MARQUETTE LAW SCHOOL SPORTS LAW







S P O R T S L A W

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

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

All law students may take up to six hours of graduate credit in courses offered by other Marquette University colleges, after obtaining the requisite approval. For example, sports law students can supplement their legal education with graduate level business courses. In addition, through the joint JD/MBA in Sports Business program Marquette students have the opportunity to combine their knowledge of sports law with a graduate business education that provides them with a unique package of educational credentials that promises to be attractive to sports industry employers.

In recent years, Marquette sports law students have gained valuable summer internship experience with the National Collegiate Athletic Association, the United States Olympic Committee, Imani Sports, LLC, and Southwest Sports Group, Inc. Some of our recent alums are employed by the Marquette University Athletic Department, the Green Bay Packers, Turner Broadcasting Systems, the Milwaukee Bucks, the University of Southern California, Street & Smith's Sports Business Daily, the University of South Carolina, The Leib Group - Advisors to the Sports and Entertainment Industry, and the University of Wisconsin - Parkside, among other organizations.

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

NSLI SPORTS LAW CERTIFICATE

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 his or her
graduation the NSLI will present the Certificate
and a medallion to each student who has
satisfied the following requirements:

- Both introductory sports law survey courses (3 credits): Amateur Sports Law and Professional Sports Law.
- A sports law workshop (2 credits): Accounting and Tax Aspects of Professional Sports Law; Amateur Sports Law Workshop; Sports Industry Legal and Business Practices; or Sports Venues: From Election Day To Game Day.
- A sports law research paper in a seminar (2 credits).
- Topics in Advanced Legal Research Sports Law (1 credit).
- One of the following courses: Alternative
 Dispute Resolution, Arbitration Workshop,
 Mediation Workshop, or Negotiation Workshop.
- One or more of the following substantive law courses that significantly impact the sports industry:
 - Antitrust Law
 - Business Associations
 - · Constitutional Law 2: Speech and Equality
 - · Disability Law
 - Education Law
 - Federal Income Taxation of Individuals
 - · Intellectual Property Law
 - Labor Law
- 7. *Marquette Sports Law Review* staff position for a full academic year.
- 8. A one semester NSLI-sponsored volunteer sports law internship.

Danez Marrable, Athletics Academic Coordinator, Winthrop University, Rock Hill, South Carolina (Class of 2003)





Mike Sneathern, Legal Associate, Milwaukee Bucks, Milwaukee, Wisconsin (Class of 2002)

Marquette Sports Law Review

Established in 1990, the Marquette Sports Law Review was the first scholarly review to focus on legal, ethical, and business issues related to professional and amateur athletics. The Review is produced and edited by Marquette Law students, who earn academic credit for their work. It publishes articles and essays submitted by sports lawyers, sports industry professionals, law professors, and law students on a broad range of sports-related topics. Recent published articles have discussed the Report of the Secretary of Education's Commission on Opportunity in Athletics, trademarks and sports logos, high school sports eligibility issues, facility issues in Major League Soccer, amateur and professional sports tax issues and many other subjects of current interest.

Joint JD/MBA Program

The joint JD/MBA in Sports Business degree is offered through Marquette University's Law School and College of Business Administration. The program enables students to earn both degrees in less time than if each degree were pursued separately (typically a total of four years). By also earning the National Sports Law Institute's Sports Law Certificate, Marquette students have the opportunity to combine their knowledge of sports law with a graduate business education. Participants will acquire knowledge and understanding of the theoretical and practical legal and business issues likely to be encountered by sport organizations in the 21st century. Detailed information on the joint program can be found at http://law.marquette.edu/jw/jdmba.

CURRICULUM

AMATEUR SPORTS LAW. 3 Credits. This course covers various amateur sports law issues and focuses on regulation of interscholastic, intercollegiate, and Olympic sports. Topics covered may include constitutional law, tort law, contract law, Title IX gender discrimination, federal disability discrimination laws, the legal characterization of college athletes, regulatory authority of the National Collegiate Athletic Association, antitrust law, resolution of disputes affecting Olympic sports, trademark and unfair competition law, and regulation of private sports associations.

