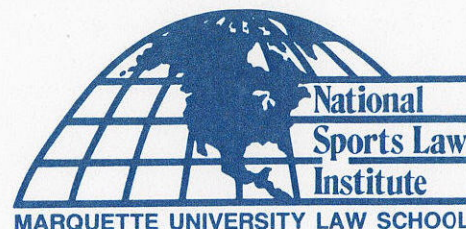


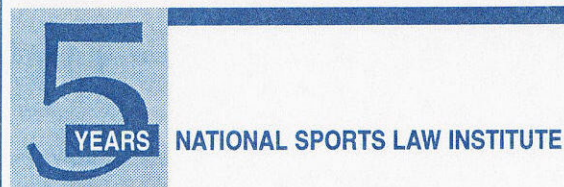
For The Record

The Official Newsletter of the National Sports Law Institute

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August / September 1994
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A FIFTH ANNIVERSARY RETROSPECTIVE OF THE NATIONAL SPORTS LAW INSTITUTE

by James T. Gray, NSLI Assistant Director

Sports law. To many the concept presents a rare opportunity to combine an athletic passion, either as a competitor or spectator, to a body of governing principles which shape and influence society. Sports law practitioners receive numerous inquiries and resumes from those interested in the sports law field. Nationally, sports law professors have the highest enrollments and the students enjoy learning legal concepts in the sports setting.

Since the law plays an integral part in American society and sports has a great intrinsic value for many Americans, Marquette University Law School established the National Sports Law Institute in 1989. The Institute concept originated from NSLI Director, Martin J. Greenberg, a sports law professor

FIVE-YEAR RETROSPECTIVE / Continued on page 3...

SPORTS VENUES, REVENUES & VALUES CONFERENCE AGENDA IS ANNOUNCED

On October 20, 21 and 22, 1994, the National Sports Law Institute of Marquette University Law School and Deloitte & Touche will co-sponsor the **Sports Venues, Revenues & Values** conference at the Pfister Hotel in Milwaukee, Wisconsin. This

SPORTS VENUES, REVENUES & VALUES / Continued on page 2...

NSLI CALENDAR

SEPTEMBER 27 & 28, 1994

Third Annual Conference on Sports Marketing Law, Tax & Finance, presented by the IBC Legal Studies and Services Limited and Townleys, Solicitors International Olympic Museum, Lausanne, Switzerland

For further information, call 071-637-4383
(fax 071-631-3214)

OCTOBER 4, 1994

Legal Issues In Intercollegiate Athletics

Keynote Speaker: NCAA Executive Director Cedric Dempsey

Presented by DePaul University College of Law O'Hare Marriott Hotel, Chicago, IL
For further information, call (312) 362-5292

OCTOBER 20, 21 & 22, 1994

Sports Venues, Revenues & Values Conference
Pfister Hotel, Milwaukee, Wisconsin

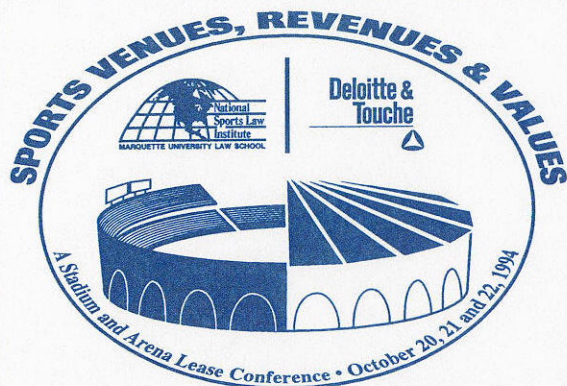
DECEMBER 9, 10 & 11, 1994

The Resolution Of Conflicts In Sport In The World: Comparative Results And Perspectives
Presented by the International Association of Sports Law Third International Congress, Nice, France
For further information, call 93 97 70 68
(fax 93 97 71 01)



LOOK INSIDE

- **SPORTS VENUES, REVENUES & VALUES:** Conference presenters and agenda, pages 1-2.
- **FIVE-YEAR NSLI RETROSPECTIVE,** pages 1, 3-5.
- **SOLICITATION RULES:** As applied to attorney/sports agents. Pages 6-8.



