



For The Record

The Official Newsletter of the National Sports Law Institute

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THE NATIONAL SPORTS LAW INSTITUTE CELEBRATES ITS 20TH ANNIVERSARY



James Ghiardi

The Institute and the Law School Curriculum

By **James Ghiardi** (L'42), Professor of Law-Emeritus, Marquette University Law School, and member, NSLI Board of Advisors, Milwaukee, Wisconsin

I would like to congratulate the National Sports Law Institute on its growth and accomplishments during the past 20 years. It has developed from the germ of an idea to become an integral and valuable asset to the Marquette University Law School.

In 1989 I was a full-time faculty member of the Law School and was chairman of its curriculum committee. The committee's responsibility was to consider any changes to or additions to the Law School's academic offerings and to make recommendations to the faculty. In 1979 it approved a course entitled "Negotiating and Drafting of Personal Service Contracts." Although the course dealt primarily with sports, it was not considered a "sports course." Its title was subsequently changed to "Personal Service Contracts." In 1989, Professor Martin Greenberg and the Law School administration proposed the establishment of a National Sports Law Institute at the Law School to become a specialized center for the study of sports law. One of its four goals was the creation of specialty courses in sports law as part of the Law School's curriculum.

In 1989, the concept of having specialty courses in sports law as part of the curricular offering of the Law School was not a familiar one in the United States. It was new, novel and met with some skepticism. The reaction of the Marquette Law School faculty was mixed. Some were indifferent to the proposal, the majority were interested and wanted to learn more about it and how it would fit into the overall operations of the Law School, and a minority of the faculty were initially opposed to the concept of specialty courses in sports. The opposition was primarily

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based on the opinion that sports law was not, in and of itself, a specialty. In their opinion, it would be merely an extension of existing courses such as Contracts, Torts, Taxation, Corporations, Agency, Property, etc. Some concern was also expressed as to its possible impact on the financial resources of the school and its proposed curricular expansion. At the time, the faculty was in the process of planning to add course offerings in developing areas of the law (e.g. Intellectual Property), as well as the expansion of seminar and clinical offerings.

In order to implement the first phase of the Institute's goals, to wit, the establishment of specialty courses in sports law as an integral part of the Law School's credit offerings, the matter was referred to the Curriculum Committee. The Committee went to work on the issue of what the courses should be and what their content would consist of.

After numerous meetings, and with the assistance of Professor Greenberg and Deans DeGuire and Mentkowski, a list, the titles and the content of these specialized courses in sports law was recommended to the Law Faculty for approval. The Faculty approved the recommendations and the Institute's first goal was achieved and ready for implementation. The Institute then proceeded to work on its other goals, including that of initially becoming financially self sufficient.

The Institute was integrated into the Law School's J.D. program and become a vital part of life at the School. The passing of time has proved it to be a successful unit of Marquette Law School. Since its inception, it has grown and matured. Numerous modifications have been made in the offerings, programs and activities since its inception, but its core goal of offering a specialized program in sports law continues. It can be stated with certainty that it has filled an important need in legal education. Nationally and internationally it has added prestige and recognition to the School. Hopefully, the Institute will continue to grow and expand as the Law School approaches a new area in its over 100 years of existence.

Sports Law Course 1989

Personal Service Contracts

Sports Law Courses 2009

Amateur Sports Law

Amateur Sports Law Workshop

Current Issues In Sports Law: Sports Industry Governance

Professional Sports Law

Selected Topics In Sports Law Seminar

Sport, Law And Society Seminar

Workshop In Sport Law - "Representing Professional Athletes And Coaches"

Workshop In Sport Law - "Sports Industry Legal And Business Practices"

Workshop In Sports Law - "Sports Venues: From Election Day To Game Day"

Workshop: Topics In Advanced Legal Research - Sports Law



CELEBRATING 20 YEARS (1989-2009)



James Gray

The NSLI Genesis of Genius

By **James T. Gray** (L'90), Assistant Professor and Sport and Recreation Management Program Director, Marian University, Fond du Lac, Wisconsin; partner, Pierski & Gray, LLP, Milwaukee, Wisconsin; and Member, Sports Law Alumni Association

NSLI Manager & Assistant Director, 1990-1997.

Sports Law? Milwaukee? Really?

At the time of its founding, in 1989, the NSLI became the first academically based Sports Law program anywhere in the world. Being the first bestows challenges and confers opportunities. The primary objection from the academy, with respect to any study of sports issues, whether it involved the law, management, ethics, or medicine, was the utter disbelief, and sometimes outright hostility, towards academically rigorous sports based learning. This reaction was stunning. For instance, nationally some of my sports law brethren contended with having their sports law courses wondrously classified as “praise worthy” as compared to “credit worthy.” For sanity’s sake, I started reading Lewis Carroll’s “Alice’s Adventures in Wonderland” and “Through the Looking Glass.”

Becoming “curiouser and curiouser,” Marquette’s approach to sports law proved to be a land of opportunity. This curious tone was embraced by the initial NSLI leaders consisting of Frank DeGuire, Jim Ghiardi, Marty Greenberg, and Chuck Mentkowski. Similarly, these men adopted a leadership style of integrity, partnership and affirmation, which encouraged everyone associated with the NSLI to learn and mature, as well as grow within their own style and approach. “We are the NSLI,” resonated throughout the entire program.

To the surprise of many, and skepticism from some, in 1990, I was hired to oversee daily NSLI operations as its first Manager, and promoted later, as its first Assistant Director. Throughout my seven year tenure, sports law, Marquette style, was fun, fascinating, and challenging. From attending Ed Garvey’s sports law seminars, featuring the bombastic Howard Cosell; to working with Jan Doleschal, Doug Chickering, and Al Bill in our pioneering inter-disciplinary approach to high school risk management learning known as, *Reduce Your Risk*; it was, indeed, a pleasure venturing to work each morning.

