

THE NATIONAL SPORTS LAW INSTITUTE: THE DEVELOPMENT OF THE SPORTS LAW PROGRAM

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** provides a retrospective on various areas the NSLI has focused on for the past 20 years. This final issue focuses on the academic components of Marquette University Law School's Sports Law program.



SPORTS LAW CURRICULUM

CELEBRATING 20 YEARS (1989-2009)

The first sports law course taught at Marquette was Negotiating and Drafting of Personal Service Contracts, taught by Professor Martin Greenberg for the first time in the spring of 1979. By 1981 the course was renamed Personal Service Contracts.

By the time the National Sports Law Institute was founded in 1989, the curriculum had expanded to include two courses, Sports Contracts and Negotiations and Regulation of Amateur Athletics. By 1994 a Contemporary Issues in Sports Law Course had been added to the curriculum.

In 1997, under the direction of the Sports Law Committee appointed by Dean Howard Eisenberg and the guidance of Interim Director J. Gordon Hylton, the curriculum expanded to include six courses:

- Sports Law, a 3 credit open enrollment course,
- Sports Industry Contracts and Negotiations, Regulation of Amateur Athletics, and Regulation of Professional Athletics, all 2 credit workshops, and
- Contemporary Issues in Sports Law and Sport, Law and Society, both 2 credit seminars.

In 1999, under the guidance of Director Matt Mitten, the curriculum was reorganized and expanded to include seven courses:

- Professional Sports Law and Amateur Sports Law, both 3 credit open enrollment courses,
- Sports Industry Contracts and Negotiations and Sports Industry Legal and Business Practices, both 2 credit workshops,
- The Sport, Law and Society seminar and a new seminar called Selected Topics in Sports Law, and
- A legal research workshop called Topics in Advanced Legal Research: Sports Law.

Over the past decade, further refinements have been made to the curriculum. The Sports Industry Contracts and Negotiations workshop has been replaced by two new workshops titled Sports Venues: From Election Day to Game Day and Representing Professional Athletes and Coaches. A new Amateur

Sports Law workshop has been added to the curriculum. An International Sports Law seminar and an Accounting and Tax Aspects of Professional Sports workshop have also been offered periodically.

The current sports law curriculum at Marquette remains the most extensive in the United States and includes the following courses:

1. Amateur Sports Law
2. Amateur Sports Law Workshop
3. Current Issues in Sports Law: Sports Industry Governance (a new course added in 2009)
4. Professional Sports Law
5. Representing Professional Athletes and Coaches Workshop
6. Selected Topics in Sports Law Seminar
7. Sport, Law and Society Seminar
8. Sports Industry Legal and Business Practices Workshop
9. Sports Venues: From Election Day to Game Day Workshop
10. Topics in Advanced Legal Research: Sports Law

SPORTS LAW FACULTY

Over the past 20 years, Marquette University Law School has benefited from the expertise of many highly qualified full time and adjunct professors who have taught various sports law courses at the law school. These faculty members include

- Paul Anderson (L'95), Adjunct Professor of Law and Associate Director of the National Sports Law Institute, Regulation of Amateur Athletics, The Law of Amateur Athletics, Amateur Sports Law Workshop, Sport, Law and Society Seminar, Selected Topics in Sports Law Seminar, and Topics in Advanced Legal Research—Sports Law.
- Mary K. Braza, Partner and Chair, Sports Industry Team, Foley & Lardner LLP, Milwaukee, Wisconsin, Current Issues in Sports Law: Sports Industry Governance.
- Patricia Cervenka, Professor of Law and Director, Marquette University Law Library, Selected Topics in Sports Law Seminar.
- Shawn Eichorst (L'95), Executive Associate Athletic Director, University of Wisconsin, Madison, Wisconsin, Amateur Sports Law Workshop.
- James Gray (L'90), Sport & Recreation Management Program Director, Marian University, Fond du Lac, Wisconsin, Regulation of Amateur Athletics and Contemporary Issues in Sports Law.
- Martin J. Greenberg (L'71), Managing Partner, Greenberg & Hoeschen, LLC, Chair of the Board, Wisconsin Sports Development Corporation, and Member, Southeast Wisconsin Professional Baseball Park District, Sports Contracts and Negotiations, Regulation of Amateur Athletics, Sports Venues: From Election Day to Game Day, and Representing Professional Athletes and Coaches.



