, the NSLI has continued to provide a national forum for the thoughtful consideration and discussion of American and international sports law and business issues. An overview of these activities and publications follows.

THE BROAD SCOPE OF PROFESSIONAL TEAM SPORTS: EMERGING LEGAL AND BUSINESS ISSUES

On Friday, September 30, 2005, the National Sports Law Institute hosted a conference titled *The Broad Scope of Professional Team Sports: Emerging Legal and Business Issues* at the Marquette University Alumni Memorial Union on the Marquette University campus in Milwaukee. Conference sponsors included the law firms of Foley & Lardner, LLP, and Greenberg & Hoeschen, LLC, and ScheerGame Sports Development, LLC. The conference featured five panels addressing cutting edge legal and business issues related to minor league and emerging team sports including baseball, soccer, football and Motorsports.

The conference began with a panel on "Antitrust Issues in Emerging Sports." Moderated by Andrew Brandt, Vice President of Player Finance/General Counsel, for the Green Bay Packers, the panel included: James McKeown, Partner and Chair, Antitrust Practice Group, Foley & Lardner, LLP, Milwaukee, WI, who discussed "Antitrust Basics for New and Emerging Sports Leagues;" and Clark Griffith, Attorney, CCG, PA, Minneapolis, MN, and Vice Chair, NSLI Board of Advisors, who discussed "The Impact of Baseball's Antitrust Exemption on Minor League Baseball."

The second panel focused on Minor League Baseball issues. Moderated by Marquette University Law School Professor J. Gordon Hylton, the panel included: Greg Heller, Senior Counsel, Turner Sports/Atlanta Braves, Turner Broadcasting System, Atlanta, GA, who discussed "Operational and Legal Issues for Legal Counsel to Minor League Baseball Teams;" D. Scott Poley, General Counsel, Minor League Baseball, St. Petersburg, FL, who discussed "Developments in Minor League Baseball including the new Professional Baseball Agreement and the Minor League Drug Testing Policy;" David Cardwell, Principal, The Cardwell Law Firm, Orlando, FL, who discussed "Minor League Baseball Leases and Facility Development Agreements;" and Bill Miller, Executive Vice President/Professional Sports, The Leib Group, LLC, Mequon, WI, who discussed "Naming Rights Agreements in Professional Baseball."



D. Scott Poley,
Minor League Baseball

The first afternoon panel focused on issues related to professional soccer. Moderated by John Collins, Partner, Collins & Collins, Chicago, IL, the panel included: Robb Arent, Senior Sports Finance Consultant, The Leib Group, LLC, Mequon, WI, who discussed "Legal Issues In Start-Up Soccer;" (2) Martin Greenberg, Partner, Greenberg & Hoeschen, LLC & Managing Member, ScheerGame Sports Milwaukee, WI, who discussed "Legal Hurdles in Securing and Bringing a Major League Soccer (MLS) Franchise to a Community;" Peter Wilt, Chief Executive Officer of Milwaukee Professional Soccer LLC, Milwaukee, WI, who discussed "MLS Player Contract Negotiations, Agents and the Single Entity System;" and Steve Pastorino, General Manager, Real Salt Lake, Salt Lake City, Utah, who discussed "Legal & Immigration Issues in International Player Transactions."

Moderated by NSLI Associate Director Paul Anderson, the fourth panel focused on issues related to motorsports. The panel included: Brooke Beyer, Jr., Marketing Counsel for NASCAR, Inc., New York, NY and Steve "Jake" Lauletta, President, Radiate Sports Group, Charlotte, NC who jointly presented a Mock Motorsports Contract Negotiation; Robin Johnson, Vice President for Business Development, Roush Racing, Concord, NC, who discussed "Protecting a Team's Driver;" Lynn Martinec, Director, Business Affairs, Indy Racing League, Indianapolis, IN, who discussed "Managing Your Contracts From a Business Perspective;" and John Cooper, Vice President and Associate General Counsel, Turner Entertainment Group and Turner Sports, Atlanta, GA, who discussed "Issues in Broadcasting Motorsports."