During the first few years of the NSLI’s existence several milestones were realized including the initial publication of the *Marquette Sports Law Journal* in 1990. This marked the first time in legal history that a law review was entirely dedicated to sports law scholarship. Our first Editor-in-Chief, John Drana, now an extraordinary sports attorney, ably nurtured and guided his editors and members in publishing four issues during one academic year and putting the *Journal* “on the map.” Similarly, the NSLI bi-monthly newsletter, *For The Record*, was the joint creation of magical graphic designer, Steve Van Lieshout, the insightful Marquette Athletic Department Public Relations Director, Kriss Schulz, and me. This publication addressed the sports law issues of the day with contributions from prominent sports industry leaders. *For The Record, Extra* was created by sports reporter, Don Watz, and was the NSLI’s primary education and networking mechanism for those within the sports media. Our mailing lists, vital and essential before the onset of the Internet and email era, were organized by the fascinating software duo of Mike Lovejoy and Mark “Turtle” Larson. Similarly, our administration duties were

exquisitely discharged by Germaine Borkowski and Maxine Plewa.

Blessings abounded during my NSLI experience. Father Roman Bernert, S.J., Marquette's Law School Chaplain, helped me grapple with University bureaucracy and politics. He exhibited a gentle, yet forceful grace in dealing with others from which I could emulate. Father Albert DiUlio, S.J., as President, recognized the NSLI as vital to the University's mission and core values. His institutional encouragement was instrumental in retaining the ongoing financial support of our founding sponsors, the Green Bay Packers, the Milwaukee Admirals, the Milwaukee Brewers, and the Milwaukee Bucks. Similarly, he lent his full backing concerning our partnership with wonderful sponsors at the Miller Brewing Company, Time Warner Cable, and Deloitte & Touche.

Another brilliant piece of good fortune was found in the character of our research assistants. They all possessed an amazing work ethic, contributed significantly to the NSLI's position as a recognized international leader of sports law learning, and remained superb individuals. The astonishing array of opportunities that our research assistants devoted their efforts, often under conditions of limited funding, strict deadlines, and lofty expectations, were nothing short of amazing. These accomplishments ranged from the publication of *Sports Law Practice* and *The Stadium Game*, to conferences such as *Sports Venues, Revenues and Values*, which addressed sports facility legal issues, and *Sports Dollars & Sense*, which examined sports employment and endorsement agreements. Among those who liberally collaborated relative to our collective efforts included: April Anderson, Paul Anderson, Jennifer Beilfuss, Augusta Burney, Mark Brault, Timon Corwin, Troy Cross, Jim Dellisse, Pete Faust, Jeff Femrite, Mike Goller, Jim Green, Michelle Martin, Bill Miller, Meg Mulcahy, Bobbi Rocquemore, Mark Ruppelt, and Anne Stemlar.

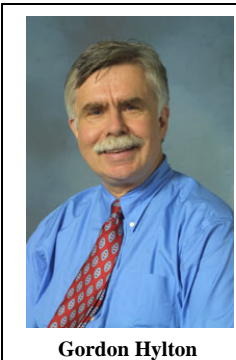
Among my NSLI career highlights and fond memories, I enjoyed a surprise telephone call from Al McGuire. He called me only once, and it was during a solar eclipse. He inquired as to the well being of our Institute. Wendy Selig-Prieb, and her husband, Laurel, thoughtfully assisted with securing guest speakers, such as Hank Aaron, Jerry Reinsdorf, Bud Selig, and Sal Bando. They also helped us initiate our successful Sports Law Internship program. The unparalleled kindness and incomparable understanding of Beverly Greenberg in providing Time Warner Cable emergency funding to secure a private plane to fly Hank Aaron, who was our *Master of the Game* award recipient in 1995, roundtrip from Atlanta to Milwaukee due to a business crisis he was confronting at the time, saved Marquette University from certain public embarrassment.

Bob Harlan is a true gentleman, as is Bart Starr. Given their stature, I was pleasantly surprised that they answered their own phones, and graciously gave their time to our events and endeavors. Joe Tierney, Jr. addressed a letter to me, which included a contribution from the Milwaukee Admirals. When I opened the envelope and saw the check, and its amount, it was thrilling and gratifying to be the initial recipient of such generosity. I enjoyed our sports law radio and sports law television forays with Bob Menard and Len Kasper serving as our technical engineers. During the midst of the NFLPA's decertification challenges, Dick Berthelsen willingly flew from Washington, D.C. to Milwaukee to address our NSLI Sports Business Forum luncheon program, and gently reminded me at the time that he worked for an "association" and not a "union." David Falk, in the midst of "Jordan Mania," and also at the height of his basketball agency career, eloquently spoke at our conference and willingly shared his expertise with our conference attendees. Similarly, Don Fehr, a true educator, allocated his time, on a few occasions, to address our conferences. He remarked at the time, "I love education."

Internationally, the NSLI served as an inspiration for sports law learning. Some of the partnerships we fostered included the Anglia Ruskin University Sports Law program with Edward Grayson, Simon

Gardiner, John O’Leary, Alexandra Felix, Mark James, John White and Andrew Caiger; the Australian and New Zealand Sports Law Association with Hayden Opie, Malcolm Speed, Brian Ward and Ian Fullager; the Griffith University Sports Law program with Andy Gibson; the University of Cape Town with Rochelle LeRoux and David Woolfrey; the University of Johannesburg with Steve Cornelius and Paul Singh; along with the Asser Institute with Rob Siekmann and Jan Willem Soek. These relationships resulted in rich initiatives that mutually benefitted our respective institutions and those affiliated with them.

Success is often measured by whether one left a place better as compared to one’s initial arrival. With respect to the National Sports Institute: I think so.



Gordon Hylton

The National Sports Law Institute's Transitional Era

By **J. Gordon Hylton**, Professor of Law, Marquette University Law School, Visiting Professor of Law, University of Virginia, Charlottesville, VA, and member, NSLI Board of Advisors.

NSLI Interim Director, 1997-1999.

I do not remember when I first heard of the National Sports Law Institute, but I was certainly aware of its existence in the early 1990s when I was a professor at Chicago-Kent College of Law. I had long been a sports fan and a student of sports history, and as a law professor, I was obviously interested in sports law as well. The presence of the Institute was a factor in my decision to come to Marquette as a visiting professor in the fall of 1995 and to join the faculty permanently in the spring of 1996.

