2001 NSLI YEAR IN REVIEW

by Paul M. Anderson, Editor

During the past year Marquette University Law School’s Sports Law Program and the National Sports Law Institute furthered their mission by continuing to encourage the study of legal issues in amateur and professional sports, promoting informed and ethical practices in the sports industry, and serving as a resource for sports law students, attorneys and business professionals.

MASTER OF THE GAME AWARD DINNER

On Friday, November 16, 2001, the National Sports Law Institute hosted its sixth Master of the Game Award dinner honoring Secretary of Health and Human Services and former Governor of the State of Wisconsin, Tommy G. Thompson.

The night began with a reception for the approximately 280 attendees. The Master of Ceremonies, Ulice Payne Jr., a partner at Foley & Lardner and member of the Marquette University Board of Trustees, introduced Professor Matt Mitten, the Director of the National Sports Law Institute, and Marquette University Law School Dean Howard Eisenberg who both warmly welcomed Secretary Thompson and the dinner guests. Reverend Dan McDonald, S.J. then gave the invocation before dinner in the Grand Ballroom of the Pfister Hotel in downtown Milwaukee.

After dinner, Ulice Payne introduced a series of speakers who paid tribute to Secretary Thompson including: Robert Trunzo, the Vice President of the Lang Companies and Chairman of the Southeastern Wisconsin Professional

NSLI CALENDAR

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Baseball Park District Board; John Jones, Executive Vice President and Chief Operating Officer of the Green Bay Packers; and Frank DeGuire, Marquette University Law School Professor and a member of the NSLI Board of Advisors. A Time Warner Cable video tribute chronicled Secretary Thompson’s role in promoting sports in Wisconsin.

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After the tributes, NSLI Director Matt Mitten and Martin Greenberg, the Chair of the NSLI Board of Advisors, presented the Master of the Game Award to Secretary Thompson for making significant contributions to the sports industry while serving as the Governor of Wisconsin and exemplifying the highest level of professionalism in his field.

The nation's leading advocate for the health and welfare of all Americans, Secretary Thompson has dedicated his professional life to public service. Born in Elroy, Wisconsin, Secretary Thompson began his career in public service in 1966 as a representative in Wisconsin's State Assembly. He was elected assistant Assembly minority leader in 1973, and Assembly minority leader in 1981. He began his tenure as Governor of the state of Wisconsin in 1987 and made state history when he was re-elected to office for a third term in 1994 and a fourth term in 1998. Confirmed by the Senate on January 24, 2001, and sworn in February 2, 2001, he is the 19th individual to serve as Secretary of Health and Human Services, which employs more than 60,000 people and has a fiscal year 2001 budget of $429 billion.

Secretary Thompson was instrumental in acquiring public financing for Miller Park, the Milwaukee Brewers' new stadium; the new Kohl Center and McClain Center at the University of Wisconsin; the Pettit Ice Center at State Fair Park, the soon to be renovated Lambeau Field - home of the Green Bay Packers - as well as legislation facilitating the construction of the Bradley Center.

Secretary Thompson has received numerous awards for his public service, including the Anti-Defamation League's Distinguished Public Service Award. In 1997, he received Governing Magazine's Public Official of the Year Award, and the Horatio Alger Award in 1998. The Secretary served as chairman of the National Governors' Association, the Education Commission of the States and the Midwestern Governors' Conference. Secretary Thompson also served in the Wisconsin National Guard and the Army Reserve.

Secretary Thompson's dedication to public service and commitment to supporting the development of sports in the state of Wisconsin make him a worthy winner of the 2001 Master of the Game Award.

**Intellectual Property Issues in Sports: Trademarks, Unfair Competition, and Athletes’ Publicity Rights**

On Friday, October 5, 2001, the National Sports Law Institute hosted its Intellectual Property Issues in Sports: Trademarks, Unfair Competition, and Athletes' Publicity Rights conference that was sponsored by the law firm of Foley & Lardner at Marquette University’s Alumni Memorial Union.

