

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.



CELEBRATING 20 YEARS (1989-2009)