Although I initially had some difficulty finding the National Sports Law Institute—at that time it was located on 17th Street rather than in the law school—the then Director and Assistant Director, Marty Greenberg and Jim Gray, enthusiastically welcomed me to Marquette and gave me a blanket invitation to participate in NSLI activities. My involvement with the Sports Law program was perhaps foreshadowed on my first day at Marquette when the first law student that I met was Bill Miller who, unbeknownst to me, was already extensively involved with the program. (I introduced myself to Bill because I knew no one, but he was wearing a Chicago Blackhawks jersey, and I did know about the Blackhawks.)

I was a regular attendee at the NSLI programs in from 1995 and 1997, and during one semester I helped teach the “Contemporary Issues in Sports Law” seminar. I also proposed my own sports law seminar focusing on the history of the regulation of the sports industry, a proposal that was enthusiastically supported by Marty Greenberg and Jim Gray. (The course eventually appeared in the curriculum as the “Sport, Law, and Society” seminar.)

In the spring of 1997, Mike Waxman and I were appointed to a committee by Dean Howard Eisenberg to consider the future role of the National Sports Law Institute and the Sports Law program in the Marquette University Law School. In the process we confirmed what we already knew: the Institute was widely recognized for its contributions to the sports industry and that sports law was a major attraction to students applying to Marquette.

In the fall of 1997 Marty Greenberg decided to step down as director of the Institute, and Jim Gray also chose to leave the institute a few weeks later. I was appointed Interim Director of the Institute by Howard Eisenberg, and I asked Paul Anderson, who was serving as its Manager at the time and had agreed to stay on during the transition as the new Assistant Director. Paul's knowledge of the Institute's history and filing practices were an enormous benefit during my stint as Interim Director.

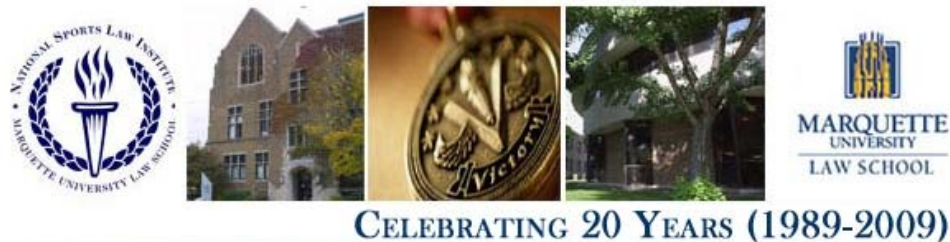
Together we relocated the Institute into the law school (into a then larger version of the current location). We also formalized the idea that Marquette had a Sports Law program separate and apart from the Institute. The revamped sports law curriculum consisted of a new course entitled "Sports Law," which surveyed both professional and amateur sports law (which I taught), a course on the regulation of amateur athletics (taught by Paul), and two seminars: "Contemporary Issues in Sports Law" and "Sport, Law, and Society." We also recruited Ron Walter, a partner at Foley & Lardner and the Vice-President of the Milwaukee Bucks, to offer a workshop on professional sports law. Marty Greenberg also agreed to continue to offer his course/workshop on representing players and coaches.

We also shored up the Institute's internship program, established a workshop series, and re-established a working relationship with Miller Brewing, which provided the program with internships and a regular, sizeable contribution. We were greatly assisted in these actions by our colleague Chuck Mentkowski, who was one of the founders of the institute in the late 1980s.

We organized the first ever "academic" sports law conference that was co-sponsored by the Association of American Law Schools. Titled *Sports Law in the 21st Century* and held at Marquette in the fall of 1998, the conference brought together leading sports law scholars from across the United States to collectively speculate as to the direction that sports law would take in the next century. We put together a collection of the most important articles from the first decade of the *Marquette Sports Law Journal* which was published by Marquette University Press as *Sports Law and Regulation* (1999). We also began the practice of publishing a comprehensive bibliography of each year's publications in sports law in the *Sports Law Journal*, and began the publication of the *You Make the Call* newsletter.

Our greatest accomplishment, however, was the recruitment of a new full-time Director of the National Sports Law Institute and the new Marquette Sports Law program. The search was a national one and consumed the better part of the 1998-99 academic year. As we all know, we ended up, with the support of the law faculty, selecting Matt Mitten of the South Texas College of Law as the new Director.

I stepped down as Director when Matt arrived in the fall of 1999. This was not, of course, the end of my involvement with the Marquette program. I have taught the "Professional Sports Law" course and both seminars on various occasions. I also served as the Chair of the AALS Section on Law and Sports and authored a series of articles on the legal history of sport. I am also a co-author of a new casebook in sports law that will be forthcoming from Oxford University Press in 2010.





Greg Heller

National Sports Law Institute and the Sports Law program at Marquette: Creating a Community of Lawyers

By **Greg Heller** (L'96), Senior Vice President & General Counsel, Atlanta Braves, Atlanta, GA.

Lead Articles Editor, Marquette Sports Law Journal, 1995-1996, and NSLI Research Assistant, 1994-1996.

I am forever grateful for the time that I spent at Marquette University Law School and the experiences I was able to undertake through the National Sports Law Institute. Having spent my undergraduate years at a school in the Big 10 (Indiana University), it was an exciting time to come to a different, urban campus like Marquette and specifically to a new and exciting program like the Sports Law program. The NSLI was only four years old when I started at Marquette and it was still located on 17th Street. I could not wait to get on campus and dive right in to this exciting, new program that was unlike any other program in the country.

As a law student there were so many opportunities to get involved in the area of sports law and pursue my dreams. I tried to pursue as many opportunities as possible including working as a research assistant at the NSLI, doing an internship with the Milwaukee Brewers, writing on the Sports Law Journal, joining the Sports Law Society and taking the various sports law courses and electives. It was an exciting time to begin pursuing a career in a field I was so passionate about while also making friendships along the way with others who were equally passionate.