CELEBRATING 20 YEARS (1989-2009)

- Brad Hoeschen (L'01), Partner, Greenberg & Hoeschen, Milwaukee, Wisconsin, Representing Professional Athletes and Coaches.
- J. Gordon Hylton, Professor of Law, Marquette University Law School, Milwaukee, WI, and Visiting Professor of Law, University of Virginia, Charlottesville, Virginia, Sport, Law and Society and Selected Topics in Sports Law Seminars, and Sports Law.
- Robert E. Leib, President and CEO, Leib Advisors, LLC, & THE LEIB GROUP, LLC, Mequon, Wisconsin, Accounting and Tax Aspects of Professional Sports Workshop.
- Jim McKeown, Partner, Chair, Antitrust Practice Group, Foley & Lardner LLP, Milwaukee, Wisconsin, Current Issues in Sports Law: Sports Industry Governance.
- Matthew Mitten, Professor of Law and Director of the National Sports Law Institute, Amateur Sports Law, Comparative Sports Law, Professional Sports Law, and the Selected Topics in Sports Law Seminar.
- Kathryn Statz (L'00), Associate Athletic Director, Varsity Sports, DePaul University, Chicago, Illinois, Amateur Sports Law Workshop.
- Ron Walter, Vice President and Alternate Governor, Milwaukee Bucks, Inc., Milwaukee, Wisconsin, Sports Industry Legal and Business Practices.

In addition, James Nafziger, Visiting Boden Professor, the Thomas B. Stoel Professor of Law and Director, International Law Programs, at Willamette University College of Law, in Salem, Oregon, and Hayden Opie, the Director of Studies, Sports Law Program, Law School, at the University of Melbourne, in Victoria, Australia, have each visited the Law School for one semester and taught an International Sports Law course.

INTERNSHIP PROGRAM



CELEBRATING 20 YEARS (1989-2009)

Since 1990, the National Sports Law Institute has developed and sponsored internship experiences for Marquette University Law School students. Today, under the supervision of the National Sports Law Institute's directors, students have the opportunity to gain valuable legal and business experience by participating in one semester volunteer sports law-related internships with several local sports teams and organizations as well as college and high school athletic departments.

Over the past twenty years the NSLI has offered internships with many organizations, including Conference USA, GameBreakers, LLC, Doleschal Sports Law Risk Management Program (Start Playing Safe), the Great Midwest Conference, Greenberg & Hoeschen, Intersport, The Leib Group, LLC, Marquette University's Athletic

Department, MillerCoors (formerly Miller Brewing Company), the Milwaukee Brewers, the Milwaukee Bucks, the Milwaukee Mile, the Milwaukee Public Schools, the Milwaukee Wave, the Milwaukee Rampage, the Milwaukee Tennis & Education Foundation, Northern Illinois University, Pierski & Gray, LLP, the Pettit National Ice Center, ScheerGame Sports Development (formerly Stadium Game Management Group), South Milwaukee High School, the Southeast Wisconsin Professional Baseball Park District, Sport\$Bi\$ Cable Television Program, Team Marketing Report, Time Warner Cable, the University of Wisconsin—Green Bay, the University of Wisconsin - Madison, the University of Wisconsin-Milwaukee, the University of Wisconsin - Parkside, the University of

Wisconsin - Whitewater, Wedge Real Estate Acquisition, Wilson Sporting Goods, Wisconsin Sports Authority, Wisconsin State Fair Park, and the Wisconsin Sports Development Corporation

The National Sports Law Institute has also created an internship with Hicks 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 student is selected to work full-time during the summer and fall semesters in Dallas, Texas with Hicks Sports Group's Associate Counsel and other key company executives on a wide variety of sports-related legal and business issues while taking courses at Southern Methodist University's Dedman School of Law.

In addition, the NSLI has created an externship for students with the NIKE Legal Department at the company's world headquarters in Beaverton, Oregon. Each year a Marquette student is selected to work for a semester with NIKE's Sports Law Practice Group on a variety of sports-related legal matters, while taking courses at Lewis & Clark Law School.