The conference consisted of four panel discussions. The first panel considered "Marketing and Protection of Professional League and Team Intellectual Property Rights." Moderated by NSLI Director Matt Mitten, the panel included: Paula Guibault, the Senior Intellectual Property Counsel for the National Football League, who spoke about "Tackling A New Economy: The Legal And Marketing Challenges Facing Sports Licensed Properties In The Current Economy;" Jeff Pash, Executive Vice President and League Counsel for the National Football League who spoke on "Developments In Intellectual Property Law With A Focus On Satellite Television, Internet And Related Issues."
Associate Professor J. Gordon Hylton, a member of the NSLI's Board of Advisors, moderated the third panel titled "Athletic Event Sponsorship and Player Product Endorsements." The panel included John Collins, an attorney with Jenkins & Gilchrist in Chicago who spoke about "When Does A Collection Of Individuals Become A Separately Identifiable Group And Other Group Licensing Issues;" Pam Adolph, Assistant Vice-President of Licensing, Players Inc., who spoke about "Player Group Licensing And Related Issues In The NFL;" and Terry Prince, the Vice President of the Legal Department and Director of Legal Affairs for IMG Team Sports, who spoke on "Whose Face Is It Anyway? The Fine Line Between The First Amendment And The Right Of Privacy."

The final panel, moderated by Brian McNamara, from Foley & Lardner's Washington D.C. office, focused on "Protection and Enforcement of NCAA and University Marks." Panelists included Scott Bearby, Assistant General Counsel of the National Collegiate Athletic Association, who spoke on "Marketing, Protection and Enforcement of NCAA Marks;" Bill Hoye, Assistant Vice President and General Counsel for the University of Notre Dame, who spoke about "John Doe Restraining Orders & Enforcement: The Sweatshop Issue;" and Bruce Siegal, Vice President and General Counsel of the Collegiate Licensing Company, who spoke on "Protection and Enforcement Strategies for Collegiate Marks - CLC Consortium Perspective."

Thereafter, the Marquette University Law School's Sports Law Society hosted a reception for all attendees. Approximately 160 individuals from the sports industry and academic world attended the conference. Conference materials are available from the NSLI for $35.00. For further information, contact the NSLI at 414-288-5815, or check the NSLI website at http://www.mu.edu/law/sports/pubs.html#conference.
NSLI BOARD OF ADVISORS

The Board of Advisors provides important assistance to the NSLI’s Directors with conference and educational program planning, fund raising efforts, and award nominations, as well as guiding the future direction of the NSLI and Marquette’s Sports Law Program. New additions to the Board in 2001 include Deborah Spaner, the Director of Business and Legal Affairs, Fox Sports Net, Los Angeles, California; Anne Wall, Brand Protection Manager, Salt Lake Organizing Committee for the Olympic Winter Games of 2002; and Kimarie Stratos, principal, Kimarie R. Stratos, P.A., Miami, Florida. (Their biographies appear on pages 10-11 of this issue.) Current Board Members Mark Vetter and Charles Henderson, both of Davis & Kuelthau, SC in Milwaukee, were named to the Board’s Executive Committee. Also, Kathryn Statz, Assistant Athletics Director and Senior Women’s Administrator, Intercollegiate and Recreational Sports at Marquette University, is the new Alumni Board liaison to the Board of Advisors.

NSLI ALUMNI BOARD

The NSLI Alumni Board consists of alums who are committed to supporting the NSLI and its activities. Alumni Board members participate on the annual career panel, serve as adjunct professors at the Law School, and/or sponsor various volunteer sports law internships. The newest members of the NSLI’s Alumni Board are:

- Kristi Schepfer (L’01), Assistant Professor, Sports Activities Department, University of Wisconsin-Parkside, Kenosha, Wisconsin.
- David Steffen (L’98), Associate, Constangy, Brooks & Smith LLC, Tampa, Florida.
- James Sullivan (L’01), Tax Consultant, Arthur Andersen LLP, Milwaukee, Wisconsin.
- Jason Wied (L’98), Corporate Counsel, Green Bay Packers, Green Bay, Wisconsin.
- Amy Worden (L’99), Associate, King & Ballow, Nashville, Tennessee.

