Chapter 1

Getting Started in Sports Law

One of the distinctive features of the lawyering profession is that specialization, at least traditionally, has not been required. In recent decades, many lawyers have developed particular areas of practice, but others continue to work across different fields and industries. Similarly, even though legal education has embraced some level of practice-area differentiation, with various law schools offering certificates of concentration or specialization in selected areas, law students throughout the country are trained to be able to practice in a variety of settings.

As a result, there is no single path into any designated area of legal specialization. The same is true for sports law. There is no single checklist of courses one must take and no single set of law schools one must attend to be qualified to work as a lawyer in professional or amateur sports.

At the same time, sports law is distinctive in that, by comparison to many other areas of specialized legal practice, it is a field in which the supply of interested students likely far exceeds the number of available jobs. The exact number of law students interested in sports law is difficult to quantify. Still, there is some strong evidence as to the field’s popularity. The Law School Admissions Council (LSAC), which oversees the Law School Admissions Test (LSAT) and coordinates law school applications, lists 14 examples of “fields of law” in which JD graduates might choose to practice. Some of these are clearly fields in which jobs are available for many interested students—Criminal Law and Corporate and Securities Law, for instance. Notably, Sports and Entertainment Law, in which there are likely far fewer jobs, is also listed among the fields of specialization.
Our first piece of advice is directed at those who are thinking about law school and are interested in a career in sports. It is fairly straightforward: be realistic. Choosing to go to law school is a significant commitment of both time and financial resources. Tuition at public law schools in most states now tops $20,000 per year, and private schools in many cases charge close to $50,000 a year (and, when fees are taken into account, a number have crossed that threshold). As a result, the average private law school graduate now owes $124,950, and the average public law school graduate owes over $75,000 in law school debt. This debt is often most difficult to repay for students who attend lower-ranked law schools where average starting salaries and post-graduation employment rates may be substantially lower. In addition, the cost of the law degree, properly measured, will also include the opportunity cost of law school, in the sense that a college graduate choosing to attend law school will have forgone at least three years of earnings in some other field.

This reality should be sobering, and the point is simply that one should bite off this kind of commitment only with great care. Given the competitiveness of sports law as a field, if all a potential student is interested in doing with a law degree is working as a sports lawyer, the risk of law school may simply be too high.

In considering a career in sports law, then, one should realize that first-choice jobs may be hard to come by and one should embark on a legal education only if a second or third choice in a less desirable field would also be considered worth the cost and time.

The cost of law school also offers an insight into the question of when a person considering sports law should begin the process of engaging in a self-assessment and committing time and financial resources to the pursuit of such a career. Ideally, a person thinking about sports law conducts a rigorous self-assessment before committing to attend law school. There are, of course, many lawyers working in sports who started in, or continue to work in, other fields. But the best time to start thinking about the hard choices that a career in sports law—like a career in any area of law—will require is before one has gotten too far along the path towards a JD degree.
A Personal Assessment for Law Students

Having chosen to attend law school, students will begin their legal training through a fairly standard set of courses. They will spend their first year in law school developing and honing skills such as legal research and writing, as well as tackling courses like Torts (covering personal injury law), Civil Procedure, and Property Law. First-year law students, other than those attending on a part-time basis, are discouraged from working during the academic year but should nevertheless begin thinking about career opportunities at the earliest possible juncture. In the sports industry, it would be very rare to find a paid employee who had not started their work as an unpaid intern. For financial reasons, it may be most advantageous for students interested in sports law to seek an internship during the summer after first year or during 2L year, rather than later in the educational process.

Interest

So, is a career in sports law for you? The first thing to explore is what interests you about sports law. Are you simply a sports fan? If so, you might be better off working as a tax lawyer or a corporate lawyer and using your earnings to buy season tickets to your favorite team. Sports lawyers aren’t (typically) going to be making personnel or coaching decisions; they aren’t going to be sitting in the locker room with their baseball or football heroes. Instead, they are going to be engaged in the kinds of work that most lawyers engage in—writing and reviewing contracts, business agreements, and corporate documents; negotiating financing and other kinds of business deals; litigating cases; and advising clients on compliance with applicable laws and regulations. “It’s very sophisticated, complicated, commercial lawyering that’s required here,” says Harvard Law School sports law lecturer Peter Carfagna. “The fact that [clients may be] athletes is almost incidental to how careful the lawyering has to be.”