Sports Law program students have been successful in obtaining internship experiences with organizations including the NCAA, United States Olympic Committee, the Charlotte Bobcats, Cleveland Browns, Mandalay Entertainment Group, Octagon, IMG, and many other organizations.

MARQUETTE SPORTS LAW REVIEW (formerly MARQUETTE SPORTS LAW JOURNAL)

Established in 1990 as the *Marquette Sports Law Journal*, the *Marquette Sports Law Review* was the first United States scholarly publication to focus on legal, ethical, and business issues related to professional and amateur athletics. Now in its nineteenth volume, the *Sports Law Review* is produced and edited by Marquette University Law School students and publishes articles and essays submitted by sports lawyers, sports industry professionals, law professors, and law students on a broad range of sports related topics. Since 1990, several hundred Marquette University Law School students have served as both members and editors of the *Sports Law Review*.

Several faculty members have served as faculty advisors for the *Sports Law Review* over the past two decades including, Professor John Kircher, Professor J. Gordon Hylton, Professor Matt Mitten and Professor Paul Anderson. In addition, an Advisory Board of Marquette University Law School faculty members assists in selecting the winner of the Joseph E. O'Neil Prize given to the student who produces the best student article published each year. An *Editors Alumni Board* made up of past Editors-in-Chief of the *Sports Law Review* provides periodic guidance to the current editors and faculty advisors.



The 2009-2010 *Marquette Sports Law Review* editorial board {from left}, Kristen Knauf, Alex Porteshawver, Jessica Baranko, and Lindsay Caldwell.

SPORTS LAW CERTIFICATE

Since 2000, Marquette University Law School students (and SMU Law School students participating in Marquette's sports law exchange program with SMU) have had the opportunity to earn the National Sports Law Institute's Sports Law Certificate upon graduation from Marquette. In order to earn the Certificate, students must complete all of the following requirements:

1. Both introductory sports law survey courses (3 credits): Amateur Sports Law and Professional Sports Law.
2. A sports law workshop (2 credits): Amateur Sports Law Workshop, Representing Professional Athletes and Coaches, Sports Industry Legal and Business Practices, or Sports Venues: From Election Day To Game Day
3. The Selected Topics in Sports Law Seminar, the Sports, Law and Society Seminar, or a research paper on a sports law topic in another Law School seminar (2 credits).
4. Topics in Advanced Legal Research - Sports Law (1 credit).
5. One of the following courses: Alternative Dispute Resolution, Arbitration Workshop, Mediation Workshop, or Negotiation Workshop.
6. 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, or Labor Law.
7. *Marquette Sports Law Review* staff position for a full academic year.
8. A one semester NSLI sponsored volunteer sports law internship.

Through the fall of 2009, 154 students have earned the NSLI's Sports Law Certificate.

J.D./M.B.A. IN SPORTS BUSINESS PROGRAM

In 2002, prompted by the recommendation of its Board of Advisors, the National Sports Law Institute proposed the creation of a J.D./M.B.A. in sports business. The proposal was approved by the Law School and Marquette's College of Business Administration in 2003. 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 that will provide them with a unique package of educational credentials that promises to be attractive to sports industry employers. Graduates acquire knowledge and understanding of the theoretical and practical legal and business issues likely to be encountered by sport organizations in the 21st century. The hallmark of the joint degree program is the readily transferable legal and business knowledge and skills learned in both programs, which can be applied to a wide range of employment opportunities outside the sports industry. Graduates of the joint program include: Henry Abromson (L'04), corporate, intellectual property, sports & entertainment and cyber law, Abromson Law Group, Frederick, Maryland; Brent Moberg (L'04), Director of Compliance, University of Notre Dame, South Bend, Indiana; Megan Ryther (L'07), Associate Attorney, Quarles & Brady LLP, Milwaukee, Wisconsin; Brent Showalter (L'07), Associate Attorney, Ice Miller, Indianapolis, Indiana; and Andrew David Hohenstein (L'09), Associate Attorney, Ropes & Gray LLP, Boston, Massachusetts.