SPORTS LAW CURRICULUM

A new course was added to the sports law curriculum at Marquette University Law School in the fall of 2001. Adjunct Professor Martin Greenberg taught a Sports Law Workshop titled “Sports Venues: From Election Day To Game Day.” The course is dedicated to the study of the legal, financial, developmental, and political creation of sports facilities in the United States. The course examines the reasons for the stadium boom and proliferation of sports facilities in our country; the current debate over the use of public tax dollars underwriting sports venues; the ways in which sports facilities are financed and funded; the development process and the real estate implications of stadium creation; litigation challenging government participation in financing and referendums; the creation of public-private partnerships; relocation and retention issues; a review of the so-called facilities arms race in our universities; and trends for the future of stadium development. This new course can be taken to fulfill one of the requirements for the National Sports Law Institute's Sports Law Certificate.

SPORTS LAW CERTIFICATE

The requirements for the NSLI’s Sports Law Certificate are available on our website at http://www.mu.edu/law/sports/sl_cert.html. The following individuals earned the Certificate upon their graduation from Marquette University Law School in the spring semester of 2001: Wendy Anderson, Basil Loeb, Keith Miller, Craig Pintens, Kristi Schepfer, Kevin Stangel, James Sullivan, and Aaron Young. Dale Mehr earned the Certificate in the fall semester of 2001.
AWARDS & SCHOLARSHIPS DINNER

On April 20, 2001, the NSLI hosted its annual Awards and Scholarship Dinner at the Lunda Room of the Marquette University Alumni Memorial Union. At this dinner the NSLI honors the following winners of its awards and the candidates for the NSLI’s Sports Law Certificate, as well as recognizing the hard work done by members of the Marquette Sports Law Review. The next dinner will be held at the Wisconsin Club in Milwaukee on April 19, 2002.

STUDENT AWARDS & SCHOLARSHIPS

Francis D. & Jane Keogh Kelly Scholarship

The Francis D. & Jane Keogh Kelly Scholarship was established in 1997 to recognize a student in the Sports Law program at Marquette for his or her excellence in the study of sports law and service to the sports law program. The 2001-2002 recipient of the Scholarship is current Marquette Sports Law Review Editor-in-Chief, Ben Menzel.

Joseph E. O’Neill Prize for Student Writing

Each year since 1997, the Joseph E. O’Neill Prize for Student Writing has been awarded to the Marquette University Law School student who authors the best student article published in the Marquette Sports Law Review during the previous academic year. In April of 2001, the Prize was presented to former Executive Editor, Craig Pintens, for his article titled “Managing The Team On The Field, Off The Field, And In Cyberspace: Preventing Cybersquatters From Hijacking Your Franchise’s Domain Names,” which appeared in the spring 2001 issue of the Marquette Sports Law Review.

Joseph E. Tierney, Jr. Award

This Award was created in 2000 in recognition of Joseph E. Tierney, Jr., a longstanding member of the NSLI’s Board of Advisors and loyal supporter of the NSLI. 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 taken in partial fulfillment of the requirements for earning a Sports Law Certificate. The 2001 recipient of this award was Basil Loeb, who earned a 4.0 GPA in his sports law courses.

Martin J. Greenberg Award

The NSLI established this Award in the fall of 1997 in honor of former NSLI Director Martin J. Greenberg. The Award is given annually at graduation to the third year law student who has excelled in the study of sports law and service to the sports law program. The 2001 recipient of this Award was former Marquette Sports Law Review Executive Editor, Craig Pintens.