SPORTS VENUES, REVENUES & VALUES / Continued from page 1. conference will address stadium and arena leases from a legal, economic and public policy perspective. Some of the foremost legal, financial and public policy experts on issues related to sports stadium and arena leases will be presenters at this conference, including:

CONFERENCE AGENDA

Thursday, October 20, 1994

7:00 p.m. RECEPTION AND WELCOME

Martin J. Greenberg, National Sports Law Institute, Marquette University Law School, Milwaukee, WI

Stewart Rog, Deloitte & Touche, Parsippany, NJ

Friday, October 21, 1994

9:00 a.m. REVENUE MAXIMIZATION THROUGH THE DESIGN AND OPERATION OF SPORTS FACILITIES

Topics: *"Current Architectural Trends of Stadia and Arenas"*

"Operation, Management and Safety Issues of Sports Facilities"

Presenters: **Joel Ralph**, SMG, Philadelphia, PA

Bernard P. Maloy, University of Michigan, Ann Arbor, MI

Ronald Turner, AIA, Ellerbe Becket, Kansas City, MO

10:45 a.m. PANEL DISCUSSION

11:15 a.m. PUBLIC AND PRIVATE FINANCING OF PROFESSIONAL SPORTS FACILITIES

AGENDA / Continued in next column...

Topics: *"Public/Private Partnerships"*

"Role of Premium Seating Products"

"Credit Enhancements"

Presenters: **Philip Benowitz**, Deloitte & Touche, Parsippany, NJ

Marie Fioramonti, Prudential Power Funding Associates, Chicago, IL

Joseph H. Garagiola, Jr., Gallagher & Kennedy, Phoenix, AZ

12 noon LUNCH — KEYNOTE SPEAKER

Brian P. Burke, National Hockey League, New York, NY

1:30 p.m. PUBLIC AND PRIVATE FINANCING OF PROFESSIONAL SPORTS FACILITIES, continued...

2:00 p.m. PANEL DISCUSSION

3:15 p.m. THE ECONOMIC AND PUBLIC POLICY ASPECTS OF STADIUM AND ARENA LEASES

Topics: *"An Assessment of Public Economic Benefits from Stadia and Arenas"*

"Stadium and Arena Economic Generators Including a Comparative Luxury Box Survey and Financial Overview of Over 40 Sports Facility Leases"

"Public Policy Aspects of Stadium and Arena Leases Including Franchise Relocation and Local Politics"

Presenters: **James T. Gray**, National Sports Law Institute, Marquette University Law School, Milwaukee, WI

Kenneth L. Shropshire, Wharton Business School, University of Pennsylvania, Philadelphia, PA

Richard Wolffe, Deloitte & Touche, Parsippany, NJ

4:45 p.m. PANEL DISCUSSION

5:30 p.m. CONFERENCE RECEPTION

Saturday, October 22, 1994

9:00 a.m. THE NEGOTIATION OF STADIUM AND ARENA LEASES

Topics: *"A Legal Review of Rental Structure, Sharing of Lease Revenues, Exclusivity, Default and Term Provisions"*

"Facility Financing and the Development of Operating Leases Between Developer, Teams and Concessionaries"

Presenters: **Martin J. Greenberg**, National Sports Law Institute, Marquette University Law School, Milwaukee, WI

Stewart Rog, Deloitte & Touche, Parsippany, NJ

Laurence K. Rubin, Kavinoky & Cook, Buffalo, NY

Michael Tully, Ogden Entertainment Services, Rosemont, IL

11:15 a.m. PANEL DISCUSSION

12 noon LUNCH (on your own)

2:00 p.m. TOUR OF MILWAUKEE COUNTY STADIUM

7:00 p.m. MILWAUKEE BUCKS PRE-SEASON GAME

END OF CONFERENCE

Pre-registration for this conference is \$395 if reservations are made by August 31, 1994. Registration after August 31, 1994 is \$495. For further information, contact the NSLI

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NATIONAL SPORTS LAW INSTITUTE

FIVE-YEAR RETROSPECTIVE / Continued from page 1.

and sports law practitioner for over 15 years.

