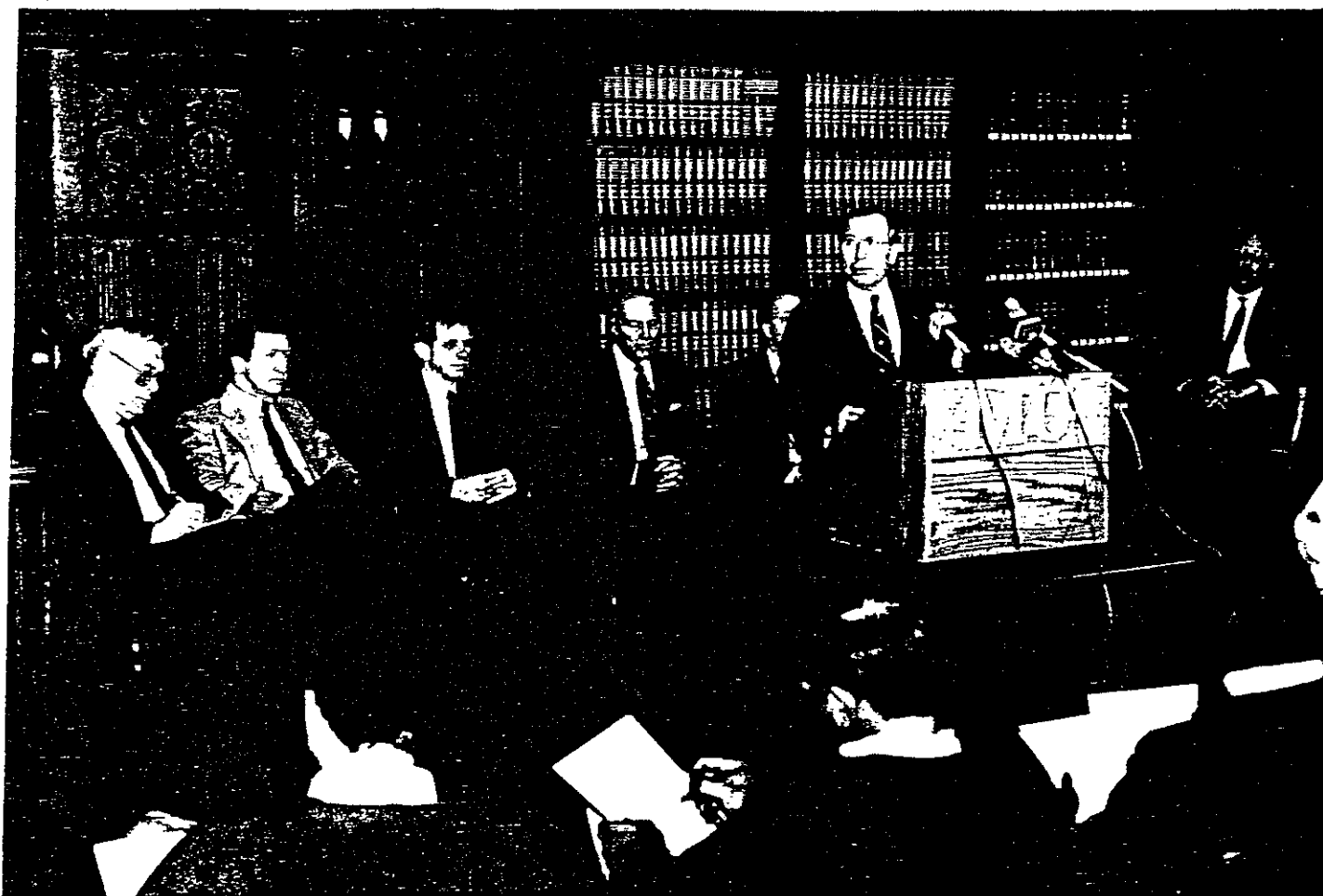


# NSLI Beginnings



Marquette University will begin a National Sports Law Institute -- the first of its kind in the nation.

The institute will receive financial support of \$500,000 over a four-year period from the Green Bay Packers, Milwaukee Brewers, Milwaukee Bucks and Milwaukee Admirals.

The Institute will begin classes in Marquette's 1989 fall semester. The Institute's mission is to promote the development of ethical practices in all phases of amateur and professional sports, a release by the university stated.