The National Sports Law Institute has grown tremendously over the years with its move to the main law school, its annual conference and journal and its reputation across the country. A real telling sign is the number of alumnus that are graduates of the program that are spread throughout the country in a wide array of positions and organizations. As an alumnus, it is a genuine pleasure to come back to speak to students and attend the conferences that are so well put together. As I have had the opportunity to pursue my own career in a field that I am so passionate about, I am extremely proud and forever grateful to the experiences that I have had at Marquette and the National Sports Law Institute. As we celebrate the NSLI's 20th anniversary, we should all take time and remember the many individuals who contributed to the NSLI's success over the years including Dean DeGuire, Marty Greenberg, Professor Mentkowski, Dean Eisenberg and Jim Gray and those individuals who are leading the NSLI into the future including Dean Kearney, Professor Mitten, and Professor Anderson.

As a community of Marquette lawyers with the many partners of the NSLI, we have built the foundation for the top Sports Law program in the country. As alumnus, it is incumbent upon us to continue to work hard and passionately to continue the legacy of those that came before us through our time, talents, and other resources.





Eryn Doherty

A Personal Reflection on the National Sports Law Institute and the Sports Law Program at Marquette

By **Eryn Doherty** (L'00), Senior Counsel, Labor Relations, Fox Entertainment Group, Inc., Los Angeles, California

Editor-in-Chief, Marquette Sports Law Journal, 1999-2000.

When I elected to attend Marquette University Law School the National Sports Law Institute and the Sports Law program played no role in my decision, rather it was based on several other factors. Ironically, the National Sports Law Institute and the Sports Law program ended up playing an integral role in both my academic and professional careers.

I initially got involved with the Sports Law program through the Sports Law Society at the beginning of my first year as a means to meet other students that had a similar interest in sports. After learning more about the program I decided to follow that path and take sports law classes, serve on the *Marquette Sports Law Journal*, and complete an internship with the Milwaukee Rampage Soccer Team. Also, during my second year I participated in the editorial competition for the *Sports Law Journal* and was named its Editor-in-Chief for the 1999-2000 academic year. More importantly and fortuitously for my classmates and myself, the National Sports Law Institute and the Law School introduced the Sports Law Certificate during my third year and made provisions for class of 2000 eligibility.

Upon graduation in 2000, I decided to practice in the field of Labor Law. Since most of the professional sport leagues were unionized, I thought Labor Law would provide me with a background from which to build my career and eventually lead to me working for a team or a league. That goal has not yet been realized, but I am fortunate enough to practice in my area of expertise within the entertainment and broadcast industries and tangentially sports in those industries.

As I reflect on the National Sports Law Institute and the Sports Law program and my experiences with them, I have noticed that both entities and the Law School have been acutely aware of the students' and the program's needs and have been both receptive and adaptive to them. The curriculum has continued to expand, the number of professors teaching the courses has increased, the number of scholarships for editors of the *Marquette Sports Law Review* has doubled in the last ten years, a joint JD/MBA in Sports Business was introduced, the National Sports Law Student Writing Competition was established, and the internships and opportunities to work within the industry have grown immeasurably.

One example of change is evidenced through the *Journal* which was renamed the *Marquette Sports Law Review* in the fall of 2000. The *Journal*, at the time I served as Editor-in-Chief, had the smallest staff of all the Law School's publications, the most cramped office area, which was shared with the National Sports Law Institute, and unlike the other publications, its editors received no financial assistance or scholarships from the Law School; yet it was the premier publication at the Law School (I admit that I might be a bit biased). In response to this inequality among the editorial boards at the Law School and in recognition of the work and the time commitment that these editors give to the *Sports Law Review*, Professors Mitten and Anderson and the Institute saw a need to provide them with financial assistance and created the annual Sports Law Alumni Scholarship in 2001.

Another example of the malleable nature of the program and the Law School is the addition of the entertainment element. It is only natural that some students in the program would be interested in

entertainment law since the sports and entertainment practices are more often than not coupled together. Based on student interest and under Professor Anderson's leadership, the Law School has participated, and continues to participate, in the National Entertainment Law Moot Court Competition sponsored each fall by Pepperdine University in addition to the Mardi Gras National Sports Law Competition.

More importantly, I believe that the Institute's and program's continued growth and reputation over the years could not have been accomplished without the support of Deans Eisenberg and Kearney, the past and present Directors of the Institute, the Law School professors who teach the classes and continuously support the Program, and its benefactors, especially the Greenberg and Tierney families, and the O'Neill family along with the law firm of Davis and Kuelthau, S.C.

However, I believe that the program and Institute's most important asset is its alumni. As the program has grown through the years it is only natural that the Sports Law Alumni Association has grown with it. If you look at the list of the Association members you will see that there are more and more alumni working in both the professional and amateur sports industries which only enhances the prestige of the Sports Law program and the National Sports Law Institute. For example, alums are working for professional sport teams, college athletic departments, and some are teaching sports law classes at other universities. There are also those of us that have gone outside the box and forged our careers in non-traditional areas of the sports industry allowing us to keep our hands in the game. Still there are many that do not practice in the area at all but apply what they learned in their sports law classes and rely on the valuable experiences they gained through the program in their chosen career field. No matter what path we have chosen we should continue to remain committed to the Law School, the Sports Law program and the National Sports Law Institute. Our continued participation is necessary for the Sports Law program and the National Sports Law Institute to continue to expand and thrive whether we speak formally or informally to current students about our careers; speak to prospective students about the program and what it offers; attend any of the sponsored events, conferences or golf outing; or donate to the scholarship fund. One of the best things about the Sports Law program and the Institute is that once you graduate you are not forgotten. Both strive to keep us informed, involved, and infatuated with the program and the Institute. I, for one, am privileged to be associated with and represent the Law School, the Sports Law program, and the National Sports Law Institute.



Jenni Spies

Marquette University & Sports Law: A Winning Combination

By **Jenni Spies** (L'06), Assistant District Attorney, Milwaukee County District Attorney's Office, Milwaukee, Wisconsin

Editor-in-Chief, Marquette Sports Law Review, 2005-2006, and NSLI Research Assistant 2004-2006.