Former Marquette University Law School Dean, Frank C. DeGuire, recognized the NSLI's potential and recommended to the faculty that they establish the Institute as a part of the Law School. The faculty approved the concept of the NSLI as part of the Law School's curriculum and programs in 1989. The Marquette University administration agreed with the faculty and the NSLI was born.

The NSLI has continued to receive faculty and administration support. Some members of the faculty have been quite active in the Institute's programs. The Institute has greatly benefited from the active participation of Professor Charles Mentkowski, Chairman of the NSLI Board of Advisors, and Professor James Ghiardi. Professor Mentkowski's and Professor Ghiardi's greatest contributions to the NSLI have been to provide perspective, to assist in fundraising and to ensure that the NSLI continues to contribute to the "common good" of the amateur and professional sports industries.

James T. Gray, an attorney, is NSLI Assistant Director. He has written on such issues as the relationship between professional athletes and their agents, risk management strategies for high school athletic programs as well as the legal and economic aspects of stadium and arena leases. He also coordinates, plans and administers NSLI academic programming, publications, conferences and seminars.

Undergraduate and law students play a vital part in Institute affairs. Each semester three undergraduate students assist in organizing the NSLI sports law library as well as help with administrative functions. In addition, approximately three to five law students work as either paid or volunteer research assistants each semester. On a periodic basis, student research has been published either as a comment in the **Marquette Sports Law Journal** or an article in the NSLI newsletters *For The Record* or *For The Record EXTRA*.

The National Sports Law Institute would have been a good idea and a fading memory if it were not for the support of four founding sponsors. From its inception, Bud Selig of the Milwaukee Brewers, Judge Robert Parins and Bob Harlan of the Green Bay Packers, Lloyd and Jane Pettit as well as Joe Tierney of the Milwaukee Admirals, Senator Herb Kohl and John Steinmiller of the Milwaukee Bucks and, in 1992, Bill Schmus and Mike Jones of Miller Brewing Company, have provided the NSLI with essential financial support and the freedom to develop into a recognized international leader of sports law, sports business and sports ethics information.

As the NSLI has developed and implemented a wide variety of sports law programs and publications, it became apparent that the field is departmentalized and fractious. For example, those who attended the **Sports Dollars & Sense** conferences on the representation of professional athletes rarely have any contact with those who attended the **Reduce Your Risk** seminars for high school athletic programs.

Similarly, those who will attend the **Sports Venues, Revenues & Values** conference will probably not have the occasion to use the two-volume **Sports Law Practice** textbook which addresses the representation of professional

athletes. As a result, many of our NSLI members, along with those whom we come in contact within the sports industry, do not have an opportunity to become acquainted with the full scope and breadth of the Institute.

Thus as we celebrate the NSLI's fifth anniversary, I think a short retrospective is useful for all to grasp the "big picture."

CLASSES, CONFERENCES, SEMINARS AND PUBLICATIONS

As an educational organization, classroom instruction, conferences, seminars and publications are vital to establish and ensure that the NSLI continues to be an unbiased source of sports law, sports business and sports ethics information. The NSLI is the sponsor, publisher or major contributor of the following programs and publications:

Marquette Sports Law Journal

First published in 1990, the **Journal** is the only continuous semi-annual publication exclusively devoted to sports law, sports business and sports ethics issues. To date there have been eight **Journal** issues published with two additional ones set to be produced by the end of the 1994-95 academic year. Each year, the **Journal** is produced by approximately 30 dedicated Marquette law students, who serve as editors and members. Similarly, **Journal** executive secretary Germaine Borkowski, a master of law review logistics, ensures the continued quality of this publication.

For The Record

For The Record is the first bi-monthly newsletter to provide legal, business and ethical commentary to issues confronting amateur and professional sports. To date, 22 issues have been published. In 1990 two significant **For The Record** events occurred. First, former Associate Dean Eva Soeka gave the newsletter its name. Second, Steve Van Lieshout was hired and he has created the graphics for each NSLI publication, conference and seminar.

FIVE-YEAR RETROSPECTIVE / Continued on page 4...