Lynn Martinec, Indy Racing League

The final panel discussed professional football issues. Moderated by University of Wisconsin-Parkside Professor Kristi Schoepfer, the panel included: John Master, Senior Vice President and General Counsel, Arena Football League, LLC, New York, NY, who discussed "Challenges Inherent to an Emerging League;" Dan Foutz, President/GM, Everett Hawks, Everett, WA, who discussed "Legal Issues Affecting afl2 From a Team Perspective;" and Robb Arent, Senior Sports Finance Consultant, The Leib Group, LLC, who discussed "Legal Issues In Start-Up Football."

continued next page

NEW FOR YOUR BOOKSHELF

The following list includes books that may be of interest to attorneys and others working within the sports industry. This list is provided as a service to our readers.

The Business of Sports: A Primer for Journalists
Mark Conrad
Lawrence Erlbaum Associates, Publishers
ISBN 0-8058-5044-9
(2006) xxxi + 329 pgs.

The Court of Arbitration for Sport 1984-2004
Ian S. Blackshaw, Robert C.R. Siekmann & Janwillem Soek (Eds.)
TMC Asser Press
ISBN 90-6704-204-8
(2006) xxxiii + 577 pgs.

European Sports Law: A Comparative Analysis of the European and American Models of Sport
Lars Halgreen
Forlaget Thomson
ISBN 87-619-0883-5
(2004) / 432 pgs.

Game of Shadows
Mark Fainaru-Wada & Lance Williams
Gotham Books
ISBN 1-59240-221-6
(2006) xvi + 332 pgs.

Some 150 lawyers, industry professionals, sports management and sports law professors and law students attended the conference. To obtain written conference materials call (414) 288-5815, email munsli@mu.edu, or visit the NSLI's publication page at <http://law.marquette.edu/jw/pubcs> under "conference materials."

ETHICAL ISSUES SEMINAR

On November 18, 2005, the NSLI hosted an *Ethical Issues in Sports & Entertainment Law* Seminar sponsored by the Sports & Entertainment Law Section of the State Bar of Wisconsin at Marquette University Law School.

The first panel focused on "Ethical Issues in Entertainment Law," and included Attorney Genyne Edwards, former Deputy Secretary, State of Wisconsin - Department of Tourism, Milwaukee, WI, who discussed "Ethical Issues Relating to Radio Programming for Public Interest Radio;" and Attorney Elizabeth Russell, Russell Law, Madison, WI, who discussed "Attorney Conflicts of Interest in the Entertainment Industry - Particularly the Pitfalls of Simultaneous Representation."

The second panel focused on "Ethical Issues in Sports Law." Panelists included: NSLI Associate Director Paul M. Anderson, Chair, of the Sports & Entertainment Law Section, who discussed "Practice Tips for Sports Lawyers: Ethical Issues in Legal Research;" Professor Kristi Schoepfer, University of Wisconsin - Parkside, Kenosha, WI, who discussed "Responsibilities of Coaches from a Legal and Ethical Perspective;" Attorney Robert Leib, CEO, The Leib Group, LLC, Mequon, WI, who discussed "Effect of Sarbanes-Oxley on Privately Held Sports Enterprises;" and Attorney William Miller, Executive Vice President/Professional Sports, The Leib Group, LLC, Mequon, WI, who discussed "Ethical Issues in Sports Sponsorship and Marketing."

Materials can still be purchased from the NSLI by calling (414) 288-5815 or sending an email to munsli@mu.edu.



Attorney Beth Russell & Attorney Genyne Edwards

PUBLICATIONS

Marquette Sports Law Review

Under the leadership of editor-in-chief Michael Baird, Volume 15, Number 2 of the *Sports Law Review* was published in the spring of 2005. The issue included the following sports law articles, surveys, and comments:

- Shayna Sigman, *The Jurisprudence of Judge Kenesaw Mountain Landis*
- Tibor Nagy, *The “Blind Look” Rule of Reason: Federal Courts’ Peculiar Treatment of NCAA Amateurism Rules*
- Richard Hunter, Jr., *An “Insider’s” Guide to the Legal Liability of Sports Contest Officials*
- Richard Caddell, *The Referee’s Liability for Catastrophic Sports Injuries—A UK Perspective*
- National Sports Law Institute of Marquette University Law School, *Sports Law in the State of Wisconsin*
- Yuri Nicholas Walker, *Playing the Game of Academic Integrity vs. Athletic Success: The ADA and Intercollegiate Student-Athletes with Learning Disabilities*

Under the leadership of 2005-2006 editor-in-chief, Jenni Spies, Volume 16, Number 1 was published in fall of 2005. It included a Symposium on "Alternative Dispute Resolution in Sports" consisting of the following articles:

- Roger Abrams, *Keep Your Eye on the Pelota: Sports Arbitration at the Jai-Alai Frontier*
- Ryan Rodenberg & Katie Featherston, *ADA and Drug Testing in Professional Tennis: An Effective Doubles Team?*
- Professor James Nafziger, *Circumstantial Evidence of Doping: BALCO and Beyond*
- Kathleen Wallace, *A Proposal for the United States Olympic Committee to Incorporate Formal Mediation Within Its Grievance Process*
- Hilary Findlay, *Rules of a Sport-Specific Arbitration Process as an Instrument of Policy Making*
- Professor Martin Greenberg, *Alternative Dispute Resolution in Sports Facility Leases*
- Thomas Baker, III, & Dan Connaughton, *The Role of Arbitrability in Disciplinary Decisions in Professional Sports*
- Jason Kuiper, *Comment: Sports Volunteer Protection Statutes: Moving Toward Uniformity and Providing Volunteer Referees with Medical Training*

All issues of the *Marquette Sports Law Review* can be ordered from the internet at <http://law.marquette.edu/jw/mslr>.

NEW FOR YOUR BOOKSHELF

Revenues from Sports Venues: 2006 Pro Edition
A Mediaventures research report
ISBN 0-9728016-1-8
(2006) / vii + 267 pgs.

Risk Management in Sport and Recreation
John Spengler, Daniel Connaughton & Andrew Pittman
Human Kinetics
ISBN-10: 0-7360-5619-X
(2006) / xv + 167 pgs.

Sports and Courts: An Introduction to Principles of Law and the Legal Theory Using Cases from Professional Sports
Frederick J. Day
iUniverse, Inc.
ISBN 0-595-34315-5
2005 / xxii + 207 pages

Sports Business Resource Guide & Fact Book 2006
Galatioto Sports Partners
Street & Smith's
SportsBusinessJournal & SportsBusinessDaily

Sports Image Rights in Europe
Ian S. Blackshaw & Robert C.R. Siekmann (Ed.)
TMC Asser Press
ISBN 90-6704-195-5
(2005) xxviii + 419 pgs.

For The Record

For The Record is the official newsletter of the National Sports Law Institute. Articles published in Volume 16 include:

- Jennifer Lindsey, *Liability for Wrongful Death in Collegiate and Professional Sports*
- Martin Greenberg & Robert Thomas, *The Rick Neuheisel Case - Lessons Learned from the "Washout" in Washington*
- Bill Miller, *Naming Rights Agreements in Professional Baseball*
- Adam Epstein, *Book Review: Sports Law and Regulation: Cases, Materials, and Problems*

Sports Facility Reports



Sports Facility Reports is now published online at <http://law.marquette.edu/jw/sfr> once a year and provides information related to the sports facility industry. Volume 6 included the following compilations of research:

- The Cost of Attending Professional Sports
- A Comparison of Team Values in Professional Team Sports
- *Facility Update Charts* for the following sports:
 - Major League Baseball
 - Minor League Baseball™
 - National Basketball Association and other basketball leagues
 - National Football League and other football leagues
 - National Hockey League and other hockey leagues
 - Soccer

You Make the Call. . .



With Volume 7, the *You Make The Call...* online newsletter began providing a more in-depth analysis of all cases impacting the sports industry during the preceding 6 months. Volume 7, Number 1, includes cases from January 1st to June 30th, 2005, while Number 2 includes cases from July 1st to December 31st. *You Make The Call. . .* is online at <http://law.marquette.edu/ymtc>.