AMATEUR SPORTS LAW WORKSHOP. 2 Credits. A practical workshop applying the legal doctrines and theories covered in Amateur Sports Law to current legal and business issues affecting the regulation and governance of intercollegiate athletics and the operation of a university athletic department. Topics covered and practical skills developed may relate to NCAA and athletic conference regulation, internal athletic department governance, risk management, Title IX gender equity compliance, athletic event management and sponsorships, contract negotiation and drafting, and trademark licensing. Amateur Sports Law is a prerequisite.

CONTEMPORARY LEGAL ISSUES - "SPORTS INDUSTRY CONTRACTS AND NEGOTIATIONS." 1 Credit. The study of the formation, interpretation, negotiation and tax implications of sports industry contracts with emphasis on team-player agreements, agent contracts, sports marketing contracts, collective bargaining agreements, and facility leases and related agreements. Special attention is given to the ethical rules governing lawyers in their interactions in the sports industry. Professional Sports Law is a prerequisite for this course.

PROFESSIONAL SPORTS LAW: 3 Credits. This course covers various legal issues affecting professional sports and focuses on antitrust, labor, contracts, regulation of private associations, and player representation issues. It may also cover intellectual property and sports broadcasting issues. Recommended: Antitrust Law.

SELECTED TOPICS IN SPORTS LAW SEMINAR. 2 Credits. This seminar explores selected topics pertaining to professional and amateur sports. Topics may vary from semester to semester. The seminar features presentations by members of the Marquette faculty pertaining to sports law

issues in their fields of study. Each student in the seminar will write a substantial research paper on a specific topic chosen in consultation with the instructor.

SPORTS, LAW AND SOCIETY SEMINAR. 2 Credits. This course explores the sociological and historical significance of organized sport in American culture. Special emphasis will be placed on the way in which American sports have (and have not) been regulated by the state over the past century and a half and on the legal consequences of the regulatory schemes that have been adopted. Assignments will include both secondary and primary materials. In lieu of a research paper, students will submit several short essays. Either Amateur Sports Law or Professional Sports Law is a prerequisite for this course.

WORKSHOP IN SPORTS LAW - "ACCOUNTING AND TAX ASPECTS OF PROFESSIONAL SPORTS LAW." 2 Credits. This course focuses on accounting and tax issues relating to the operation of professional sports franchises and leagues. Topics covered include how tax and related legal considerations influence the ownership forms of American professional sports franchises and the structure of professional sports leagues; various methods of financial and tax accounting used by teams in conducting operations and how their franchise value is affected; and accounting, financial, legal, and tax aspects of the purchase and sale of sports franchises and related assets such as playing facilities. Prerequisite: Business Associations. Recommended: Accounting for Lawyers and Federal Income Taxation of Individuals.

WORKSHOP IN SPORTS LAW - "SPORTS INDUSTRY LEGAL AND BUSINESS PRACTICES." 2 Credits. This course is a study of the operation and financing of professional sports franchises from a legal perspective. Special attention is paid to employment issues, taxation, stadium and arena leases, and broadcasting and sponsorship agreements.

WORKSHOP IN SPORTS LAW - "SPORTS VENUES: FROM ELECTION DAY TO GAME DAY." 2 Credits. The course is dedicated to the study of the legal, financial, developmental, and political creation of sports facilities in the United States. The course will examine the reasons for the stadium boom and proliferation of sports facilities in our country; the current debate

relative to the desirability of public tax dollars underwriting sports venues; the ways in which sports facilities are financed and funded; the creation of governmental bodies known as stadium or taxing authorities; the development process and the real estate implications of stadium creation; the development of a longterm leasehold arrangement between landlord and tenant; litigation challenging government participation in financing and referendums; the creation of public-private partnerships and the risks, financial requirements, and nature of the partnership; the creation of contractually obligated income and the ways in which revenue generation meets the bottom line needs of all interested parties; construction implications relative to the creation of facilities including issues of cost overruns, insurance, and the ADA; relocation and retention issues relative to utilization of facilities for keeping the team at home; a review of the so-called facilities arms race in our universities and the nature of this race; and finally, trends for the future of stadium development.