John F. Wendel, the president of the Sports Lawyers Association and the law firm of Wendel & Chritton, Lakeland, Fla., will become the Institute's Acting Director. He has represented various minor leagues and teams for the last 18 years.

Former Marquette coach Al McGuire was the first member to be named to the advisory board, which will be asked to make recommendations regarding topics and issues in the sports law area.

"The concept of the National Sports Law Institute is one that is long overdue," McGuire said. "The possibilities are endless. I'm proud to be associated with it."

*United Press International, 2/16/89*

# Education, ethics are focus of law institute

## Sports Lawyers group gets message in Milwaukee

Milwaukee will be a center for the advancement of education and ethics in sports law, thanks to the newly formed National Sports Law Institute at the Marquette University Law School. That is the message the director of the institute, John Wendel, gave to board members of the Sports Lawyers Association, who held their semi-annual meeting here this weekend.

Wendel, who also is head of the lawyers group, said the institute, created earlier this year, would serve a dual purpose: educating law students in the issues that relate to sports law and serving as a resource for the industry. And both roles are aimed at promoting high standards of conduct among lawyers and others involved in the legal aspects of sports.

The lawyers group, founded in 1976, has about 350 members who represent players, teams and leagues. The group fosters ethical standards in negotiations and promotes dialog on issues such as collegiate eligibility standards, drug testing, labor-management relations and the impact of broadcasting contracts.

The lawyers group does not promote specific proposals on these issues, Wendel said, because to do so would "polarize our membership." Instead, he said, "What we want is to provide the opportunity for lawyers to talk, to become better representatives for their clients, and to maintain high standards of ethical conduct."

The new Institute at Marquette

will be publishing its first journal in December and will begin next year to sponsor seminars on sports-law issues. The institute, which was the idea of Wendel and Martin Greenberg, the assistant director, was founded last spring.

- Marquette has announced that its law school will be the home for a national sports law institute with funding to come from professional sports teams in Wisconsin. The Green Bay Packers, Milwaukee Brewers, Milwaukee Bucks and Milwaukee Admirals have pledged support for approximately \$500,000 over a four-year period.

Chicago Tribune, 2/16/89, p 2

# Institute strives to level the playing field

## Athletes should be on court, not in it, sports group says

By PETER KENDALL

To the sports fan, the name has an ominous ring to it: the National Sports Law Institute. An institution dedicated to upgrading the level of amateur and professional sports information available to lawyers and sports industry personnel.

Armchair quarterbacks can call this one from a mile away. It can only mean one thing — more lawyers. In other words, more holdouts, more anti-trust suits, more strikes and more instant replays.

But when the organization was founded at Marquette University Law School last year, sports institute advisers proclaimed their intention to clarify rather than cloud the legal and business issues that gradually have come to dominate the sports world. The objective of the body is to keep the best athletes on the court rather than in it.

As a former coach, Al McGuire, a commentator

Please turn to page 41



Martin Greenberg

... "Having better informed and more qualified people on both sides of the bargaining table will make it easier. Players have short careers. The best place for them is on the field, not watching their fellow players on television."

*"There has been a proliferation of unqualified people representing athletes as the business has grown. There are more leagues, more teams, more athletes and more money."*

— John Steinmiller

Continued from page 1  
with NBC, can relate to the sentiment of the average fan.

"I'm not a lawyer," said McGuire, who retired as Marquette University's basketball coach in 1977. "It seems like everyday we hear about something else. Here we go again, some guy wants to renegotiate. But I didn't understand the size of it. There has been such an explosion in sports over the last 10 years."

He cited the National Collegiate Athletic Association's new seven-year contract with CBS Sports. The \$1 billion contract gives CBS the right to televise the NCAA basketball tournament.

"That's \$1 billion for three weekends a year," said McGuire. "That doesn't even include admissions or radio or anything else. If you throw those things in, it's another \$400 million. That's the business end. But there's also a legal end of product liability, steroids, free agency . . . There's a whole world out there that needs direction. It's a tidal wave."

According to James Gray, manager of the National Sports Law Institute, it was the fans, not the lawyers, who touched off the wave.

"It's easy to think, 'If it wasn't for lawyers, we wouldn't be reading this,'" Gray said of the contract negotiations and business issues that have come to dominate the sports headlines. "But there's only one way the high salaries and the boom in sports can be stopped. That's if the fan decides not to pay for it. The public creates the money. Where the lawyer steps in is when it is being decided how the resources are going to be divided."