SPORTS LAW CERTIFICATE RECIPIENTS

Congratulations to the following students who earned the National Sports Law Institute's Sports Law Certificate upon graduating from Marquette Law School in May, 2006: Greg, Babcock, Jill Carland, Kerri Cebula, Mark Dodds, Katie Featherston, Kristina Giddings, Patrick Goin, Jon Gonzalez, Lori Goodwin, Matt Granitz, Trevor Haley, Blythe Johnston, Jessica Jones, Jason Kuiper, Kathleen Lindgren, Susan Menge, Mary Olson, Daniel Peterson, Michael Redding, Jr., Daniel Rohrer, Jacob Short, Jenni Spies, Robert Thomas, and Brion Winters.



{from left} Dan Peterson, Mary Olson, Patrick Goin, Trevor Haley, Blythe Johnston, Mike Redding, Jenni Spies, Katie Featherston, Jon Gonzalez, Jason Kuiper, Jacob Short, Susan Menge, Greg Babcock, Kerri Cebula, Brion Winters, Jessica Jones, Robert Thomas, Lori Goodwin

NEW FOR YOUR BOOKSHELF

Sports Law (3rd Edition)
Simon Gardiner, Mark
James, John O'Leary &
Roger Welch
Cavendish Publishing
ISBN 10-1-85941-894-5
(2006) lxii + 724 pgs.

*Sports Law:
Implementation and the
Olympic Games*
Professor Dimitrios P.
Panagiotopoulos (Ed.)
Ant. N. Sakkoulas
Publishers
ISBN 960-15-1466-X
(2005) 567 pgs.

*2006 Sports Market Place
Directory*
Grey House Publishing,
Inc.
ISBN 10:1-59237-139-6
(2006) 2294 pgs.

*Waivers & Releases of
Liability (5th Edition)*
Doyice J. Cotten & Mary
B. Cotten
Sport Risk Consulting,
Statesboro, GA
(2005) vi + 151 pgs.

SPORTS LAW ALUMNI ASSOCIATION

The NSLI's Sports Law Alumni Association (SLAA) is made up of Marquette University Law School graduates who are committed to supporting the NSLI and Sports Law Program after their time as law students has ended. Among other functions, SLAA members raise funds for student scholarships and support NSLI events, including the annual Alumni Career Panel and Sports Law Alumni lunches. New members added to the Association in 2005 include: Dino Antonopoulos (L'05), Anderson & Kramer, S.C., Delafield, WI; Michael Baird (L'05), Stupar, Schuster & Cooper, SC, Milwaukee, WI; Genyne Edwards (L'00), President, Edwards Ingenuity, LLC, Milwaukee, WI; Derek Gruber (L'05), Milwaukee, WI; Timothy Kraft (L'05), Davis & Kuelthau, S.C., Milwaukee, WI; Lynn Martinec (L'99), Director of Business Affairs, Indy Racing League, Indianapolis, IN; Jenna Merten (L'05), Assistant District Attorney, Milwaukee County District Attorney's Office; John Miller (L'95), Vice President of Business Development, Roush Racing, Concord, NC; Tyler Qualio (L'02), certified financial planner, Reynolds Financial Group, Joliet, IL; Erich Struckmeyer (L'05), Assistant Director of Annual Giving, Office of Development, Northwestern University, Chicago, IL; and Melissa Vittone (L'05), McKinsey & Co., Chicago, IL.



The Sports Law Alumni Association produces *Sports Law Alumni News* on a quarterly basis providing information on and for its members. It is available online as part of the Association's website at <http://law.marquette.edu/jw/slaa>.

AWARDS AND STUDENT SCHOLARSHIPS & ACHIEVEMENTS

On Friday, April 28, 2006, the NSLI hosted its Sports Law Awards Banquet at the Hilton Milwaukee City Center in downtown Milwaukee. The dinner provides Profs. Mitten and Anderson, the NSLI's Board of Advisors, and Sports Law Alumni Association members with an opportunity to honor students and sports industry professionals.