I can still vividly remember sitting in an undergraduate class and typing, "Sports Law Programs" into an internet search engine. I was studying for an undergraduate degree in Sport Management and had just discovered an area of study called, "Sports Law." I did not know exactly what sports law was, but I did know that I had enjoyed studying the law in my legal studies classes, and I loved sports. The first result that showed up on my internet search was Marquette University Law School. I was immediately impressed by the number of classes and educational opportunities available through the Marquette Sports Law program and the National Sports

Law Institute. Shortly thereafter, I met with my professor who taught the undergraduate level sports law classes to discuss my options after graduation. He gave a rave review of the Sports Law program at Marquette and that sealed the deal. I was packing up and moving to Milwaukee, Wisconsin, quite a move for a lifelong East Coast resident.

When I first arrived at Marquette, I made a point to seek out the Sports Law program, and attend any event that was being hosted by the National Sports Law Institute or the Sports Law Society. As I attended more and more of these events, I quickly noticed that many of the other people at these events had also chosen Marquette Law School specifically for the Sports Law program as well. It got to the point where if I met a student who was not from Wisconsin, it was a safe assumption that that individual had chosen Marquette and moved from any number of far flung places for the specific purpose of study sports law at Marquette.

As I slogged my way through the ominous 1L year, I attended numerous panel discussions and social events hosted by the National Sports Law Institute, anticipating the time when I would be finished with my required 1L classes and able to start exploring the Sports Law curriculum. My first opportunity to delve into the world of sports law came at the end of my first year, when I decided to write on to the *Marquette Sports Law Review*. I was excited to finally use my newly learned legal writing skills, and apply them to something that really interested me.

I knew when I applied to Marquette Law School and moved across the country for the Sports Law program that I had no interest in working in the day-to-day operations of the sports industry, but rather I was interested in the academic side of Sports Law. I simply enjoyed reading, writing, and researching about sport and how it intersected with the law. With that in mind, I embraced all aspects of the Sports Law program both in and out of the classroom. In addition to my role as a member of the *Marquette Sports Law Review*, I was also able to argue onto the Sports Law Moot Court team and learn valuable oral advocacy skills that I still use in my career today. Because the Sports Law program had become such an integral part of the Marquette Law School community, I was able to extend my interest in sports law into other classes, writing papers about sports law for seemingly unrelated classes.

As I continued in my career at Marquette Law School, I discovered that my long term career goals were pulling me away from the arena of sports law. However, I still remained actively involved in the Sports Law program, serving as Editor-in-Chief of the *Marquette Sports Law Review* and as an assistant to the National Sports Law Institute. I still attended the numerous career panels and academic presentations that the NSLI routinely put on. I was able to learn valuable skills, most notably writing and oral advocacy skills that I am able to use every day in my role as an Assistant District Attorney.

As the National Sports Law Institute heads into its twentieth year, I am sure it will continue to grow and flourish as an integral part of the Marquette Law School community. What started as one or two classes has blossomed into the leading Sports Law program in the country and the reason I, and countless other individuals, have chosen to attend Marquette University. The skills I learned while participating in the Sports Law program will continue to allow me expand my career into the future.

THE NATIONAL SPORTS LAW INSTITUTE: 20 YEARS OF CONNECTIONS TO THE SPORTS INDUSTRY

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.

The NSLI's objectives and goals are described in its Mission Statement, adopted in 2000:

The National Sports Law Institute ("NSLI") strives 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 will not espouse any particular ideological viewpoint, it will seek to promote ethical and moral practices within the sports industry as a means of furthering Marquette University's mission.

From its founding in 1989, the NSLI has relied on numerous individuals from the sports industry to guide it.

BOARD OF ADVISORS

The National Sports Law Institute's Board of Advisors began in 1989 and included the following individuals: Gary Bettman, Commissioner, National Hockey League; Jerry Reinsdorf, Owner, Chicago Bulls and Chicago White Sox; Allan "Bud" Selig, Commissioner, Major League Baseball, and Richard Berthelsen, General Counsel, National Hockey League Players Association. The membership of the Board of Advisors has changed over the years under the leadership of the various individuals



CELEBRATING 20 YEARS (1989-2009)

Chairs of the Board of Advisors

- Attorney John Wendel, former Director, National Sports Law Institute, and former President, Sports Lawyers Association (1989).
- Professor Emeritus Charles Mentkowski, Marquette University Law School, Milwaukee, WI (1990-1999).
- Professor Martin Greenberg, Partner, Greenberg & Hoeschen, and Member, Southeast Wisconsin Professional Baseball Park District, Milwaukee, WI (2000-2002).
- Professor 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 (2003-2004).
- Attorney Ronald L. Walter, Vice President and Alternate Governor, Milwaukee Bucks, Inc., Milwaukee, WI (2005-2006).
- Attorney Clark Griffith, Clark C. Griffith, P.A., and Commissioner, Northern League of Professional Baseball, Minneapolis, Minnesota (2007-2008).
- Attorney Casey Coffman, Chief Operating Officer, Hicks Sports Group LLC, and Executive Vice President, Hicks Holdings LLC, Dallas, Texas (2009-present).

In 2006, Dean Joseph Kearney and the Board of Advisors, approved a set of bylaws, drafted primarily by Ron Walter, Clark Griffith, and NSLI Director Matt Mitten, that guide the operations of the NSLI and define the role of the Board. Under these bylaws, the primary duties of the members of the Board of Advisors are: 1) to contribute to the advancement of knowledge regarding legal, ethical, and business issues affecting the sports industries; 2) to provide advice and guidance on matters affecting Marquette University Law School's Sports Law program; 3) to attend NSLI events and to participate in the governance of the NSLI; and 4) to assume other duties and responsibilities (including service on committees) that further the NSLI's best interests. The Board of Advisors currently includes the following individuals:

CHAIR: Casey Coffman, Chief Operating Officer, Hicks Sports Group LLC, and Executive Vice President, Hicks Holdings LLC, Dallas, Texas

VICE-CHAIR: Richard 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

Sports Industry Representatives

- **Jeff Benz**, Executive Vice President and General Counsel, AVP Pro Beach Volleyball Tour, Inc., Los Angeles, California
- **Richard Berthelsen**, General Counsel, National Football League Players' Association, Washington, D.C.
- **John S. Black**, General Counsel, National Federation of State High School Associations, Indianapolis, Indiana
- **Andrew Brandt**, President, The National Football Post, Adjunct Professor, Wharton School of Business and Georgetown University Law Center, Bryn Mawr, Pennsylvania
- **Mary K. Braza**, Partner and Chair, Sports Industry Team, Foley & Lardner LLP, Milwaukee, Wisconsin
- **Doug Chickering**, WIAA Director Emeritus, Wisconsin Interscholastic Athletic Association, Stevens Point, WI