The institute was funded with the help of a four-year commitment from each of area's professional sports franchises. The Green Bay Packers, along with the Milwaukee Bucks, Brewers and Admirals, contributed \$500,000 over four years to establish the institute.

Martin Greenberg, a local attorney who specializes in sports law, is the founder and associate director of the institute. He has assembled an advisory board that includes key players from on and off the field. The board includes Jerry Reinsdorf, owner of the Chicago Bulls and White Sox, and Orel Hershey, a pitcher with the Los Angeles Dodgers. Milwaukee-area board members include McGuire; Alan Selig, president of the Milwaukee Brewers; and Ulice Payne, a Milwaukee attorney and agent.

"We thought it was necessary, given the nature of sports today," said Selig. "Sports has become very complex. This group is designed to create a clearer understanding of all the issues. If it contributes to a more lucid discussion, it will be a success."

In the past year, as president of the Brewers and chairman of Major League Baseball's labor relations committee, Selig struggled with a bewildering web of emotionally charged political, monetary and social issues. After extensive negotiations, Se-

lig signed Robin Yount, the Brewer's star center fielder, to a contract paying more than \$3 million a year, then became the point man in the owners' spring training lockout.

The lockout ended shortly before the start of the 1990 season, but the impasse was costly to teams like the Brewers: Milwaukee's big leaguers played most of the year like a team that missed spring training. But Selig cannot sit back and concentrate on rectifying things in 1991. He is convinced that the long-term prospects of the franchise rest on the building of a new stadium, another highly charged, multimillion-dollar thicket of taxation, economic development and politics.

Saying that off-the-field wrangling between management and players can have a disastrous impact on the field is no stretch to beleaguered Packers fans. Many attribute the team's early season failure to hits on the business side of the game. Preseason holdouts by quarterback Don Majkowski and most of the offensive line have contributed to the team's decline from a 10-6 record last year to 2-4 so far this season.

Greenberg said the Sports Law Institute will prevent, rather than promote, breakdowns between the two sides.

"The object is to put players to work," he said. "Having better informed and more qualified people on both sides of the bargaining table will make it easier. Players have short careers. The best place for them is on the field, not watching their fellow players on television."

Payne is convinced that sports will improve if the legal services available to owners and players are enhanced.

"The goal is to make the sports better," he said. "Where the institute comes in is flushing out the legal issues."

He cites the example of Hank Gathers, a basketball player with Loyola Marymount University in Los Angeles. Gathers, a top pro prospect, played despite a heart condition. He collapsed and died during an NCAA game earlier this year.

"What were his rights?" asked Payne. "Who's his doctor? Is it the family doctor or the team doctor? Should he have been allowed to play? Was he informed of his rights? Those aren't everyday questions for the average law firm."

Based on a recent presentation by Payne to the institute, the transition to a state of harmony between players and owners will not be a smooth one. Payne, an agent for several NFL players, questions the even-

handedness of the standard National Football League player contract and criticizes the league as the most restrictive of the professional sports.

Payne notes that, while many contracts are reported as multiyear deals, most NFL player contracts are actually a series of one-year deals because of the risk of injury. If a player gets cut, the team's obligations to the player generally are terminated. Payne said the standard contract gives a team and the league broad discretion over a player's conduct on and off the field. Players must pay any fine the team or commissioner assesses and stay in "excellent physical condition." The severity of injuries and exactly what constitutes excellent physical condition is determined by the team. The only negotiable item falls under Paragraph 5, which pertains to the player's annual salary.

"What's your Paragraph 5? That's what they want to know," Payne said. "That's why NFL players hold out. Management has all the discretion."

The U.S. Supreme Court currently is deciding whether it will hear a case against the league brought by Majkowski and several other NFL players. The players contend that the league is an illegal monopoly that has violated antitrust laws.

Payne said football is more restrictive than other sports. As an example, Payne points to Brent Fullwood, a former Packers running back and one of Payne's clients. The team traded Fullwood in early October after he reported sick and unable to play in an Oct. 7 game against the Chicago Bears.

"He had no control," Payne said. "He had no say-so as to whether he could stay. That's the nature of the sport. My point is, if you are going to give management the right to cut off his livelihood whenever they want, he ought to have the flexibility to get cut by whomever he wants."

