

THE ROLE OF LAWYERS IN NATIONAL SPORTS



NATIONAL EXPANSION

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When we think of lawyers and sports, most of the time, the idea of the sports agent comes to mind—that expert negotiator who just cut a multi-million-dollar deal for his star pitcher or defensive end client. But sitting across the table from the sports agent is another lawyer, the one who represents the team.

That lawyer, too, has to be an expert negotiator as well, but he or she will likely not be dealing just with numerous individual contracts, but quite possibly a contract between the team owner and the team, or crafting a contract affecting an entire league. Then there are the corporate sponsorships to deal with, labor issues, and, more recently, gender issues in sports. We will take a look at a day in the life of the national league and team sports lawyer.

A Growing Area of Law

Professional sports dominate the American entertainment scene, and as both fan interest and investment in sports grows, so does the demand for sports lawyers. At the heart of this niche profession is Contracts Law since the legal relationship between player, team, coach, manager, administrators, and the league itself boils down to contract negotiations in one form or another. The same is true for the relationships with commercial sponsorships and with unions as well. Then there is the IP side of sports law, where lawyers are employed to enforce the trademark protection that teams and leagues have worked hard to add value to via expensive branding campaigns and promotions. Infringement by way of counterfeit shirts, rings, hats, balls, and other sports paraphernalia costs teams millions in lost revenue.

MLBPA Exclusivity

The Major League Baseball Players Association (MLBPA) is the sole and exclusive bargaining agent for all Major League Baseball Players. It also serves as the exclusive bargaining agent for Minor League baseball players. But to become an agent for the MLBPA, an attorney must first get approved as one of the hierarchical agent statuses.

Only General Certified Agents may represent or advise a player in negotiating the terms of a Major League contract, only Expert Agent Advisors may assist General Certified Agents in such negotiations, and only MLBPA Limited Certified Agents may recruit or provide client maintenance services on behalf of a General Certified Agent. In fact, it is expressly stated in the MLBPA's Agent Regulations, that an individual is prohibited from engaging in activities that require MLBPA certification unless such a person has been certified by the MLBPA. The same limitations exist in any professional sports league. Professional baseball, basketball, football, and hockey have players' associations that declare regulations for all sports agents who wish to represent a professional athlete in the MLB, NBA, NFL, or NHL.

Credentials and Correlation

Although there is no formal certification process in order to represent a sports franchise, top credentials are nevertheless a very strong factor. Take, for example, the hiring of attorney David S. Friedman as in-house counsel for the Boston Red Sox. His academic background included being President of Harvard Law Review, graduating magna cum laude

Executive Summary

> The Issue

What is the role of the sports lawyer in national leagues and teams?

> The Gravamen

Although the emphasis has traditionally been on Contracts Law, the national-level sports lawyer needs to be the go-to factotum across a myriad of legal disciplines.

> The Path Forward

The ability to handle legal issues related to club owners and purchasers, players, coaches, equipment manufacturers, sports channels and broadcast rights holders, are all a part of being a national sports league or team lawyer.

from Harvard College, being on the winning 2-person team of the World Universities Debating Championship, the world's largest debating tournament, and, clerking for Judge Michael Boudin of the U.S. Court of Appeals for the First Circuit, and then for U.S. Supreme Court Justice John Paul Stevens. He was then hired 'straight out of the gate' as First Assistant Attorney General under Massachusetts Attorney General Martha Coakley.

So, is that what it takes to become the Senior Vice President, Legal & Government Affairs for the Red Sox, and Senior Counsel for Fenway Sports Group? According to a legal recruiter with The Reddick Group, there was indeed a strong correlation between what Mr. Friedman was working on at the AG's Office and what the Red Sox needed, namely, an emphasis on policy. His ability to juggle both advocacy and policy, as well as manage both corporate law and government regulatory law at one time, was deemed an ideal combination.

Model Player Contracts

Although the image of sports lawyers—from both sides—is that of tough negotiators, in fact, the MLB's collective bargaining agreement includes a 'model player contract' that basically—and surprisingly—does away with the need for protracted back and forth. And, as Mr. Friedman himself acknowledged, "There's not a lot of complex lawyering left to do when it comes to individual contract negotiations. It's mostly business decisions."

All the 'Other Stuff'

Aside from dealing with the core collective bargaining agreements and player contracts, in-house lawyers for sports teams will also be called upon to manage such legal matters as stadium construction, real estate issues, tax matters, public events, and even alcohol sales. The sports team lawyer will more often than not be a board member, and will oversee those running the corporate social responsibility undertakings that include such items as community outreach, partnering with public and private charities, and of course, at all times, playing his or her part to make sure the fans are kept happy!