- **Elsa Kircher Cole**, Vice President of Legal Affairs/General Counsel, National Collegiate Athletic Association, Indianapolis, Indiana
- **John P. Collins**, Partner, Collins & Collins, Chicago, Illinois
- **Willie Derrick Crawford**, Counsel for Policy & Litigation and Compliance Officer, National Football League, New York, New York
- **Janis K. Doleschal**, Sports Law Consultant, Law Offices of Jacques Mann & Start Playing Safe, Milwaukee, Wisconsin
- **Jeff Gewirtz**, Senior Vice President & General Counsel, NETS BASKETBALL/Brooklyn Sports & Entertainment, East Rutherford, New Jersey
- **Edward T. Goines**, Principal, Sui Generis, PC, San Francisco, California
- **Martin J. Greenberg**, Managing Partner, Greenberg & Hoeschen, LLC, Chair of the Board, Wisconsin Sports Development Corporation, and Member, Southeast Wisconsin Professional Baseball Park District, Milwaukee, Wisconsin
- **Clark Griffith**, Attorney at Law, Clark C. Griffith, P.A., and Commissioner, Northern League of Professional Baseball, Minneapolis, Minnesota
- **Charles Henderson**, Attorney-at-Law, Davis & Kuelthau, S.C., Secretary and General Counsel of the Bradley Center Sports and Entertainment Corporation, and Chairman of the Board, Pettit National Ice Center, Milwaukee, Wisconsin
- **Philip R. Hochberg**, Principal, Law Offices of Phillip R. Hochberg, Rockville, Maryland
- **Robert Kaler**, Chief Operating Officer & General Counsel, United States Soccer Federation Foundation Inc., Washington, D.C.
- **Gordon Kirke**, Sports Lawyer and Sports Law Professor, Toronto, Canada
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- **Robert E. Leib**, President and CEO, Leib Advisors, LLC, & THE LEIB GROUP, LLC, Mequon, Wisconsin
- **Michael Marcil**, Vice President of Development, Creighton Prep High School, Omaha, Nebraska
- **Jim McKeown**, Partner, Chair, Antitrust Practice Group, Foley & Lardner LLP, Milwaukee, Wisconsin
- **Michael Megna**, Sports Consultant, Mequon, Wisconsin
- **A. J. (Jack) Mills, Jr.**, President, Ascent Sports Management, Boulder, Colorado
- **Charles C. Mulcahy**, Member and Senior Advisor, Cirtek Investment Group, and Consultant, Milwaukee Tennis & Education Foundation, Milwaukee, Wisconsin



CELEBRATING 20 YEARS (1989-2009)

- **Maidie E. Oliveau**, Counsel, Arent Fox, Los Angeles, California, and Member, Court of Arbitration for Sport, Lausanne, Switzerland
- **Alan J. Ostfield**, Chief Operating Officer, Palace Sports & Entertainment, Auburn Hills, Michigan
- **Jill Pilgrim**, General Counsel, Ladies Professional Golf Association, Inc., Daytona Beach, Florida
- **Katie Pothier**, Executive Vice President/General Counsel, San Diego Padres, San Diego, California
- **Rick Schlesinger**, Executive Vice President - Business Operations, Milwaukee Brewers Baseball Club, Milwaukee, Wisconsin
- **Allan (Bud) Selig**, Commissioner, Major League Baseball, Milwaukee, Wisconsin
- **Michael L. Slive**, Commissioner, Southeastern Conference, Birmingham, Alabama

- **Deborah Spander**, Vice President Business Affairs, MTV Entertainment, Los Angeles, California
- **Mark F. Vetter**, Attorney & Shareholder, Davis & Kuelthau, S.C., Brookfield, Wisconsin
- **Anne Wall**, Owner, Marketing Navigators, Inc., Oconomowoc, Wisconsin
- **Ronald L. Walter**, Vice President and Alternate Governor, Milwaukee Bucks, Inc., Milwaukee, Wisconsin
- **Kevin Warren**, Vice President of Legal Affairs & Chief Administrative Officer, Minnesota Vikings Football, LLC., Eden Prairie, Minnesota
- **Gary Way**, Managing Attorney, Sports Law Practice Group, NIKE Inc., Beaverton, Oregon

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Marquette University Law School

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- **John Kircher**, Professor of Law
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- **Phoebe Williams**, Associate Professor of Law

Other Academic Institutions

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- **Timothy Davis**, John W. & Ruth H. Turnage Professor of Law, School of Law, Wake Forest University, Winston-Salem, North Carolina
- **Lisa Masteralexis**, Department Head & Associate Professor, Department of Sport Management, Isenberg School of Management, University of Massachusetts, Amherst, Massachusetts
- **William Miller**, Assistant Professor, Sport & Fitness Management, University of Wisconsin-Parkside, Kenosha, Wisconsin (Sports Law Alumni Association Liaison)
- **James Nafziger**, Thomas B. Stoel Professor and Director, International Law Programs, Willamette University College of Law, Salem, Oregon
- **Hayden Opie**, Director of Studies, Sports Law Program, Law School, The University of Melbourne, Victoria, Australia
- **Kenneth L. Shropshire**, David W. Hauck Professor and Director, Wharton Sports Business Initiative, Wharton School, University of Pennsylvania, Philadelphia, Pennsylvania
- **Rodney Smith**, President, Southern Virginia University, Buena Vista, Virginia

Thank you to everyone for their dedicated service to the NSLI!

TRIBUTE TO JOHN “JACK” KITCHIN

Attorney John “Jack” Kitchin, a founding member of the National Sports Law Institute’s Board of Advisors died on February 16, 2009.

