

THE NATIONAL SPORTS LAW INSTITUTE: 20 YEARS OF SERVICE TO MULS AND THE SPORTS INDUSTRIES

Events

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. During 2009, each issue of **For The Record** will provide a retrospective on various areas the NSLI has focused on for the past 20 years.

Beginning with the first lecture hosted by the NSLI — a discussion of *Representing Professional Teams* with Wendy Selig, who was then general counsel of the Milwaukee Brewers, on November 15, 1990 – the NSLI has hosted numerous events focusing on current sports law and business issues.



CONFERENCES

Since its founding the NSLI has hosted a fall sports law conference sixteen times. The first conference was held in Milwaukee in October 1992. Co-sponsored by Arthur Andersen, and held again in October of 1993, the *Sports Dollars & Sense* conferences discussed various issues directly affecting professional athletes, player agents, team attorneys, college and university attorneys, NCAA career counseling program advisors, and sports law professors.

From 1994-1996 the NSLI hosted a series of conferences on *Sports Venues, Revenues & Values*, all co-sponsored by Deloitte & Touche. These conferences addressed stadium and arena leases from a legal, economic and public policy perspective. Research and materials collected for these conferences led to the publication of the first edition of *The Stadium Game* book.

In November of 1998, the NSLI hosted a conference on *Sports Law in the 21st Century* with the Law and Sports Section of the American Association of Law Schools. The conference presented the leading scholars in the sports law field who discussed future trends.

In September of 2000, the NSLI hosted its fourth sports facility conference, *Sports Facilities & Development*. Panelists discussed various issues surrounding the sports facility development process from the economic ramifications to new innovations and technologies.

In 2001 and 2002 the NSLI hosted two conferences on *Intellectual Property Issues in Sports*. The first focused on *Trademarks, Unfair Competition, and Athletes Publicity Rights*, while the second addressed *How Contemporary Intellectual Property Law Has Affected the Modern Sports Industry*. The law firm of Foley & Lardner co-sponsored both of these conferences and has sponsored all NSLI conferences since 2001.

In September of 2003, the NSLI hosted its first international sports law conference with the International Association of Sports Law that attracted speakers and attendees from six continents. Another conference with an international focus followed in October of 2004 when the NSLI hosted *The Evolving Nature of Intercollegiate and Olympic Athletics in the 21st Century*.

From 2005 through 2007 the NSLI conferences focused on legal and business aspects of various levels of sports: *The Broad Scope of Professional Team Sports: Emerging Legal and Business Issues* (September 2005); *Individual Performer Sports: Current Legal and Business Issues* (October 2006); and *Increasing Globalization of Sports: Olympic, International & Comparative Law & Business Issues* (September of 2007).

Most recently, on October 24, 2008, the NSLI hosted a conference on *Professional Sports: Current Issues and Their Future Implications*. Conference sponsors included the law firms of Foley & Lardner, LLP and Greenberg & Hoeschen, LLC, and the Sports & Entertainment Law Section of the State Bar of Wisconsin. The conference featured the following panels:

Panel #1: Acquisition, Sale, and Valuation of Sports Franchises

Moderator: **Robert Leib**, Managing Director, Dornoch Capital Advisors, LLC, President/CEO, Leib Advisors, LLC, and member, NSLI Board of Advisors, Mequon, WI

Panelists and topics:

- **Michael Cramer**, Clinical Assistant Professor, Preston Robert Tisch Center for Hospitality, Tourism and Sports Management, School of Continuing and Professional Studies, New York University, New York, NY, and member, NSLI Board of Advisors, “*Valuations, League Rules and Current Economic Conditions...Challenges for the NFL*”
- **Greg Heller**, Senior Vice President & General Counsel, Atlanta Braves, Atlanta, GA, and member, Marquette University Law School Sports Law Alumni Association, “*Due Diligence Issues in Team Sales*”
- **Martin Greenberg**, Managing Partner, Greenberg & Hoeschen, LLC, Milwaukee, WI, member, Southeast Wisconsin Professional Baseball Park District, chair Wisconsin Sports Development Corporation, and member, NSLI Board of Advisors, “*No MLS in Milwaukee - At Least for Now*”



Greg Heller

Panel: Sports Broadcasting Issues

Moderator: **J. Gordon Hylton**, Professor of Law, Marquette University Law School and member, NSLI Board of Advisors, Milwaukee, Wisconsin



Mary K. Braza

Panelists and topics:

- **Mary K. Braza**, Partner and Chair, Sports Industry Team, Foley & Lardner LLP, Milwaukee, WI, *“The Fight between Cable Companies and Regional Sports Networks”*
- **Eryn Doherty**, Senior Counsel, Labor Relations, Fox Entertainment Group, Inc., Los Angeles, CA, and member, Marquette University Law School Sports Law Alumni Association, *“Labor Issues in the Sports Broadcasting Industry”*
- **Michael J. Mellis**, Senior Vice President and General Counsel, MLB Advanced Media, L.P., New York, New York, *“Internet Piracy of Live Sports Telecasts: Recent Developments”*

Panel: Playing Facility Issues

Moderator: **Matt Parlow**, Associate Professor of Law, Marquette University Law School, Milwaukee, Wisconsin

Panelists and topics:

- **Rick Schlesinger**, Executive Vice President - Business Operations, Milwaukee Brewers Baseball Club, Milwaukee, WI, and member, NSLI Board of Advisors, *“Milwaukee Brewers: Maximizing Revenues in a Challenging Economic Environment”*
- **Irwin P. Rajj**, partner, Regulatory Industries Department, member, Public Affairs and Real Estate Practices, and vice chair of the Sports Industry Team, Foley & Lardner, Washington, D.C., *“Sports Facility Development: Issues, Approaches, Trends and Perspective”*
- **Kate Jett**, Associate Counsel, Texas Rangers Baseball & Dallas Stars Hockey Clubs, Arlington, TX, and member, Marquette University Law School Sports Law Alumni Association, *“Club Risk Management – Minimizing Liability to Fans”*
- **Michael Cramer**, Clinical Assistant Professor, New York University, New York, NY, *“THE NEW MEGA-STADIUMS: Risks and Opportunities”*



Kate Jett

Panel: Potpourri of Hot Topics in Professional Sports

Moderator: **Matthew Mitten**, Professor of Law and Director, National Sports Law Institute of Marquette University Law School, Milwaukee, WI, and Member, Court of Arbitration for Sport, Lausanne, Switzerland



Jim McKeown

Panelists and topics:

- **Richard H. McLaren**, Professor of Law, University of Western Ontario, London, Ontario, Canada, Counsel to McKenzie Lake Lawyers LLP, and Member, Court of Arbitration for Sport, Lausanne, Switzerland, “*Corruption: It’s Impact on Fair Play*”
- **Jim McKeown**, Partner, Chair, Antitrust Practice Group, and Member, Sports Industry Team, Foley & Lardner LLP, Milwaukee, WI, “*Antitrust Developments in Professional Sports*”
- **Robert A. Boland**, Clinical Assistant Professor of Sports Management, Preston Robert Tisch Center for Hospitality, Tourism and Sports Management, New York University, New York, NY, “*Sports in Crisis: A Discussion of the Challenges Facing American Professional Sports and What Is Ahead, Focusing on the NFL’s Current Labor and Economic Challenges*”
- **Keiji Kawai**, Doctor of Laws, Associate Professor, Doshisha University, Japan, Visiting Researcher at the University of Massachusetts and Amherst College, “*Labor Relations in Nippon Professional Baseball*”
- **Clark Griffith**, Attorney at Law, Clark C. Griffith, P.A., and Commissioner, Northern League of Professional Baseball, Minneapolis, Minnesota, “*The Growth of Independent Baseball, Problems, Perils and Benefits, and How to Put a Team Together*”

The NSLI’s next conference will be held on Friday, October 23rd at Marquette University's Alumni Memorial Union. Panelists will discuss significant legal and business developments in the sports industry from the NSLI's 1989 founding to the present, with predictions about what may happen during the next 5 years until our 25th anniversary. The conference will include panels on Olympic/international, professional, college, and high school sports as well as a "catch-all" panel that will focus on common legal issues affecting different levels of sports competition (e.g., tort, Title IX). Further information about our 2009 conference will be available soon online at <http://law.marquette.edu/jw/slevents>.

SEMINARS/COLLOQUIA

In addition to its annual sports law conferences, the NSLI has hosted several seminars on various topics. The first seminar was held on October 5, 1990, focusing on *Professional Sports Contracts*. The NSLI has also hosted seminars on *Sports Officials and the Law*, *Jackie Robinson and the Law: Legal Perspectives on the Integration of Professional Baseball*, and *Insurance Issues in Sports Law*, among other topics.

In conjunction with the Sports & Entertainment Law Section of the State Bar of Wisconsin, the NSLI also has hosted several Continuing Legal Education seminars for lawyers focusing on discussions of *Ethical Issues in Sports*.