The sacrifices associated with positioning oneself for a successful career in sports law mean that one’s interest and commitment should be broad and sincere. A student might have a particular interest in sports because she finds the industry itself compelling. Or a student might have an interest in sports
generated by the peculiar business structures through which this industry operates. For some, an interest in working in sports has been deeply held for life. Mary Fitzgerald, an attorney who works for Pop Warner, traces her interest in sports law to growing up as one of eight children in New York City, where sports was “always a central factor in our lives,” according to a profile on Tulane’s Sports Law Blog. Students should assess whether their interest in sports law is sufficiently compelling to make professional sacrifices in order to pursue a job in the field.

Experience
A second consideration is an individual student’s experience. An undergraduate degree in sports management or a business related field is a plus. Even more helpful would be actual working experience in college or professional sports. Did you intern in your college’s athletics department? Did you work for a sports management or marketing firm before applying to law school? Were you an athlete of some success beyond the high school level? A number of sports lawyers have leveraged their playing experience into legal positions. Rick Davis played football for the University of Alabama and the Cincinnati Bengals and used those experiences to build a 30-year career representing players and coaches. The stronger your experience in the sports field, the better positioned you will be to leverage that experience into meaningful post-JD employment.

For anyone presently working in the sports industry, consider attending law school part time in your city to allow you to continue to cultivate your professional contacts. Stephanie Vradavas, a former member of Nike’s legal team, got her start in sports through Major League Baseball’s executive development program, as described in an article in the *Oregon State Bar Bulletin*. While working as the American League’s manager of waivers and player records, she enrolled in Fordham Law School’s evening JD program in New York. After passing the bar exam, she leveraged her experience into a job with the American League’s legal staff.

Contacts
A third consideration would be the contacts you may have or may be able to make in the industry. If you want to be an agent representing
professional athletes, it sure would help to have a next door neighbor who is a left-handed power-hitting catcher. Do you know professional athletes? Do you have contacts on teams or in leagues that are sufficiently strong that you think there will be people in the industry likely to help you get your foot in the door? Former agent and Georgetown law grad Andrew Brandt when asked the best way to become a sports agent, answers, “Be college roommates with a first-round draft pick.”

Although this kind of advice is, of course, made in jest, in that there’s very little a person can do to position him- or herself to be in such a fortunate circumstance, the truth is that contacts matter in nearly all sports fields where lawyers can work. Ari Nissim, an attorney who worked as the Director of Football Administration for the New York Jets from 2006 through 2013, told the Tulane Sports Law Blog that “[n]etworking is by far the most important part of breaking into sports. You never know who may lead to the opening.” It is an oft-stated maxim of sports law that all one needs to be a sports lawyer is a client. Starting with a single client, a lawyer can build a record of success and establish her reputation to make it easier to recruit and retain additional sports law clients.

Every contact made in law school is an opportunity to continue to expand your connection to the sports field. If you don’t have established contacts, law school is certainly the time to start making them. Attend lectures on your campus or in your area given by individuals who work in professional or amateur sports, and try to make a personal connection with them. Ask if they would be willing to counsel you on how to find a job in sports. At worst, they might tell you they don’t have time. At best, you could form a connection that can give you the leg up you need over the hundreds or thousands of other applicants who would likely be competing with you for an entry-level job in the field.

Sometimes contacts can arise unexpectedly. Melody Finnemore, a former league attorney and now Nike lawyer, was invited to attend a dinner during her senior year of college and learned that MLB Commissioner Bowie Kuhn was on the guest list. According to a profile in the Oregon State Bar Bulletin, she arrived early and tried to figure out where Kuhn would be sitting and, after chatting him up all night, learned about a new executive training program the league was starting. She leveraged her participation in that
program into a legal job with the league and eventually left to work for a sports agent firm and then for the athletic apparel manufacturer’s legal team.

Among the more striking stories is that of Cincinnati attorney-agent Brian Goldberg, a cofounder of Mgmt One and the president of the firm’s Baseball Division. Goldberg’s entry to the field of sports law started when he was a freshman at the University of Cincinnati in 1978. He met Ken Griffey Sr., who at the time played for the Cincinnati Reds, and was enrolled with Goldberg in an Interpersonal Communications class. Goldberg told the UC Magazine that he noticed Griffey Sr. looking lost one day after class: “I just went up to him and said, ‘Are you looking for the bookstore?’” Goldberg gave Griffey Sr. directions and they struck up a friendship.

After graduating from the University of Toledo College of Law, Goldberg joined a small firm in Cincinnati doing corporate collections work. He was asked by Griffey Sr. to watch out for the latter’s son, who was the first player selected in the 1987 baseball draft and who, in the time since, of course, has become a household name.