While some football players do move because of free agency or trades, Payne said the number of big-name players jumping from one team to another is far lower than it is in basketball or baseball.

"When Robin (Yount) was negotiating last year, they had to deal with him seriously," said Payne. "In football, there is not the same pressure."

The football establishment has a ready response for such claims.

"The players seem to be getting paid pretty well," said Robert Harlan, president of the Green Bay Packers.

Majkowski will earn about \$1.5 million this year. Athletes in other sports are doing even better. The average National Basketball Association contract pays a player \$900,000 a year.

When asked whether the Brewers' contribution to the Sports Law Institute will come back to haunt the team by putting more polished player representatives on the opposite side of the bargaining table, Selig said "no."

"In baseball, players are doing very well already," said Selig. "That's the understatement of the century."

John Steinmiller, vice president of operations with the Milwaukee Bucks, said arising out issues in an educational forum will help rather than hinder the Bucks and pro basketball.

"In some ways, there may be a potential for it to put more intelligent, more qualified people across the table from us," he said. "But we are willing to take that risk because we do need a higher caliber of person in the industry. There has been a proliferation of unqualified people representing athletes as the business has grown. There are more leagues, more teams, more athletes and more money."

And as McGuire put it: "Any time the monies come in, the thieves come in. I don't care if it's pharmaceuticals or airports. When you start mentioning millions, never mind billions, you know it's going to happen."

According to lawyer Greenberg, the sports industry is now the 22nd-largest business segment in the country. It generates revenues of \$60 billion a year. The institute's Gray adds that there are 5,000 professional athletes and more than 5,000 registered player agents.

"If you look at what's going on in the NFL, it's clear that its future is not on the playing field, it's in the courts," Greenberg said. "An adverse court decision could disrupt the balance. Keeping the stability of the league could be as important as whether Don Majkowski throws for 300 yards on Sunday."

"Players want freedom or free agency," he said. "The ability to get the highest and best price from the teams they want to play for. But there has to be some restriction to ensure the viability of the league. It's a balancing technique between the freedom of the players and the success of the league."

Arriving at and maintaining the right blend of players' rights and competitive parity will take stalled people, Greenberg said.

"The role we can play is to produce competent and qualified lawyers," he said. "I just hope we can provide an educational environment."

If the institute can do that, Greenberg is convinced it will promote and protect a precious national resource — our professional and amateur sports — from the harsh, even destructive, realities of the business world.



# Sports law takes over at bar

By Brian Hanley  
Staff Writer

## Legal course building up steam

MILWAUKEE, Wis.—Even though this is the beer capital of the world, there is an unusual sports bar here where torts—rather than pretzels—accompany most any discussion among the patrons.

Welcome to the National Sports Law Institute—established two years ago by Marquette University as the first forum of its kind in the United States.

"In the past years, it has become apparent that the lawyers off the field have become more important than the managers on the field," said Martin Greenberg, a practicing attorney, professor of law at Marquette and the Institute's associate director.

"So we felt a need to offer courses to [law] students to better upgrade the industry with an emphasis on ethical practices."

The idea for the NSLI began 12 years ago, according to Greenberg, who came back from a NFL players conference in Florida.

"After attending those meetings, I realized at the minimum we should have a

course in sports law at Marquette," Greenberg said.

However, some conservative faculty members saw a sports course in a law school as some would see an underwater basket-weaving class for athletes.

"At the time sports law was the equivalent of spaceship law," Greenberg said. "So we called the class Personal Services Contracts."

As those personal services contracts have grown to some \$5 million for pitchers such as Boston's Roger Clemons, that one class has grown into a field of study in many law schools.

"It's amazing the number of inquiries we get from prospective students, just because of the presence of the Institute at Marquette," Greenberg said. "Because we were the first law school to take it to its ultimate conclusion."

With \$500,000 in funding provided by the Milwaukee Brewers, the Milwaukee Bucks, the Milwaukee Admirals and the Green Bay

Packers, Greenberg was able to get the Institute up and running.

"We started in 1989, but it took us a year to get all the administrative operations together," Greenberg said. "So we really got started last June. And in the last year, we've really taken a step out."

In that time, the Institute has become a "resource center for sports case law," Greenberg said. "Before there really was nowhere to turn to for attorneys, journalists or academic administrators to get sports law information."