Joseph E. Tierney Jr. Award

This award was created by the NSLI in remembrance of Joseph Tierney, Jr., a former NSLI Board Member and strong supporter of the Institute. The award is given to the student in the Sports Law Program who graduates with the highest grade point average in sports law classes that satisfy the requirements for the Sports Law Certificate. The recipient of the 2006 award is Katie Featherston.

Francis D. & Jane Keogh Kelly Scholarship

This scholarship recognizes a student in the Sports Law Program for his or her excellence in the study of sports law and service to the Program. The recipient of the 2005-2006 scholarship is Jenni Spies.

Martin J. Greenberg Award

This award is presented in honor of former NSLI 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 recipient of the 2006 award is Katie Featherston.



2006 Martin J. Greenberg Award
winner Katie Featherston

Carl Scheer Venue Excellence Award

This award was created through the generosity of the Martin J. Greenberg family trust. It is given to a student in the *Sports Venues; From Election Day to Game Day* seminar in recognition of his or her performance in class and contribution to the Sports Law Program. The 2006 recipients of the award are Greg Babcock and Judy Massuda.

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 academic year as judged by the *Sports Law Review's* Advisory Board. The 2006 recipient is Jenni Spies. Jenni's article "Winning at All Costs: An Analysis of a University's Potential Liability for Sexual Assaults Committed by Its Student Athletes," appears in the spring 2006 issue of the *Marquette Sports Law Review*.



Professor Kristi Schoepfer, SLAA
President, and Alumni Achievement
Award winner Lindsay Potrafke

Annual Alumni Scholarships & Annual Alumni Achievement Award

The Alumni Scholarships are given each year to support scholarships for the editors of the *Marquette Sports Law Review*. The 2005-2006 recipients of these scholarships are Katie Featherston, Jason Kuiper, Susan Menge, Darren Merten and Jenni Spies.

The Alumni Achievement Award is given to a second year student based on his or her performance in sports law, performance as a member of the *Marquette Sports Law Review*, service to the Sports Law Society, and service to NSLI and Sports Law Program events and activities. Based on her consistent support of NSLI and Program activities, her work with the *Marquette Sports Law Review* culminating in her selection as the next Editor-in-Chief, her work as an officer of the Sports Law Society, and her performance in her sports law courses, the 2006 winner is Lindsay Potrafke.

Sports Law Moot Court Team

Marquette University Law School's 2005-2006 Sports Law Moot Court team made the round of 12 in the National Sports Law Moot Court Competition held in New Orleans in February of 2006. Team members included Susan Menge, Jacob Short, and Jenni Spies. Katie Featherston served as student coach.

Sports Law Alumnus of the Year Award

Each year this award is given to an alumnus who has supported the NSLI and the MLUS Sports Law Program while making a significant impact on the sports industry. The 2006 recipient is Shawn Eichorst, a 1995 graduate of the Law School.

Shawn was recently named Senior Associate Athletic Director at the University of Wisconsin. Beginning in April of 2006, his direct responsibilities include sport oversight, governmental relations, trademarks and licensing, contractual matters, auxiliary services, strategic planning, and athletic conference representation and special projects. He is also a liaison with campus administration and the Athletic Board.

As Senior Associate Athletics Director for Administration at the University of South Carolina for the past two years Shawn served as the department's chief administrative officer. During his tenure the football program was bowl eligible in each season and the baseball program reached the College World Series. Shawn supervised multi-million dollar facility projects including a state-of-the-art football training facility, and lucrative partnership/sponsorship agreements. He is a member of the NCAA Division I Student-Athlete Reinstatement Committee and serves on the Executive Committee of the Sports Management Institute.



Sports Law Alumnus of the Year
Shawn Eichorst

Named Director of Athletics at the University of Wisconsin-Whitewater in June, 1999, Shawn developed one of the top all-around sports programs at the NCAA Division III level. Under his leadership UW-Whitewater posted 4 top 10% NACDA Directors' Cup finishes, won 1 NCAA team championship, had 2 NCAA team runner-up finishes, crowned 5 NCAA individual champions, featured an NCAA Student-Athlete of the Year for Wisconsin honoree, had 74 All-America selections, and had 7 NCAA Postgraduate Scholarship award winners.