“THERE ARE SO MANY PEOPLE WHO WANT TO WORK IN SPORTS, WANT TO BE AROUND SPORTS – AND SIMPLY NOT ENOUGH JOBS TO GO AROUND. BUT ONE OF THE MOST COVETED ROLES IN SPORTS DOESN'T REQUIRE YOU TO HAVE A TRADITIONAL RESUME. IT DOESN'T REQUIRE YOU TO HAVE A TIE-IN OR CONNECTION TO A COMPANY. NOR DOES IT TECHNICALLY REQUIRE YOU TO HAVE A HIGHER EDUCATION DEGREE. THE ONLY THINGS THAT BEING A SPORTS AGENT REQUIRE ARE WORK ETHIC, PEOPLE SKILLS, AN UNDERSTANDING OF THE SPORT AND PLAYER YOU MIGHT BE REPRESENTING, AND VERY STRONG NEGOTIATING SKILLS AT THE VERY LEAST.”

—MALCOLM LEMMONS, FORMER PRO BASKETBALL PLAYER

Action

1 The Right Stuff: Being a sports fan or even an avid fan of the team you are applying to is hardly the type of credentials a team is looking for in its quest for an in-house counsel; rather, strong academic and law firm or government credentials are essential.

2 First, A Business Head:

Sports owners aren't in the business of practicing law, and therefore they look for candidates with a strong head for strategic business thinking.

3 Wearing Several Hats:

Today's in-house sports team lawyers will be called upon to play a role in the team's real estate, regulatory, IP, media, and social responsibility activities.

4 On the Horizon:

Aside from the traditional issues facing major league sports, new and challenging issues are on the horizon for the 21st Century, including, how to encourage live attendance at games, integrating the newest emerging technology with sports, and handling an increase in negatively reported social conduct by players.

Further Reading

1. <https://legalcareerpath.com/sports-law/>
2. <https://www.priorilegal.com/legal-for-industries/sports-law>
3. <https://sabr.org/journal/article/the-law-firm-and-the-league-morgan-lewis-and-bockius-llp-major-league-baseball-and-mlb-com/>
4. <https://www.nhlpa.com/the-pa/certified-agents>
5. <https://www.contractscounsel.com/b/sports-lawyer>





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After receiving his Juris Doctor degree from The John Marshall Law School in Chicago, Mr. Brochin served as an Administrative Law Judge with the Illinois Department of Labor for six years where he presided over cases dealing with job separation issues and matters pertaining to contested Unemployment Insurance claims. He also co-wrote the agency's administrative rules, and periodically served as a 'ghost writer' for Board of Review decisions.

Following that position, he was Director of Development for a Chicago-area non-profit college where he was responsible for High Net Worth donations to the institution. For the next eighteen years he practiced as a solo practitioner attorney with an emphasis in the fields of Real Estate law and Commercial Contracts transactions, and was an agent for several national title insurance agencies.

In 2003 he was recruited to head up a U.S. title insurance research office in Israel, a position he held for four years, and between 2007-2017 he participated in litigation support for several high-profile cases. He has taught Business Law as a faculty member of the Jerusalem College of Technology, and has authored a wide variety of legal White Papers and timely legal articles as a professional legal content writer for GPL clients. Separate from his legal writing, he has co-authored academic articles on Middle East security topics that have been published in peer-reviewed publications.



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MANAGING DIRECTOR

William Anderson is Managing Director and Head of Law & Compliance. He leads the GreenPoint practice in providing regulatory, legal, and technology solutions to law firms, legal publishers, and in-house law departments around the world, overseeing our team of experienced US attorneys and data and technology experts. Will has over 25 years' experience working with corporations to improve the management of their legal and corporate compliance functions. Will began his legal career as a litigator with a predecessor firm to Drinker, Biddle LLP. He then served as in-house counsel to Andersen Consulting LLP, managing risk and working with outside counsel on active litigation involving the firm.

Will has leveraged his legal experience interpreting regulations and appearing before federal (DOJ, SEC, FTC) and state agencies (NYAG) to oversee research and other areas at Bear Stearns. In this capacity, he counseled analysts on regulatory risk and evolving compliance requirements. Will also consulted on the development of a proprietary tool to ensure effective documentation of compliance clearance of research reports. Will then went on to work in product development and content creation for a global online compliance development firm pioneering the dynamic updating of regulated firms' policies and procedures from online updates and resources. Will holds a Juris Doctorate with High Honors from the Washington University School of Law in Saint Louis and is admitted to state and federal bars. He lives in Pawling, NY, with his wife and daughter.



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- GreenPoint Global was founded in 2001 and since that time has faithfully served an expanding roster of clients. GreenPoint leverages a unique combination of US-trained attorneys and proprietary technology to deliver a unique offering of skill and flexibility to meet client needs.
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- GreenPoint's methodology and proven track record of achieving client objectives has resulted in a broad base of clients in the United States, ranging from Fortune 500 insurance companies to solo practitioners, law firms, in-house law departments, and legal publishers. GreenPoint attorneys are selectively recruited and deployed based on possessing demonstrable subject matter expertise covering a broad spectrum of substantive US laws and regulations. The work product of our attorneys is thoroughly vetted internally before delivery to client. Adherence to quality, value and flexibility is at the core of our foundation.