In addition, in conjunction with the Law and Sports Section of the American Association of Law Schools, the NSLI hosted a *Sports Law Teaching & Scholarship Colloquium* in September of 2007. The Colloquium featured sports law professors who discussed current scholarship and the teaching methods used in their respective sports law courses.



Professor Alfred Mathewson & Professor Andre Douglas Pond Cummings at the *Sports Law Teaching & Scholarship Colloquium*

SPEAKERS/WORKSHOPS

Over the past 20 years, the NSLI has hosted dozens of individual sports industry speaker who have provided their perspectives on various legal issues. A sampling of the topics covered by individual speakers includes:

- In Black and White: Race and Sports in America
- Sports Marketing & The Law
- Naming Rights: The New Revenue Source for Sports Facilities
- Managing Sports Facilities: The Legal Issues
- The *Olinger* and *Knapp* Decisions: A Judicial Perspective
- From Inequality to Opportunity: Keeping the Promises Made to Big-Time Intercollegiate Athletes
- Money Earned and Money Lost: NHL Salary Arbitration; Pro Tennis Doping Sanctions
- Combining the Practice of Law with Player Representation
- Did the Signing of Jackie Robinson Slow Down the Integration of Major League Baseball?
- A Behind the Scenes Look at the Unique Challenges and Rewards of the Quest to Create a Professional Baseball League in the Holy Land

Featured speakers for these events have included Ellis “Skip” Prince, former Vice President of Television and Business Affairs for the National Hockey League; the Honorable Judge Terence Evans, United States Court of Appeals for the Seventh Circuit; Professor Richard McLaren, member, Court of Arbitration for Sport; and Attorney Andrew Brandt, former Vice President of Player Finance/General Counsel for the Green Bay Packer; among many other speakers.

Most recently, on April 14, 2009, Marquette University Athletic Director Steve Cottingham spoke to students about the value of a legal education for collegiate athletics administrators and current legal issues facing college athletics administrators.

SPORTS BUSINESS FORUM

From 1991 to 1994, the Sports Business Forum consisted of individuals from the Greater Milwaukee business, sports and educational communities, who met to discuss current issues in sports. Each forum featured a speaker from the sports industry, including;

- Jerry Reinsdorf, owner of the Chicago Bulls and White Sox, *The Business of Major League Baseball*;
- Dick Schultz, former NCAA Executive Director, *Athletics in the 1990s: A Decade of Change*;
- Richard Berthelsen, general counsel of the National Football League Players Association, *Freedom in the National Football League*;
- Sal Bando, former general manager of the Milwaukee Brewers Baseball Club, *The Economics of Major League Baseball*;
- Bob Harlan, former president & CEO of the Green Bay Packers, *The Economics of the National Football League*;
- Bud Selig, then president & CEO of the Milwaukee Brewers Baseball Club, *Baseball's Changing Economic Environment*; and
- Brian Burke, former Vice President for the National Hockey League, *The Economics of the National Hockey League*.

SPORTS INDUSTRY CAREER EVENTS

In 1998, the NSLI hosted the first of its Annual Sports Law Alumni Career Panels. These panels bring Sports Law program alumni back to Marquette University Law School to discuss their careers and to advise current Sports Law students. On March 26, 2009, the NSLI and Sports Law Alumni Association hosted its eleventh annual Alumni Career Panel featuring Shawn Eichorst (L'95), Executive Associate Athletic Director, University of Wisconsin, Madison, WI; William Miller (L'96), Assistant Professor, University of Wisconsin - Parkside, Kenosha, WI; Mike Sneathern (L'02), Associate Counsel, Milwaukee Bucks, Milwaukee, WI; and Jenni Spies (L'06), Assistant District Attorney, Milwaukee County District Attorney's Office, Milwaukee, WI.



11th Annual Sports Law Alumni Career Panel

Periodically, the NSLI hosts other events providing career guidance for Sports Law students and featuring alumni or other individuals from the sports industry. These events often focus on one aspect of the sports industry (i.e. *Careers in Collegiate Athletics* with Keith Miller (L'01), Assistant Athletic Director - Compliance, Baylor University, Waco, TX, on September 30, 2004). In addition, since 2001,

the NSLI has invited participants in its annual fall conference to speak to students about careers in the sports industry the afternoon before the conference begins. On Thursday, October 22, 2009, the NSLI will host a career panel featuring female alumni who currently work in the sports industry.