Now, with a membership topping 200, and a board of directors which includes Bulls and Sox owner Jerry Reinsdorf, former Marquette coach Al McGuire, Brewers owner Alan "Bud" Selig, Los Angeles Dodger pitcher Orel Hershiser, Richard A. Berthelsen, the general counsel for the NFL Players Association, and Judy Sweet, president of the NCAA, the National Sports Law Institute has amassed what Greenberg called a "wide variety" of all areas of athletics.

Besides producing a bimonthly newsletter on current industry issues, and an annual national journal addressing issues in sports law, the Institute's "resource clearing house," which contains a collection of briefs, pleadings and legal research for "academics and practitioners," is available to members.

But aside from its work producing manuals that deal with such topics as the legalities and ethics in agent-client relationships, even more important is the work the Institute is doing at the secondary and university level.

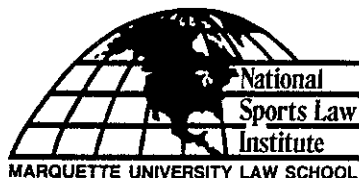
Greenberg said his organization has put an emphasis on educating coaches, athletic directors and administrators at those levels as to the responsibilities involved in their respective jobs.

In other words, Greenberg's group wants to make sure coaches don't end up exchanging their sweatshirts for lawsuits.

"There's a crisis in amateur athletics, especially at the high school level," Greenberg said.

For more information on the Institute, phone (414) 288-8815.

**Chicago Sun-Times**



**February 15, 1989**

**Release: 2:30 p.m.**

**Contact: Betsy Van Sickle, Sports Information Director  
Marquette University (414) 224-5287**

**(NATIONAL SPORTS LAW INSTITUTE)**

**Milwaukee, Wis. --- The formation of a National Sports Law Institute at Marquette University was announced today (Feb. 15) by Frank C. DeGuire, Dean of MU's Law School. The announcement was made at a news conference in Marquette's Law School which will be the home of the Institute, the first of its kind in the nation.**

**The Institute is being created with the financial support of the following founding sponsors: the Green Bay Packers of the National Football League, the Milwaukee Admirals of the International Hockey League, the Milwaukee Brewers of the American League and the Milwaukee Bucks of the National Basketball Association. These professional sports organizations have committed support of approximately a half a million dollars over a four-year period to help fund the National Sports Law Institute.**

**Dean DeGuire also announced that the Acting Director of the National Sports Law Institute at Marquette will be John F. Wendel, the president of the Sports Lawyers Association. Wendel is also president of the law firm of Wendel & Chritton, Chartered, Lakeland, Fla., and has practiced in the area of sports law for the last 18 years, representing various minor leagues and teams.**

**Prof. Martin J. Greenberg will serve as Associate Director of the Institute, according to DeGuire. Greenberg is an adjunct professor at Marquette where he specializes in sports law, real estate practice and taxation. He is also a partner in the law firm of Martin J. Greenberg & Associates.**

**An Institute advisory board will be appointed and will be asked to make pertinent recommendations regarding topics and issues in the sports law area. The first member to be named to the advisory board was Al McGuire, former coach of the Marquette Warriors and presently a commentator with NBC Sports. The faculty representative on the board will be Prof. John J. Kircher of the Law School.**



**MU NATIONAL SPORTS LAW INSTITUTE  
ADD ONE**

The Institute will be in operation July 1, with sports law classes beginning in Marquette's fall semester in August.

The principal mission of Marquette's National Sports Law Institute will be to promote the development of ethical practices in all phases of amateur and professional sports. The Institute will seek to educate competent professionals to recognize and deal with the increasingly complex issues involving athletes, coaches, owners and other interested parties at all levels of organized sports, including the public, and to develop a repository of sports-related resource materials.

This unique educational program is expected to have an impact on the legal community and the sports world. The Institute has the support of the Sports Lawyers Association and other sports industry representatives.

Marquette will offer an integrated approach to the study of sports law, offering a complete curriculum of courses necessary to receive a thorough understanding of this complex and growing field. In addition to offering a sports law curriculum, the Institute will develop and disseminate the first sports law casebook and publish a national newsletter and a sports law journal. The Institute will host national and international seminars, workshops and conferences for sports lawyers, sports officials, legislators, faculty and law students, the media, as well as the general public.