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For The Record

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YEARS

NATIONAL SPORTS LAW INSTITUTE

RETROSPECTIVE / Continued from page 3.

For The Record EXTRA

This publication was created by freelance sports writer Don Watz in 1991. The purpose of **For The Record EXTRA** is to provide sports law, sports business and sports ethics information to radio, television and print sports media. Through Don's efforts, 22 editions of **For The Record EXTRA** have been published. The print, radio and television media have become acquainted with the Institute, and, as a result, the NSLI receives numerous media inquiries for sports law information and commentary ranging from the Tonya Harding figure skating eligibility controversy to the recent sale of the Minnesota Timberwolves.

Sports Law Practice

Published in 1992 the textbook took approximately three years to write and was accomplished with the help of 20 research assistants. This two-volume textbook written by Marty Greenberg provides over 1,300 pages of practical commentary on the American professional sports industry and is accompanied by over 700 pages of forms, and two supplements, to assist the practitioner in this area.

Classroom Instruction

Marquette University Law School is the only law school in the United States that teaches two sports law classes on a continual basis. The classes are taught by Professor Greenberg to second and third year law students enrolled at Marquette University Law School. **Sports Industry Contracts and Negotiations**, offered each Fall semester, addresses professional sports industry issues such as antitrust, labor, contracts, attorney ethics and negotiations. **Regulation of Amateur Athletics**, offered each Spring semester, reviews the legal aspects of high school and college athletics. A special feature of this class is that students are provided with the opportunity to apply their academic risk management knowledge in a practical setting and teach Milwaukee area high school coaches, athletic directors and administrators.

For The Record

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Sports Law Internships

As a complement to sports law classroom instruction, third year law students have the opportunity to apply for six sports law internships. The internships, which are offered on a credit or volunteer basis, allow students to gain a practical perspective on sports law practice. At present there are six sports law internship opportunities with the following organizations: Great Midwest Conference, Miller Brewing Company, Milwaukee Brewers, Milwaukee Public Schools, Warner Cable Communications and Wilson Sporting Goods.

Risk Management

The Institute also presented a distinctive risk management program known as **Reduce Your Risk**. This is the first risk management program in the United States which reviews high school athletic programs from a legal, medical, ethical, insurance and rule-making perspective. This program is also accompanied by on-site instruction and a follow-up newsletter.

The NSLI's high school risk management theory was proven to be a success when, in 1992,

REDUCE YOUR RISK

Risk Management for High School Athletic Programs

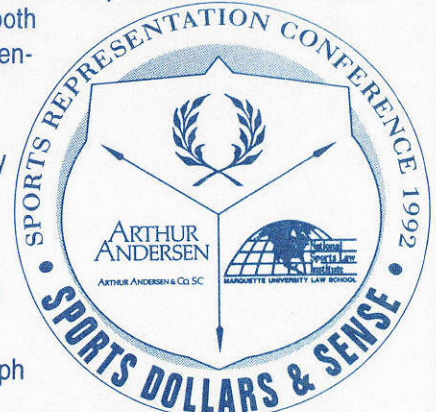
Reduce Your Risk was introduced to the Milwaukee Public Schools athletic program. During the course of six months, over 300 high school athletic directors, coaches and administrators received training by a panel of Milwaukee area experts, consisting of attorneys, ethicists, an athletic trainer, and athletic administrators. As a result of this success, the NSLI has received numerous inquiries about the **Reduce Your Risk** high school risk management program from all across the United States as well as Canada, Australia and South Africa.

Sports Dollars & Sense Conference

In 1992 and 1993, the **Sports Dollars & Sense** conference was held in Milwaukee and Los Angeles, respectively. The purpose of the conferences was to provide substantive instruction concerning the representation of professional athletes from a legal, ethical and business perspective.

Approximately 40 of the most pre-eminent experts in the area of athlete representation served as speakers for both conferences with over 350 people in attendance. In addition, the **Sports Dollars & Sense** conference established the Joseph E. O'Neill award for competency and ethical conduct in professional athlete contract negotiations.