CURRENT ISSUES IN SPORTS LAW

Starting in 2002, Professor Paul Anderson, the Associate Director of the National Sports Law Institute, has presented a discussion of current legal issues impacting the sports industry during the spring semester, which focuses on novel and interesting issues that have developed in the sports industry over the past calendar year. Each presentation is specifically designed for Marquette Sports Law program students and covers current issues at the high school, college, professional, and international level of sports participation.

During his most recent *Current Issues in Sports Law* presentation on February 12, 2009, Professor Anderson discussed *Wakefield v. WIAA*, a recent Wisconsin case holding that the Wisconsin Interscholastic Athletic Association is a state actor; *Bassett v. NCAA*, a recent federal case in which a coach unsuccessfully sued the NCAA claiming that sanctions brought against him and the University of Kentucky violated federal antitrust laws; the *Report to the Board of Governors of the NBA (Oct. 1, 2008)* which reviewed the NBA's officiating crews as a result of the Tim Donaghy scandal; and the revisions to the World Anti-doping Code that became effective in 2009; among other current issues.

SPORTS LAW STUDENT/ALUMNI NETWORKING LUNCHESES

Since 2006, the NSLI has invited alumni to return to Marquette University Law School each semester to talk to Sports Law program students in Sports Law Student/Alumni Networking lunches. These lunches provide small groups of students with an informal setting in which the alumni discuss their participation in the Sports Law program and how it impacted their future careers. Most recently, on January 23, 2009, the NSLI hosted a networking lunch for eight students, featuring Sports Attorney and Adjunct Assistant Professor of Law Brad Hoeschen (L'01), Greenberg & Hoeschen, LLC, and Attorney Nick DeSiato (L'08), Law Clerk, Milwaukee County Circuit Court. Both Brad and Nick are members of the National Sports Law Institute's Sports Law Alumni Association.

BANQUETS / TRIBUTES / RECEPTIONS

During the past two decades the NSLI has hosted numerous events to recognize Marquette students and alumni, individuals who have positively impacted the Sports Law program at Marquette, and other sports industry lawyers and professionals.

From 1993-1997 the NSLI annually hosted what was known as the *Marquette Sports Law Journal* awards dinner, which recognized students at Marquette for their service to the Institute and *Sports Law Journal*. By 1998, this annual event became the NSLI's Annual Sports Law Awards Banquet, honoring the graduating Marquette University Law School students who have participated in the Sports Law program.

Since 2005, the NSLI has hosted a reception for graduating students who have completed the requirements for the NSLI's Sports Law Certificate. At the end of 2009, 155 students will have earned the Sports Law Certificate.

The NSLI has also hosted two large events in honor of individuals who supported the development of the NSLI during its formative years. On May 6, 1996, the NSLI hosted a tribute dinner for former Marquette University President, Reverend Albert DiUlio, S.J., in recognition of his tremendous support of the Institute during his presidency. In addition, on September 26, 1996, the NSLI held a dinner in honor of Professor Emeritus Charles Mentkowski, the Associate Dean of Marquette University Law School when the NSLI was created in 1989, and the first chair of the NSLI's Board of Advisors.

SOCIAL EVENTS

With the assistance of Marquette's student Sports Law Society and the Sports Law Alumni Association, the NSLI has hosted or sponsored many different social events, including visits to Milwaukee Brewers and Bucks games, to tours of sports facilities, and trips to sports law conferences. Since 2001, each fall the NSLI hosts a Welcome Mixer where current students, alums, and sports law faculty, welcome newly enrolled students interested in the Sports Law program at Marquette. In addition, each fall since 2002 the Sports Law Society has hosted an annual student/faculty/alumni golf outing in Milwaukee. Proceeds from the outing support scholarship funds for Sports Law program students. The next golf outing will be held Saturday, September 19, 2009, at Silver Spring Country Club.

20TH ANNIVERSARY EVENTS

To begin the celebration of the NSLI's twenty year anniversary the NSLI and Marquette's Sports Law Society hosted a celebration titled *20 Years of Sports Law at Marquette: the Sports Law Society Celebrates 100 members* on April 2, 2009. This event recognized the incredible service and support that the student Sports Law Society provides to the NSLI and Sports Law program and featured NSLI Director Matt Mitten, former NSLI Director and founder Martin Greenberg, NSLI Associate Director Paul Anderson, and panels of students from each current law school class. The NSLI will sponsor several other events during 2009 to commemorate its 20th Anniversary, including a panel of Marquette University Law School alums who will discuss the growth of the NSLI and Sports Law program.. Details of this and other events will be available soon.



CELEBRATING 20 YEARS (1989-2009)