L.L.M. IN SPORTS LAW

In 2007, Marquette University's Board of Trustees approved the offering of a Master of Laws (LL.M.) in Sports Law for those with non-U.S. law degrees. This is the first graduate degree in Sports Law offered by a United States law school. The program provides lawyers trained at foreign law schools with both theoretical and practical education concerning legal regulation of the United States amateur and professional sports industries as well as Olympic sports. The first student to receive the L.L.M. in Sports Law will be Tasuku Horita (Japan) who will graduate in December, 2009.

SPORTS LAW SOCIETY

In 1992, in response to the interest of students who wanted to learn more about sports law while supporting the National Sports Law Institute, several students formed the Sports Law Society. Over the past two decades hundreds of students have joined the Society, culminating in a membership of 107 students in 2009. Members of the Sports Law Society continue to assist the Directors of the National Sports Law Institute by supporting the Institute's events and research projects. The Society co-sponsors Marquette's annual sports law golf outing and hosts many sports industry speakers. The Society also hosts many social events for its members including tours of sports facilities, attendance at games, and work with various charitable organizations (e.g., the Wisconsin Sports Development Corporation and Midwest Athletes Against Childhood Cancer Fund).

SPORTS LAW COMPETITIONS

For the past ten years, the National Sports Law Institute has sponsored a team of Marquette University Law School students who compete in the Mardi Gras Invitational National Sports Law Competition at Tulane University Law School. The 2010 Sports Law Moot Court team consists of 3Ls Jessica Baranko, Lindsey Caldwell and Nicole Standback.

Since 2009, the National Sports Law Institute has also sponsored a team of Marquette students who compete in the Annual National Baseball Arbitration Competition held at Tulane University Law School. The 2010 team consists of 3Ls Scott Chandler and Brittany Van Roo.

STUDENT AWARDS, SCHOLARSHIPS & WRITING COMPETITIONS

During the past twenty years the NSLI has established several student awards and scholarship funds to provide financial support to students including the following:

- Created in 2009, the **Anne Wall Brand Protection Award** is given annually to the J.D. or joint J.D./M.B.A. student at Marquette University who is judged to have written the best article on "sports brand protection."
- Created in 2004, the **Annual Sports Law Alumni Achievement Award** is given to a second year student based on his or her performance in sports law courses taken at the Law School, membership in and performance as a member of the *Marquette Sports Law Review*, membership in and service to the Marquette University Law School Sports Law Society, and attendance at, and service to, NSLI and Sports Law Program events and activities.

- Created in 2001, the **Annual Sports Law Alumni Scholarships** are awarded annually to the editors of the *Sports Law Review*. The scholarship fund is supported by members of the Sports Law Alumni Association as an expression of their support for the Institute, Sports Law Program, and particularly the *Marquette Sports Law Review*.
- Created in 1997, the **Francis D. & Jane Keogh Kelly Scholarship** recognizes a student in the Sports Law Program at Marquette for his or her excellence in the study of sports law and his or her service to the Sports Law Program. It is given each year to the Editor-in-Chief of the *Marquette Sports Law Review* in support of his or her extraordinary service to the Sports Law Program.
- Created in 1995, the **Joseph E. O'Neill Prize for Student Writing** is awarded to the student who has published the best article in the *Marquette Sports Law Review* during the current academic year as judged by the *Sports Law Review's* Advisory Board.
- Created in 2000, the **Joseph E. Tierney Jr. 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 while completing the requirements for the Sports Law Certificate.
- Created in 2002, the **Martin J. Greenberg Award for excellence in the study of sports law** is given annually to the third year law student who has excelled in the study of sports law and service to the Sports Law Program.
- Created in 1997, the **Martin J. Greenberg Venue Award** was created through the generosity of the Greenberg family trust and is given annually to a student in the "Sports Venues; From Election Day to Game Day" Seminar taught by Professor Martin J. Greenberg for his/her performance in the class and contribution to the Sports Law Program at Marquette University Law School.

In 2009, the NSLI created the **National Sports Law Student Writing Competition**. The goal of this annual competition is to encourage law student scholarship on current topics in sports law. Any law student in good standing who is currently attending an accredited law school within the United States and its territories may enter the competition. The winner of the competition receives complimentary registration for the National Sports Law Institute's annual fall conference and an offer to publish his or her article in the *Marquette Sports Law Review*.



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