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

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

William Miller, Executive Vice President/Professional Sports, The Leib Group, LLC, Mequon, Wisconsin (Class of 1996)





Sports Law Internships

Under the supervision of the National Sports Law Institute's directors, Marquette University Law School students have the opportunity to gain valuable legal and business experience by participating in one semester long volunteer sports law related internships. Internship sponsors may include GameBreakers, Inc., the Marquette University Athletic Department, Miller Brewing Company, the Milwaukee Brewers, the Milwaukee Bucks, the Milwaukee Tennis & Education Foundation, Pierski & Gray LLP, ScheerGame Sports Development, LLC, South Milwaukee High School, the Leib Group, LLC, the University of Wisconsin-Parkside, and Wisconsin State Fair Park.

Southwest Sports Group LLC Internship

Students participating in Marquette's Sports Law Program are eligible to participate in a unique internship program with Southwest Sports Group LLC, the holding company for the Dallas Stars National Hockey League club, Texas Rangers Major League Baseball team, and Mesquite Championship Rodeo. Each year, a Marquette law student is selected to work full time during the summer in Dallas, Texas with Southwest Sports Group's General Counsel and other key company executives on a wide variety of sportsrelated legal and business issues. The intern may attend Southern Methodist University Law School during the subsequent fall semester as a visiting student while continuing to work with Southwest Sports Group on a part time basis.

Sports Law Moot Court Team

Students interested in oral argument as well as the written word can try out for Marquette's Sports Law Moot Court Team. Selected team members participate in the Mardi Gras Invitational National Sports Law Competition held in New Orleans each year.



Matthew J. Mitten is Professor of Law and Director of the National Sports Law Institute. Professor Mitten earned a BA in economics from The Ohio State University and his JD, magna *cum laude*, from the University of Toledo College of Law. He teaches courses in Amateur Sports

Law, Professional Sports Law, Comparative Sports Law, and a Sports Law Seminar. He practiced antitrust and intellectual property law with Kilpatrick Stockton, LLP in Atlanta, Georgia and has taught at South Texas College of Law in Houston, Texas and at the University of Toledo College of Law. He currently chairs the NCAA's Committee on Competitive Safeguards and Medical Aspects of Sports and is a member of the Sports Lawyers Association's Board of Directors. He is a former chair of the Association of American Law Schools Section on Law and Sports. He has written extensively about current sports law issues (particularly antitrust and sports medicine legal topics) and frequently speaks at conferences and seminars on various sports law topics.



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

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



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

American Civilization from Harvard University. Professor Hylton is currently a member of the executive board of the Association of American Law Schools Section on Law and Sports and of the National Sports Law Institute's Board of Advisers. From 1997 to 1999 he was the Interim Director of the National Sports Law Institute. A specialist in the history of sports law, he teaches Professional Sports Law, the Sports, Law and Society seminar, and a course on the history of sports in the United States in the Marquette History Department. In the sports law area, he is the author of *Sports Law and Regulation* (1999) (with Paul Anderson) as well as articles on Jackie Robinson and the integration of baseball, the constitutionality of public financing of stadiums, baseball's antitrust exemption, grievance arbitration in sports, and the publicity rights of professional athletes.



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

Iowa. She co-teaches the Sports Law Seminar with Paul Anderson. Professor Cervenka is serving as a member of the program committee for the Association of American Law Schools Sports Law Section. She has served as an officer in the Braves 400 Club, the Braves Booster club for Georgia high school baseball and Braves activities. She has been to games in each of the current 30 baseball parks and has made a hobby of traveling to major and minor league ballparks since 1984. She travels to spring training each year with Jay Buckley Baseball Tours and takes other baseball excursions throughout the summer. She is also a member of the Special Libraries Association Baseball Caucus.