Shawn is a member of the State Bar of Wisconsin and a past member of the Board of Governors. He is a member of the Sports Law Alumni Association, and has taught an Amateur Sports Law Workshop at the Law School.

A former all-conference defensive back and captain at UW-Whitewater, Shawn graduated magna cum laude in business in 1990. He earned his law degree from Marquette in 1995. He is also a graduate of the Sports Management Institute.



Joseph E. O'Neill Award winner Richard Berthelsen

Joseph E. O'Neill Award

This 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 2006 recipient of the award is Richard Berthelsen.

Richard A. Berthelsen is the General Counsel for the National Football League Players Association. In this role he has been a direct participant in the negotiation and drafting of the NFL's collective bargaining agreements and extensions since 1977. As Director of the NFLPA's Legal Department he has represented the NFLPA and individual NFL players in over 300 grievance arbitrations, is counsel for the NFLPA in National Labor Relations Board proceedings, is the principal NFLPA advisor to players and agents for individual contract negotiations with NFL clubs, and negotiates and drafts player group licensing agreements and special events contracts. He has established the NFLPA Workers Compensation Panels of Attorneys in NFL team cities, is Vice President and a Board member of the Professional Athletes Federal Credit

Union (PACFU), and he is the architect of the NFLPA Agent Regulation System. He joined the NFLPA in 1972 as legal counsel and principal assistant to the NFLPA Executive Director.

Beyond his work with the NFLPA, Mr. Berthelsen is the principal legal advisor to the NFL Coaches Association and negotiated the Collective Bargaining Agreement for the International Association of Track and Field Professionals in 1976. He was General Counsel to the Major Indoor Soccer League Players Association from 1983-1991, General Counsel to the North American Soccer League Players Association from 1982-1986, General Counsel to the United States Football League Players Association from 1983-1986. He was also an attorney with Murphy, Huiskamp, Stolper, Brewster & Desmond from 1969-1972.

A graduate of the University of Wisconsin and the University of Wisconsin Law School, Mr. Berthelsen is past president of the Sports Lawyers Association and a current member of its Board of Directors.

ANNUAL GOLF OUTING

On October 1, 2005, the Marquette University Law School Sports Law Society and the National Sports Law Institute's Sports Law Alumni Association hosted the Annual Sports Law Golf Classic at Scenic View Country Club. Proceeds from the Classic support various sports law student scholarship funds at Marquette Law School.

CAREER PANELS

The NSLI hosts various career panels for students in the Sports Law Program at Marquette.

Before its annual conference, on September 29, 2005, the NSLI hosted a Sports Industry Career Panel for students at Marquette Law School. Panelists included: David Cardwell, Principal, The Cardwell Law Firm, Orlando, FL; Dan Foutz (L'04), President and General Manager, Everett Hawks, Everett, WA; Greg Heller (L'96), Senior Counsel, Turner Sports/Atlanta Braves, Turner Broadcasting System, Atlanta, GA; Steve "Jake" Lauletta, President, Radiate Sports Group, Charlotte, NC; Lynn Martinec (L'99), Director, Business Affairs, Indy Racing League, Indianapolis, IN; Steve Pastorino, General Manager, Real Salt Lake, Salt Lake City, UT; and D. Scott Poley, General Counsel, Minor League Baseball, St. Petersburg, FL.



Steve Pastorino, Lynn Martinec, Steve Lauletta, David Cardwell, Scott Poley, & Greg Heller at the Sports Industry Career Panel

Each spring, the NSLI and Sports Law Alumni Association host an annual alumni career panel featuring Program alums who provide their perspective on the value of the Sports Law Program and employment opportunities after law school. On March 31, 2006, the NSLI and Association hosted the Ninth Annual Sports Law Alumni Career Panel featuring Michelle Pierce, Legal Department, Assurant Health, Milwaukee, WI (L'03); Mike Sneathern, Legal Associate, Milwaukee Bucks, Milwaukee, WI (L'02); Niki Sollinger, Staff Attorney, Octagon, Arlington, VA (L'03); and Ante Udovicic, Athletics, Activities & Recreation Coordinator, South Milwaukee High School, South Milwaukee, WI (L'98).