The Institute anticipates that it will be able to attract the finest law students throughout the country who are interested in the study of sports law; focus national attention on the Marquette Law School and Milwaukee as the center for the integrated study of sports law; serve as a role model for other law schools; provide national-- previously unavailable-- resources, including casebooks and journals; and, through conventions and other meetings, create a significant economic impact on the community.

Since sports law is a multi-faceted study of various legal areas such as contracts, agency, torts, antitrust, labor, taxation, criminal law, etc., the Marquette National Sports Law Institute will coordinate its program with the present law school curriculum.

Course offerings will include "Current Issues Affecting Sports Industry," "Sports Industry Contracts and Negotiations," "Regulation of Amateur Athletics," "Effect of the Antitrust and Labor Laws on the Sports Industry," and "Sports and the Law."

# National Sports Law Institute Principal Mission: Ethics in Sports

by M.S. Greenberg, J.T. Gray

The National Sports Law Institute (NSLI) of Marquette University Law School welcomes you to the 1990-91 academic year. The NSLI's principal mission is to promote the development of ethical practices in all phases of amateur and professional sports. In addition, NSLI aims to upgrade the level of information and education available to lawyers and sports industry personnel.

Over the last few months, NSLI has developed various sports law seminars and conferences. One such seminar applies the principles of risk management to high school and college athletic programs. In August of 1990 the NSLI presented this risk management seminar to approximately 250 high school administrators, athletic directors, and coaches from the Braveland Conference located in Waukesha and Waterloo High School District. Presently, the NSLI is in the process of obtaining grants from insurance company foundations so that an entire risk management seminar, complete with NSLI instruction and a practical risk management guide, will be provided free of charge to the Milwaukee Public Schools system. After successful completion of the Milwaukee program, NSLI hopes this risk management program will be expanded to include every high school and university on a nationwide basis.

In addition, the NSLI is planning to sponsor a conference for

sports law academics and practitioners to be held between April 18th and 20th, 1991 at the Law School. The goal of this NSLI conference is to improve the quality and increase the quantity of sports law information across the United States. After completion of this conference, each participant will be able to structure and organize a sports law course in law schools, undergraduate and graduate sports management or physical education degree programs.

In order to offer practical legal insights involving the sports industry, national guest speakers such as National Football League Players' Association arbitration consultant, W. Buckley "Buck" Briggs, and NSLI Board of Advisor members Melvin S. Narol and Ulice Payne, Jr., have spoken at the NSLI on league/player arbitration proceedings and the representation of officials and players respectively. On January 10, 1991, Jerry Reinsdorf, owner of the Chicago Bulls and White Sox and NSLI Board of Advisor member, will address the inaugural meeting of the NSLI Sports Business Forum. This organization is a group of approximately seventy-five sports executives which meets on a quarterly basis to discuss current legal and business issues facing the sports industry.

Furthermore, the NSLI is currently working on a book to be published by The Michie Company, a national legal publisher. This two volume set will discuss the legal aspects of amateur and professional athletics. Volume one will, for example, provide commentary on such legal issues as the negotiation, formation, and enforcement of coaches, officials, and players' contracts. Volume two

will provide many of the forms a practitioner in this field will need in order to provide competent and effective representation.

In order to attract and host sports events on the national and international levels in Wisconsin, the NSLI helped the state of Wisconsin create its own sports authority. This quasi-public sports organization, known as the Wisconsin Sports Authority, Inc. (WSA) will market Wisconsin's sports assets to organizers of amateur and professional sports events.

Besides the obvious economic impact, the WSA in its articles of incorporation, allow for the implementation of broad educational, sponsorship and outreach functions. These functions will permit the WSA to develop programs and activities specifically for Wisconsin's senior, disabled and disadvantaged citizens.

As a further way to update you on recent NSLI activities and developments, the inaugural issues of the Marquette Sports Law Journal, the NSLI newsletter For The Record as well as a copy of the NSLI brochure and membership flyer will be distributed to the Law School faculty, staff, and students sometime in mid-November.

Finally, every faculty and staff member as well as each law student is invited to participate in any NSLI program or event. In addition, everyone will receive a timely update from us as the NSLI develops its programs and events. If anyone would like further information regarding the NSLI and its activities, NSLI can be contacted at 288-5815. We look forward to hearing from you. ■