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

the Wisconsin State Fair Park Board. He is an Adjunct Professor of Law at the Marquette University Law School where he has taught real estate and sports law courses for well over 30 years. He currently teaches Sports Industry Contracts and Negotiations and Sports Venues: From Election Day to Game Day. Greenberg was the founder and Director of the National Sports Law Institute of Marquette University Law School from November of 1989 to April of 1997, and is a former Chair and current member of the NSLI Board of Directors. The Institute has established the Martin J. Greenberg Award for Excellence in the Study of Sports Law in honor of his contributions to the Sports Law Program and the NSLI. Greenberg was also awarded the 2001 Joseph O'Neill Award. Greenberg has authorized or co-authored several books including Sports Law Practice (1993 & 1998), The Stadium Game (1996), and The Stadium Game, Second Edition (2001).



Robert Leib is the President/CEO of The Leib Group, LLC, and Front Office Publications, LLC. He earned a bachelor's in business administration from the University of Wisconsin, J.D. from the University of La Verne College of Law and a Masters of Laws in Taxation from Boston

University School of Law. Leib is a member of the NSLI's Board of Advisors and teaches Accounting for Lawyers and Accounting and Tax Aspects of Professional Sports Law. He is admitted to practice law and is licensed as a CPA in Wisconsin and California. With The Leib Group, he has led projects that studied the market and financial feasibility of developing sports stadiums and arenas, and acted as an intermediary in representing buyers and sellers of team interests, most recently representing a group of Boston investors in their acquisition of the Boston Celtics and Frank McCourt in his purchase of the Los Angeles Dodgers. Before forming The Leib Group, he was lead tax partner in Arthur Andersen's Professional Sports Industry Group. He is an appointee to the ABA's State and Local Tax Committee, and is a member of its Forum on the Sports and Entertainment Industries.



Ron Walter is the Vice President – Alternate Governor of the Milwaukee Bucks and a partner in Foley & Lardner's Milwaukee office. In his duties with the Bucks, Mr. Walter has served as the club's legal counsel since 1992 and has responsibilities that include the team's business

and legal affairs. He also serves as the representative of the Bucks on the NBA Board of Governors. Professor Walter is the Chair of the National Sports Law Institute's Board of Advisors and teaches Sports Industry Legal and Business Practices.

Keith Miller, Director of Compliance, University of Southern California, Los Angeles, California (Class of 2001)





Kristi Schoepfer, Assistant Professor, Sports & Activities Department, University of Wisconsin- Parkside, Kenosha, Wisconsin (Class of 2001)

NSLI Board of Advisors

Our Board consists of a distinguished group of sports industry professionals and academics who provide advice and guidance regarding the NSLI's educational programs and activities, internships and career opportunities for our law students, and other matters.

Sports Law Alumni Association

All graduates of the Sports Law Program are invited to join the Sports Law Alumni Association. Members of the Management Committee direct the association's activities. Association members raise funds for the Alumni Scholarship Fund, participate in career panels that provide guidance and advice to sports law students, participate in NSLI conferences and seminars, and support the NSLI and Sports Law Program.

Sports Law Society

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

NSLI Awards & Scholarships

Professional Achievement Awards
Master of the Game Award
Joseph E. O'Neill Award
Sports Law Alumnus of the Year Award

Student Achievement Awards

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

NATIONAL SPORTS LAW INSTITUTE

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Pettit National Ice Center, Milwaukee, Wisconsin

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Jeffrey Pash, Executive Vice President & League Counsel, National Football League, New York, New York

Jill Pilgrim, General Counsel/Director of Business Affairs, USA Track & Field, Inc., Indianapolis, Indiana

 $\textbf{Allan (Bud) Selig, } Commissioner, Major \ League \ Baseball, \ Milwaukee, \ Wisconsin$

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American Appraisal Associates, Milwaukee, Wisconsin

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J. Gordon Hylton, Professor of Law

Charles W. Mentkowski, Professor of Law Emeritus

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