Annual Alumni Scholarship

Created in the spring of 2001, this Scholarship is an expression of alumni support for the NSLI, Marquette’s sports law program, and particularly the Marquette Sports Law Review. The first recipient of the Scholarship given for the 2001-2002 academic year is Ben Menzel, the current Editor-in-Chief of the Marquette Sports Law Review.

JOSEPH E. O’NEILL AWARD

The Joseph E. O’Neill Award was established by the O’Neill family, the Milwaukee 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 2001 winners of the Award were Martin Greenberg, Managing Director, ScheerGame, LLC, and Chair, NSLI Board of Advisors, and Professor Emeritus Charles Mentkowski, also a member of the NSLI Board of Advisors.
WORKSHOPS

In 2001, the NSLI continued to host informal workshops showcasing experts in the sports industry. Recent speakers include: the Honorable Judge Terence T. Evans, United States Court of Appeals for the Seventh Circuit, who discussed the application of the Americans with Disabilities Act to professional sports, particularly the Olinger v. USGA and Martin v. PGA cases; and Professor Rodney Smith, Herff Chair in Law, Cecil C. Humphreys School of Law, University of Memphis, who spoke on “From Inequity to Opportunity: Keeping the Promises Made to Big-time Intercollegiate Athletes.”

CAREER PANELS

On March 29, 2001, the NSLI hosted its fourth annual alumni career panel. Marquette University Law School Assistant Dean for Career Planning, Paul Katzman, discussed how his office assists students and alumni in their job search. NSLI Associate Director Paul Anderson (L’95) then provided information about the many sports law career resources available to students in the Sports Law Program. They were joined by: Daniele Thompson (L’99), Axley Brynzel, Madison, Wisconsin; John Dodds (L’85), John F. Dodds & Associates, Dodds on Sports Radio Show on AM 1510 WAKU & DoddsSports.com, Milwaukee, Wisconsin; Schuyler Bachman (L’00), Senior Staff Writer, Street & Smith's Sports Business Daily, Charlotte, North Carolina; and John Finerty, Jr. (L’92), Palmer & Finerty, Waukesha, Wisconsin.

On, October 4, 2001, the NSLI hosted an alumni panel discussion presenting insights on breaking into the sports industry. Panelists included: Kristi Schoepfer (L’00), Assistant Professor, Sports & Activities Department, University of Wisconsin- Parkside, Kenosha, Wisconsin; Greg Heller (L’96), Assistant Team Counsel for the Atlanta Braves, Atlanta Hawks, and Atlanta Thrashers, and Counsel to Turner Sports, Inc., Atlanta, Georgia; and William Miller (L’96), Executive Vice President, The Leib Group, LLC, Mequon, Wisconsin.

MOOT COURT

Marquette University Law School’s 2000-2001 Sports Law Moot Court team of Greg Gill, Ryan Bird and Scott Schmidtkofer advanced to the round of 16 in the National Sports Law Moot Court Competition in New Orleans and won the award as the team that best embodied the spirit of Mardi Gras. The 2001-2002 team of Kristin Muenzen, Niki Sollinger and Josh Brady will compete in this year’s competition during February.

INTERNSHIPS

The NSLI’s internship program offers students in the Law School’s Sports Law Program opportunities to intern with entities in various aspects of the sports industry for one semester. Currently the NSLI offers internships with 11 organizations, including Conference USA, GameBreakers Inc., Marquette University’s Department of Intercollegiate Athletics, Miller Brewing Company, Milwaukee Brewers, Milwaukee Bucks, Milwaukee Public School’s Sport & Athletics Department, Milwaukee Rampage, Milwaukee Tennis Classic Foundation, ScheerGame, LLC, and the University of Wisconsin - Whitewater.