This award was established by the O'Neill family, the Milwaukee law firm of Davis & Kuelthau, of which O'Neill was a partner, and the NSLI soon after Joseph O'Neill's death in October 1992. For approximately 20 years, Joseph O'Neill served as the general counsel of the Milwaukee Bucks. The first recipient of this award was sports attorney and NSLI Board of Advisor member, A. Jackson Mills.





NSLI Sports Business Forum

This luncheon program provides an environment for discussion of sports business issues with approximately 300 people from the Milwaukee education, business and legal communities attending each of the programs. Past speakers have included Chicago Bulls and White Sox owner Jerry Reinsdorf; Milwaukee Brewers owner Bud Selig; Brewers general manager Sal Bando; former NCAA executive director Dick Schultz; Green Bay Packers CEO Bob Harlan; and NFLPA General Counsel Dick Berthelsen. For those NSLI members who are unable to attend the NSLI Sports Business Forum, videotapes are available at reduced rates.

Sports Venues, Revenues & Values

This will be the first conference which addresses stadium and arena leases from a legal, economic and public policy standpoint. **Sports Venues, Revenues & Values** will be held October 20-22, 1994 at the Pfister Hotel in Milwaukee, Wisconsin. Fifteen pre-eminent speakers will discuss issues ranging from franchise relocation, public and private financing of sports facilities to the negotiation of stadium and arena leases. For more than two years, the National Sports Law Institute has reviewed and studied over 40 stadium leases and it is anticipated that our findings will make a significant contribution to this field of study.

Master of the Game Award

One of the reasons why the National Sports Law Institute was founded was to promote ethical practices in all phases of amateur and professional sports. The **Master of the Game Award** recipient is a humanitarian who demonstrates a commitment to public service, possesses a great sense of ethics and integrity and is respected by those in the sports field and general public. Hall of Fame college basketball coach Al McGuire was the recipient of the inaugural **Master of the Game Award**. McGuire is responsible for establishing Al's Run & Walk for Kids, a fundraising event for Milwaukee's Children's Hospital. In June, 1994, Hall of Fame quarterback Bart Starr became the second recipient of this honor. Starr is a co-founder of the Rawhide Boys Ranch, which is a year-round home for disadvantaged youth where many work at restoring used cars and boats.

Sports Law Television

Beginning in 1992, the National Sports Law Institute began to sponsor local sports law cable television programming. Issues ranging from Title IX, the negotiation of college coaching contracts, to Australian sports law have been featured. As a result of this endeavor, ESPN2 is considering the local Milwaukee broadcast of NSLI Sports Law television programming for the next 12 months.

NSLI Members

Since the beginning of the NSLI membership program in 1990, our members have been loyal — renewal rates are over 90 percent — and supportive. Presently, there are over 500 members worldwide ranging from law

libraries, high school coaches, college administrators, sports law professors, agents and team attorneys. Many members have utilized the NSLI sports law library as well as attended our conferences and seminars. In addition, the members have been useful in evaluating NSLI publications and programs which assist us in delivering quality information to the sports industry.

NSLI Sports Law Library

The NSLI has collected a wide variety of sports law, sports business and sports ethics information and has become an invaluable resource for legal and sports industry research. The library has served sports law professors, practitioners and students ranging from high school risk management issues, sports law curriculum, to the legal aspects of Major League Baseball. Numerous inquiries are received each month from across the United States and internationally.

NSLI Board of Advisors

The National Sports Law Institute is served by a distinguished group of advisors from amateur and professional sports. The Board of Advisors have assisted the NSLI by helping with fundraising, appearing as speakers at various NSLI conferences and seminars as well as contributing articles to the **Marquette Sports Law Journal** and [For The Record](#).

International Sports Law Summit

In order for all those who teach or work in the sports law field to meet with one another, the NSLI, in conjunction with other sports law organizations worldwide, wish to create and develop an International Sports Law Summit. It is anticipated that the Summit would be held in the United States one week before the 1996 Summer Olympic Games in Atlanta. Sports law, business and ethics topics which are common to amateur and professional sports would be addressed. For those who have an interest in developing the Summit program, please contact the NSLI. . . .