“John L. (Jack) Kitchin was one of the original Board of Advisors members of the National Sports Law Institute. At the time of his appointment to our Board, Jack was the general counsel of the National Collegiate Athletic Association (NCAA). He brought to Marquette and its law program an international reputation in the area of amateur athletic law and an experienced litigator who represented the NCAA in more that 225 cases in trial and appellate courts during his 12 years as general counsel. Jack was an active member of our Board and respected by all, and two of his cases will always be remembered in the world of sports law as seminal cases -- whether the NCAA was subject to state action due process requirements of the United States Constitution, and whether or not the NCAA possessed the right to test student athletes for performance enhancing drugs. Jack will be missed. Thank you, Jack, for your wonderful contributions as a Board Member and to our Institute.”



Martin Greenberg, NSLI Director, 1990-1997

Jack joined the law firm of Swanson Midgley LLC in 1961 following four years of service as Captain in the Judge Advocate General Corp of the United States Air Force from 1957 to 1961. During his 47 years with Swanson Midgley, he was primarily engaged in trial work in areas of life, health, and accident insurance defense; antitrust law; labor and employment law; general business litigation; representative of not-for-profit entities; and matters involving constitutional law. He also served as the firm's Managing Partner for 18 years.

In 1969, Jack defended the National Collegiate Athletic Association in one of its earliest litigation matters which was the beginning of his and the firm's long time representation of the NCAA involving over 225 cases throughout the United States in trial courts and appellate courts. He served as General Counsel for the NCAA for twelve years. In addition to litigation, Jack and the firm were involved in the drafting of many of the NCAA rules and regulations. He participated in the negotiation and drafting of television contracts on behalf of the NCAA, including the first one million dollar basketball contract for the broadcast of the Final Four Championship event.

Before earning his Juris Doctor, *cum laude*, from Saint Louis University School of Law in 1957, Jack received a Bachelor of Arts degree from Rockurst University in 1954. Jack was a member of the Missouri Bar, the American Bar Association, the Kansas City Lawyers Association, the American Judicature Society, the Board of Advisors of the National Sports Law Institute, the Missouri Defense Lawyers Association and the Sports Lawyer Association.

He served as President of the Saint Teresa's Academy Advisory Board, Saint Thomas More Parish Council, Sierra Club of Kansas City, Missouri, Saint Joseph Health Center Foundation, Avila University Board of Councilors, and as a Trustee of Avila's corporate board. He also served as Chair of the Kansas City, Missouri Board of Liquor Review.

SPORTS LAW ALUMNI ASSOCIATION

The National Sports Law Institute's Alumni Board was created in 1998 by Paul Anderson (Class of 1995) and Bill Miller (Class of 1996), to formally recognize the growing number of alumni who support the Sports Law program and to provide networking and career growth opportunities for alums.

In 2002, as the membership in the Alumni Board began to increase, it became the National Sports Law Institute's Sports Law Alumni Association. The Association is a vehicle for alumni to support the NSLI and Marquette University Law School's Sports Law program by sponsoring student internship experiences; serving as speakers at NSLI conferences, seminars, annual career panels, and student lunches; sponsoring the annual golf outing; and raising funds for the Law School's sports law alumni student scholarship fund.



The Sports Law Alumni Association is currently made up of 160 Marquette University Law School alums including Greg Heller, Senior Vice President & General Counsel, Atlanta Braves, Atlanta, GA (L'96); Schuyler Baehman, Manager of Communications, National Hockey League, New York, NY (L'00); Eryn Doherty, Senior Counsel, Labor Relations, Fox Entertainment Group, Inc., Los Angeles, CA (L'00); Shawn Eichorst, Executive Associate Athletic Director, University of Wisconsin, Madison, WI (L'95); Danez Marrable, Associate A.D./Student Support Services, University of Alabama - Birmingham (L'03); and Kristin Muenzen, Attorney, United States Department of Justice, Environment & Natural Resources Division, Washington, DC (L'03); among many others.

Any Marquette University Law School graduates who are interested in supporting the Sports Law program at Marquette are invited to become members of the Sports Law Alumni Association by sending an email to current Chair, NSLI Associate Director Paul Anderson at paul.anderson@marquette.edu.

PROFESSIONAL ACHIEVEMENT AWARDS

The NSLI presents several awards to honor individuals within the sports industry.

Created in 1992, the *Joseph E. O'Neill Award* was established by the O'Neill family, Davis & Kuelthau, S.C. and the National Sports Law Institute after Mr. O'Neill's untimely death. The award is given to an individual in the sports industry who has made a significant contribution to the field and done so while exemplifying the highest ethical standards. Past recipients of this award are:

- 2009: Clark Griffith, Commissioner, Northern League, and former Chair, NSLI Board of Advisors, Minneapolis, Minnesota.
- 2008: Honorable Anne M. Burke, Illinois Supreme Court, Chicago, Illinois.



{from left} Mark Vetter, Davis & Kuelthau, S.C., 2009 O'Neill Award Winner Clark Griffith, and NSLI Director Matt Mitten

- 2007: Frank DeGuire (L'60), Dean Emeritus, Marquette University Law School, Milwaukee, Wisconsin.
- 2006: Richard Berthelsen, General Counsel, National Football League Players Association, Washington, D.C.
- 2005: Michael Cramer (L'78), Clinical Assistant Professor, Preston Robert Tisch Center for Hospitality, Tourism and Sports Management, School of Continuing and Professional Studies, New York University, New York, New York
- 2004: Michael Marcil (L'85), Vice President of Development, Creighton Prep High School, Omaha, Nebraska.
- 2003: Robert DuPuy, Chief Operating Officer, Major League Baseball, New York, New York.
- 2002: Michael Slive, Commissioner, Southeastern Conference, Birmingham, Alabama.
- 2001: 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, Milwaukee, Wisconsin, and Charles Mentkowski (L'48), Professor Emeritus, Marquette University Law School.
- 2000: Wendy Selig-Prieb (L'87), former President and Chief Executive Officer, Milwaukee Brewers Baseball Club.
- 1999: Daniel R. Doucette, former President and Principal Owner, Milwaukee Rampage, and President and Chief Executive Officer, Milwaukee Mutual Insurance Company.
- 1998: Charles W. Mulcahy (L'62), Member and Senior Advisor, Cirtek Investment Group, and Consultant, Milwaukee Tennis & Education Foundation, Milwaukee, Wisconsin .
- 1996: Joseph E. Tierney, Jr., attorney for the Bradley Foundation and Milwaukee Admirals.
- 1995: Brian Burke, President and General Manager of the Vancouver Canucks, Vancouver, Canada.
- 1993: A. Jackson Mills, President, Ascent Sports Management, Boulder, Colorado.

