

James T. Gray

The Pursuit of Excellence— Some Recollections of the National Sports Law Institute’s Early Years

James T. Gray, L’90, is program director and professor of Sport and Recreation Management at Marian University in Fond du Lac, Wis. He spoke at a Marquette Law School event on April 19, 2024, marking the 35th anniversary of the National Sports Law Institute. This is an edited excerpt of his remarks.

I am focusing my commentary on the early years of Marquette Law School’s National Sports Law Institute (NSLI), 1989 to 1997. I have intentionally omitted the names of specific individuals because, by my count, at least 100 people helped shape, guide, and nurture the NSLI during this time.

Marquette is a wonderful law school, and this was true 35 years ago also. It was filled with dedicated professors and striving students. Times were good. Tuition was reasonable. Jobs were available. Being a “Marquette lawyer” meant that one served clients effectively, possessed a great sense of ethics, and willingly engaged in ongoing improvement of self and community. Things were going along smoothly. Maintaining the status quo was the order of the day.

Yet those promoting the idea of the NSLI asked: Is there something more? The answer was an emphatic “Yes.” What was it? Excellence in the form of sports law education. Those involved in establishing the NSLI recognized that the time to embrace effective change is when times are thought of as good rather than during a time of crisis.

From the outside world, the following questions were regularly put forward during the late 1980s and early 1990s: Sports law? In Milwaukee? At Marquette? Really?

In fact, 35 years ago, *anything* related to sports-based education was manifestly suspect. The primary objection from the academy, with respect to any study of sport issues—whether it involved the law, management, ethics, or medicine—was the utter disbelief, and sometimes outright hostility, toward the possibility of academically rigorous sports-related learning and education. In sum, many assumed the study of sports to be no more than the discussion of “socks and jocks.” This reaction was stunning. It was so patently hostile that, nationally, some of my brethren were startled to have their sports law courses effectively condemned as “praiseworthy” rather than “creditworthy.”

Despite the naysayers, at the time of its founding in 1989, the NSLI became the first academically based sports law program anywhere in the world. Being the first bestows challenges and confers opportunities.

Excellence, by definition, requires continued deviance from the norm and is, at times, painful as well as isolating. Excellence occurs because one is accomplishing things that most members of society refuse to do. With respect to the pursuit of excellence, I share several noteworthy NSLI achievements during these early years:

1. A total of \$500,000 was raised from the Admirals, Packers, Brewers,



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Bucks, and Miller Brewing Company over a five-year period to support the fledgling Marquette sports law initiative. This was nothing short of a miracle, where fiscally conservative Milwaukee and Wisconsin invested in the dream, along with the promise, of sports law education.

2. With that financial backing during the first few years of the NSLI’s existence, several milestones were realized, including the initial publication in 1990 of the *Marquette Sports Law Journal*, now known as the *Marquette Sports Law Review*. This marked the first time that a law review was entirely dedicated to sports law scholarship.

3. Similarly, the NSLI bimonthly newsletter, *For the Record*, addressed the sports law issues of the day with contributions from prominent sports industry leaders. The quarterly *For the Record, Extra*, was the NSLI’s primary education and networking mechanism for those within sports media.

4. The NSLI’s pioneering interdisciplinary approach to high school sports risk management instruction, known as “Reduce Your Risk,” was created to protect the health and safety of high school athletes

and minimize legal liability for school districts within the Greater Milwaukee area.

5. Two books were published, *Sports Law Practice* and *The Stadium Game*. *Sports Law Practice* was a practitioner-oriented book, with forms, to help attorneys negotiate professional player contracts as well as endorsement agreements. *The Stadium Game* was a “How To” book to help cities, states, teams, and facility owners negotiate the leases for many of the sports venues built in North America during the 1990s and beyond.

6. The institute hosted annual conferences focusing on topics such as sports facility legal issues, franchise values, and sports employment and endorsement agreements.

7. Internationally, the NSLI served as an inspiration for sports law learning. Some of its early partnerships included collaborations with the Anglia Ruskin University sports law program in England; the Australian and New Zealand Sports Law Association; the Griffith University sports law program in Brisbane, Australia; the University of Cape Town and the University of Johannesburg sports law initiatives in South Africa; and the Asser Institute in the Hague, the Netherlands.

8. The Master of the Game Award was created, recognizing the sport-based achievements and community leadership of Hank Aaron of the Milwaukee/Atlanta Braves and Milwaukee Brewers, Bart Starr and Bob Harlan of the Green Bay Packers, and Marquette’s Al McGuire.

Success is often measured by whether one left a place better compared to one’s arrival. Marquette Law School’s National Sports Law Institute has offered internationally recognized sports law education during the last 35 years and forged mutually beneficial relationships for those motivated by the pursuit of excellence. Getting out of the blocks quickly had a lot to do with the NSLI’s success. ■

Hon. William C. Griesbach

In Praise of Two Servants of the Law and Society

These are excerpts from remarks made by the Hon. William C. Griesbach, L’79, senior judge of the U.S. District Court for the Eastern District of Wisconsin, in presenting awards to George Burnett and Jim Sickel at the Eastern District of Wisconsin Bar Association’s annual meeting in Milwaukee on May 16, 2024.

Two of the awards that the Eastern District of Wisconsin Bar Association presents each year are named after judges who had deep ties to Green Bay, where I have the privilege to maintain my chambers. Judge John W. Reynolds, Jr., whose name goes with the Community Building Award, was born and raised in Green Bay. He practiced law there with his father, and even after ascending to the offices of attorney general and governor of Wisconsin and then of United States district judge here in Milwaukee, he never tired of introducing himself as John Reynolds from Green Bay. Judge Reynolds served on the court from 1965 to his death in 2002.

Judge Robert W. Warren, for whom the Public Service Award is named, wasn’t born in Green Bay, but he practiced law there and served as district attorney for Brown County and then as a state senator representing the area, before moving to continue his career in Madison as attorney general for the State of Wisconsin and then in Milwaukee as a federal district judge from 1974 to his death in 1998. Portraits of both of these esteemed men hang in my courtroom in Green Bay, where I have the privilege of being the first federal district judge to maintain chambers.

So let us agree that it is natural for me to present these two awards this year. For both of the recipients also have deep roots in Green Bay. I have known and admired these two lawyers for many years.

To be sure, I first met George Burnett in Chicago when we were both working for the U.S. Court of Appeals for the Seventh Circuit. I was a staff attorney for the court, and George was a law clerk for Judge Harlington Wood, Jr. When we left the court’s service in 1982, I went to Green Bay, and George went to Milwaukee, where he briefly practiced before coming to Green Bay. Milwaukee’s loss was Green Bay’s gain. After a few years in Green Bay, George joined the law firm now known as Conway, Olejniczak & Jerry, as I was leaving that same firm to work in the district attorney’s office. George was a definite upgrade, and he has been there for almost 40 years, practicing general civil and appellate litigation.

During that time, George has helped lead the profession. He served as president of the State Bar of Wisconsin. He was twice elected to the board of



These portraits of the late Judges John W. Reynolds (top) and Robert W. Warren hang in the courtroom of Judge William C. Griesbach in the federal courthouse in Green Bay, Wis.