OTHER PROGRAMS & EVENTS

On November 3, 2005, Professor J. Gordon Hylton presented "Did the Signing of Jackie Robinson Slow Down the Integration of Major League Baseball?: A Re-examination of the Events of 1945"

On February 16, 2006, NSLI Associate Director Paul Anderson presented his annual "Current Issues in Sports Law" presentation at Marquette University Law School. This event provides an overview of current developments in the sports industry.

On March 9, 2006, Professor Hylton presented "What Can Baseball Statistics Tell Us About Steroid Abuse?" examining whether changes in athletic performance, as defined by statistical measurements, can be used to justify a more invasive state role in regulating performance enhancing drug use by baseball players.

On April 18, 2006, the NSLI hosted a panel discussing "Both Sides of the NFL Draft: A Club and Player Agent Perspective." Panelists included: Andrew Brandt, Vice President & General Counsel, Green Bay Packers; John Drana (MULS graduate of the class of 1994), Principal, The Drana Group in Milwaukee, sports agent and member of the NFLPA Worker's compensation Attorney Panel; and Bob Lattinville, sports agent for many NFL players and attorney with Stinson, Morrison & Hecker, PC in St. Louis.



(from left) Attorney John Drana, Attorney Andrew Brandt & Attorney Bob Lattinville at the NFL Draft Panel

NSLI DIRECTORS' PUBLICATIONS AND ACTIVITIES

During the past year, Professor Matt Mitten, the NSLI's Director, published the following works:

- SPORTS LAW AND REGULATION: CASES, MATERIALS, AND PROBLEMS (Aspen Publishers 2005) (co-authored with Timothy Davis, Rodney Smith, and Robert Berry), August 2005 and December 2005 Supplements, and Teachers Manual (2005).
- *Drug Testing of Athletes—An Internal, Not External, Matter*, 40 NEW ENG. L. REV. 797 (2006).
- *Team Physicians as Co-Employees: A Prescription That Deprives Professional Athletes of an Adequate Remedy for Sports Medicine Malpractice*, 50 ST. LOUIS UNIV. L. J. 211 (2006).
- *Protection of Sports-Related Trademarks and Athletes' Publicity Rights in the United States*, 1 HUAQIAO UNIV. L. REV. 90 (2005).
- *Task Force 12: Legal Aspects of the 36th Bethesda Conference Recommendations*, 45 JOURNAL OF THE AMERICAN COLLEGE OF CARDIOLOGY 1373 (APRIL 19, 2005) (with Barry J. Maron, M.D. and Douglas P. Zipes, M.D.).

- *Is Drug Testing of Athletes Necessary?*, USA TODAY MAGAZINE 60 (Nov. 2005).

Professor Mitten also participated in the following conferences and seminars:

- Speaker, St. Thomas More Lawyers Society Youth Law Day, *Sports, Sports Law, and Catholicism: Promotion of Common Values*, Marquette University Law School, May 17, 2006
- Speaker, *Survey of Recent Sports Law Developments*, National Federation of State High School Associations Summit and Legal Meeting, Indianapolis, IN, April 21, 2006.
- Speaker, *The Structure and Legal Regulation of Sports in America*, Sports Law Roundtable, University of Melbourne Law School, Melbourne, Victoria, Australia, March 10, 2006
- Speaker, *A Snapshot of Sports Law in the United States*, Law Institute of Victoria, Melbourne, Victoria, Australia, March 8, 2006
- Speaker, *Current Sports Medicine Legal Issues in America*, Medico-Legal Society of Tasmania, Hobart, Tasmania, Australia, March 6, 2006
- Panelist, *The Straight Dope on Steroids, Performance Enhancers and Sports*, American Association of Law Schools Section on Law and Sports, Washington, DC, January 6, 2006
- Co-Organizer, *Medical and Legal Controversies in Sports Medicine*, Institute for Sports Medicine and Sports Law Conference, Chicago, IL, December 1-2, 2005.
- Speaker, *Legal Issues Regarding Medical Eligibility to Participate in Athletics*, Institute for Sports Medicine and Sports Law Conference, Chicago, IL, December 1, 2005.
- Speaker, *The Maurice Clarett Case: How to Resolve the Conflict Between Antitrust and Labor Law Raised by the NFL's Draft Eligibility Rules?*, St. John's Jesuit High School, Toledo, OH, November 18, 2005.
- Speaker, *Drug Testing of Athletes—An Internal, Not External, Matter*, New England Law Review Symposium: From Grand Slams to Grand Juries, Boston, MA, November 4, 2005.
- Speaker, *Rules Limiting Athletic Participation and Performance: Legal and Ethical Issues*, Marquette University Faculty Research Luncheon Series, October 13, 2005.
- Co-Organizer & Moderator, *The Broad Scope of Professional Team Sports: Emerging Legal and Business Issues*, National Sports Law Institute, Milwaukee, WI, September 30, 2005.
- Speaker, *From UT Law to Director of the National Sports Law Institute*, University of Toledo College of Law, Toledo, OH, September 23, 2005.



NSLI Director Matt Mitten

In addition, while on sabbatical during the spring 2006 semester, Prof. Mitten taught *Introduction to U.S. Sports Law* at the University of Melbourne, Victoria, Australia and *International Sports Law* at the University of Barcelona, Catalonia, Spain.

In the past year NSLI Associate Director Paul Anderson published the following:

- Book Chapter, Chapter 8.22: *Principles of Trademark Law*, in *Law for Recreation and Sports Managers* (Vol. 4), (Cotton & Wolohan, eds.) (in press 2006).
- Review Essay, *A Place on the Team: The Triumph and Tragedy of Title IX*, 16 MARQ. SPORTS L. REV. 461 (2006).
- Book Chapter in French and English: *L'impact du droit du sport sur le sport professionnel américain (Sports Law's Impact on Professional Sports in America)*, in *OU VA LE SPORTIF D'ELITE? LES RISQUES DU STAR SYSTEM* (Les Editions Dalloz in partnership with L'Institut Presaje) (Franck Nicolleau, ed. 2005).
- *Fool's Gold? The Recent Legal Case Sparked by One Major League Baseball Club Changing Its Name May Set a Precedent for other US Franchises Negotiating Team Names in Facility Leases (with Bill Miller)*, STADIA, Issue 33, at 56-57 (March 2005).
- Book Review, *The Business of Sports Agents*, 14(1), SETON HALL JOURNAL OF SPORT LAW (2005).
- He also drafted and supervised the production of *Sports Law in the State of Wisconsin*, 15 MARQ. SPORTS L. REV. 425 (Spring 2005).

Professor Anderson participated in the following conferences and seminars:

- Speaker, *The Legality of Federal Regulation of Drug Testing in Professional Sports {Focus on Major League Baseball}*," March 3, 2006, 19th Annual Sport & Recreation Law Association Conference, Albuquerque, New Mexico.
- "Current Issues in Sports Law: 2005-2006," February 16, 2006, Marquette University Law School.
- Speaker, *Practice Tips for Sports Lawyers: Ethical Issues in Legal Research*, Ethical Issues in Sport & Entertainment Law, sponsored by the Sports & Entertainment Law Section of the State Bar of Wisconsin, Marquette University Law School, November 18, 2005.
- Coordinator, Moderator, and Organizer, Ethical Issues in Sport & Entertainment Law, sponsored by the Sports & Entertainment Law Section of the State Bar of Wisconsin, Marquette University Law School, November 18, 2005.
- Speaker, *United States Athletes in International Sports: Drug Testing and Other Issues*, in Professor Rodney Caughron's "Sport Globalization & International Governance" course, Northern Illinois University, October 26, 2005.
- Co-organizer and Moderator, *The Broad Scope of Professional*



NSLI Associate Director Paul Anderson