Created in 1992, the **Master of the Game Award** honors an individual who has made significant contributions to the sports industry and who exemplifies the highest level of professionalism in his or her field. Past recipients of the award are:



{from left} Attorney Clark Griffith, 2007 Winner Michael Conley, and NSLI Director Matt Mitten

- 2007: Michael Conley, Executive Director, World Sport Chicago, and CEO, MAC Management Group, Chicago, Illinois.
- 2004: Dr. Cedric Dempsey, former Executive Director, NCAA.
- 2003: Donna de Varona, women's rights advocate and dual Olympic Gold Medalist 1964.
- 2001: Tommy G. Thompson, former Secretary of Health and Human Services and former Governor of the State of Wisconsin.
- 2000: Allan H. "Bud" Selig, Commissioner of Major League Baseball.
- 1997: Bob Harlan, former President of the Green Bay Packers.
- 1995: Hank Aaron, MLB Hall of Fame member and executive with the Atlanta Braves.
- 1994: Bart Starr, NFL Hall of Fame member and former Green Bay Packer.
- 1992: Al McGuire, former head men's basketball coach at Marquette University

Created in 2002, the Sports Law Alumni Association's Awards Committee presents the **Charles W. Mentkowski Sports Law Alumnus of the Year Award** to the alum who demonstrates the following qualities; dedication to the Sports Law program at Marquette University Law School while a student at Marquette, contributions to the Sports Law Alumni Association, contributions to the field of sports law in general, and support of the NSLI and Sports Law program after their time as a student in the law school. Past recipients of this award include:



2009 Winner Kristi Schoepfer, and NSLI Associate Director Paul Anderson, Chair, Sports Law Alumni Association

- 2009: Kristi Schoepfer (L'01), Assistant Professor, Sport Management, Winthrop University, Rock Hill, South Carolina.
- 2008: James Gray (L'90), partner, Pierski & Gray, Milwaukee, Wisconsin, and Sport & Recreation Management Program Director, Marian University, Fond du Lac, Wisconsin.
- 2007: Martin Greenberg (L'73), Managing Partner, Greenberg & Hoeschen, LLC, Chair of the Board, Wisconsin Sports Development Corporation, and Member, Southeast Wisconsin Professional Baseball Park District, Milwaukee, Wisconsin.
- 2006: Shawn Eichorst (L'95), Executive Associate Athletic Director, University of Wisconsin - Madison, Madison, Wisconsin.
- 2005: Kathryn Statz (L'00), Associate Athletic Director for Varsity Sports, DePaul University, Chicago, Illinois.
- 2004: Greg Heller (L'96), Senior Vice President & General Counsel, Atlanta Braves, Atlanta, Georgia.
- 2003: Paul Anderson (L'95), Associate Director, National Sports Law Institute of Marquette University Law School, Milwaukee, Wisconsin.
- 2002: Bill Miller (L'96), Assistant Professor, Health, Exercise Science & Sport Management, University of Wisconsin - Parkside, Kenosha, WI.

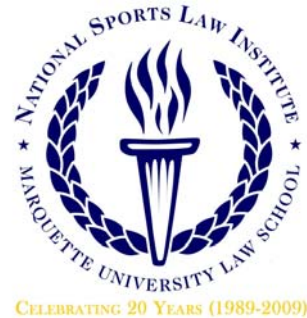
20th Anniversary Website

The NSLI recently launched a website devoted to providing information about the 20th anniversary celebration of its founding in 1989. The website can be found at <http://law.marquette.edu/jw/20th>. The site contains perspectives on the development of the NSLI from alums, faculty and Board of Advisors members, links to events commemorating the 20th anniversary, and historical information showcasing the history of the NSLI.

Sports Law Research Website

The National Sports Law Institute of Marquette University Law School has created a free sports law research website — <http://law.marquette.edu/jw/research>. The site provides links to useful information for sports lawyers, sports law students and faculty, sports journalists and sports industry professionals. Information that can be found on the site includes

- Sports Law Cases,
- Sports Law Periodicals,
- Sports Law Documents,
- Sports Law Academic Resources,
- Sports Organizations,
- International Sports Law Resources,
- General Sports Law Research Information, and
- Sports Facility Research.



The Evolution of Sports Law and Business from the 20th to the 21st Century

A conference focusing on significant legal and business developments in the sports industry from the founding of the NSLI in 1989 to the present, with a look ahead to the future and our 25th anniversary.

DATE: FRIDAY, OCTOBER 23, 2009

LOCATION: Grand Ballroom, Alumni Memorial Union, Marquette University, 1442 West Wisconsin, Avenue, Milwaukee, Wisconsin

TIME: 7:30 - 8:30 AM (Registration)
8:30 AM - 5:30 PM (Conference)
5:30 - 7:00 PM (Reception)

CONFERENCE PANELS: *High School, College, Professional, and Olympic/International Sports, and Gender Equity, Torts and Sports Officiating Law*

CONFERENCE WEBSITE: Further information can be found on the conference website at <http://law.marquette.edu/jw/2009conf>.

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For The Record is a forum for sports law, business and ethical issues. It endeavors to provide current, practical information as well as public policy and scholarly viewpoints that are of professional and academic interest to NSLI members and interested parties.

Requests for permission to reproduce or republish any material from **For The Record** should be addressed to Paul M. Anderson, editor of **For The Record**. Submissions for publication should be typed, double-spaced and submitted in duplicate. If possible, any submission should be accompanied with a disc copy of the submission saved in WordPerfect or Microsoft Word of any format. Other arrangements can be made with the editor.

The opinions expressed in **For The Record** are those of the authors and do not represent the opinions, policies, or views of the NSLI, Marquette University Law School, or Marquette University.

For The Record editors:

Matthew J. Mitten, NSLI Director

Paul M. Anderson, Editor & Graphic Designer, NSLI Associate Director

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