PUBLICATIONS

MARQUETTE SPORTS LAW REVIEW

Under the direction of current Editor-in-Chief Ben Menzel, Volume 12, Number 1 of the Marquette Sports Law Review will soon be published. This issue will present a Symposium titled "Sports Law: A Law Faculty’s Individual And Collective Perspectives." The symposium includes articles by Marquette University Law School faculty members on various topics, including:

- Sports Heroes, Sexual Assault and the Unnamed Victim
- Reflections From a Fan: Searching for More Common Ground in Sociology and Law
Reorganization of the Professional Sports Franchise

College Coaching Contracts Revisited: A Practical Perspective

The Americans with Disabilities Act and The Aging Athlete after Casey Martin

Reflections on the Accident at Miller Park and the Prosecution of Work-Related Fatalities in Wisconsin

Arbitration of Olympic Eligibility Disputes: Fair Play and the Right to Be Heard

Baseball Cards And The Birth Of The Right Of Publicity: The Curious Case Of Haelan Laboratories v. Topps Chewing Gum

Religious Freedom and the Interscholastic Athlete

Golf and Torts: An Interesting Twosome

Baseball Diplomacy

Statewide School Athletic Associations and Constitutional Liability; Brentwood Academy v. Tennessee Secondary School Athletic Association

Privacy in Sports: Recent Developments in the Federal Courts

The Professional Athlete: Issues In Child Support

Blue-Collar Crimes/White-Collar Criminals: Sentencing Elite Athletes Who Commit Violent Crimes

Athletes in Trouble with the Law: Journalistic Accounts for the Resentful Fan

Fraser v. MLS, L.L.C.: Is There a Sham Exception to the Copperweld Single Entity Immunity?

FOR THE RECORD

Beginning with this issue, FOR THE RECORD: THE OFFICIAL NEWSLETTER OF THE NATIONAL SPORTS LAW INSTITUTE will be published in an expanded 12-page format 4 times per year. Although the number of issues will be reduced, the high quality of the materials presented will continue. Articles similar to the articles that appeared in Volume 12 on college coaching contracts, the facilities arms race, sports career search tools, and the Baltimore Orioles' parity case, will continue to appear in this newsletter. The expanded format will also allow the NSLI to present more detailed reports than the older format allowed for.

YOU MAKE THE CALL...

In 2001, a double issue of YOU MAKE THE CALL... appeared presenting synopses of 12 recent cases in the sports field. This publication is available online at http://www.muh.edu/law/sports/call.html.

SPORTS FACILITY REPORTS

Two issues of this online newsletter were published in 2001 providing articles and research on various facets of the sports facility industry. Published bi-annually, SPORTS FACILITY REPORTS are available at http://www.muh.edu/law/sports/sfr/sfrindex.html.

NSLI DIRECTORS’ PUBLICATIONS & PRESENTATIONS

In 2001, the Directors of the NSLI produced several publications and spoke at the following sports law conferences.

NSLI Director and Professor Matt Mitten's publications include the following:


Professor Mitten presented welcoming remarks for the "Intellectual Property Rights in Sports" conference and moderated the conference's first panel "Marketing and Protection of Professional League and Team Intellectual Property Rights," on October 5, 2001 in Milwaukee. He also organized and moderated the Joint Session of the American Association of Law Schools Sections on Law and Sports and Intellectual Property Law on "Marketing and Legal

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In October of 2001, Professor Mitten was inducted into St. John’s Jesuit High School’s (Toledo, Ohio) Hall of Fame.

NSLI Associate Director and Adjunct Assistant Professor Paul Anderson’s publications include the following:

- **MAJOR LEAGUE LEASES: AN OVERVIEW OF MAJOR LEAGUE FACILITY LEASES AND HOW THEY ARE NEGOTIATED** (with William S. Miller), (Front Office Publications, 2001).

In January of 2001, Professor Anderson was named the Editor of the JOURNAL OF LEGAL ASPECTS OF SPORT.


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**For The Record**

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