“[T]he key was I never used to ask him for anything,” Goldberg told UC Magazine, regarding his relationship with the senior Griffey. This convinced the Griffey family that Goldberg was a loyal friend and not seeking to exploit his relationship with the family for personal gain. As a result of this contact, Goldberg has been able to build a highly successful career representing professional athletes in a number of sports.

Serendipity is at the heart of Goldberg’s unusual story. Had he not been in the right place, at the right time, he would not have made the connection that jump-started his career. At the same time, he was dedicated in his follow-up and didn’t let an opportunity slip by him. Serendipity, luck, and good fortune, may be the most essential building blocks for a successful sports law career.

Financial and Family Considerations
Law students must also think long and hard about the financial and family considerations that can play a role in determining whether a sports law career makes sense. On the financial side, student debt from law school must be a central consideration. The more debt one has, the harder it is to
pursue jobs in more competitive fields, since making regular payments on a student loan balance is easiest if one is flexible enough to take the most highly paid position available, which will often not be in the sports law field.

Ideally, someone interested in sports law will take that into account before selecting a law school. Students should factor in the affordability of a particular law school and consider attending a law school offering scholarship aid, to help keep student loan levels low and maximize career flexibility. It is also important for students to keep in mind that law schools vary greatly in terms of the kinds of entry level positions their graduates find available. A small number of “national” law schools with extraordinarily strong brand reputations may be well worth a high cost of attendance because they open a wide array of legal opportunities. Paying well over $50,000 per year to attend Yale Law School or the University of Michigan Law School might be a reasonable investment for a would-be sports lawyer. At the same time, a similarly expensive but less reputationally strong school would be a much riskier investment.

Students with significant family responsibilities also may find that, even where they are interested in a sports law job, it may not make sense to eschew other, more stable or predictable positions in order to hold out for a position in sports. Sports law is such a competitive field that a willingness and ability to relocate for an entry level position or a subsequent advancement, along with a tolerance for earning below-market wages, may be required.

In a perfect world, a law student will have lined up a great sports law job prior to graduating from school and taking the bar exam. That world, of course, is not likely to materialize for most would-be sports attorneys. Instead, most law graduates will have to continue their search after completing law school. Most sports lawyers “did not obtain full-time employment with sports organizations or have a stable of sports industry clients upon graduation from law school,” writes Matt Mitten, a sports law professor at Marquette.

We recommend that law grads concentrate on passing the bar and thus acquiring a license to provide legal representation. By that point, they should have engaged in a careful, thorough analysis of whether they have the
financial resources and family circumstances to conduct a search for a sports law job. Essentially, new lawyers need to draft a careful business plan in which their search for a sports law job is the business in question. First, students should honestly analyze their resources and their monetary needs. This should then inform an important strategic decision: how long can I dedicate to looking for a sports law job before I shift gears and pursue my backup plan? For some law grads, this might be three to six months; for others, it could be a year. Law grads should select a time frame and then stick to it. One way to ensure that you do stick to your plan is to make it public to friends and family and ask them to remind you, when your deadline strikes, that it is time to turn to other career options.

Law grads need to identify their monthly financial responsibilities. These will likely include

- rent or mortgage for apartment/home
- monthly student loan payments
- health insurance payments
- professional licensing and continuing legal education expenses
- monthly food budget
- car payments, fuel expenses, and insurance
- job search expenses
- entertainment and other miscellaneous expenses

Law grads seeking to open their own practices will have additional considerations such as

- office expenses
- legal malpractice insurance

For each of these line items, students should be creative in finding ways to minimize financial outflows so as to maximize the time they can remain “earnings free” while searching for a sports law job or seeking to build their own sports law practice. If you can live for free or at reduced cost with a family member, consider doing so. If you can forego a car and utilize public
transportation, get a bus pass. If you are eligible for health care through some sort of government plan or under your parents’ insurance policy, maintain that coverage. If you can search for a job using the Internet and save on printing costs for resumes and cover letters, do so. If you are trying to develop your own practice or firm, consider operating a “virtual office” rather than renting space and hiring a secretary or consider sharing space with other attorneys to keep down costs.

Many state bar associations provide training materials for lawyers seeking to develop budgets for new law practices. Your law school’s professional development office should be able to direct you to additional sources of training and guidance.

Educational Options

Once students decide that sports law is at or near the top of their wish lists in terms of post-law-school employment, they can take a variety of courses to try to improve their ability to land a position in the field.

Courses to Consider

Obviously, if a school offers courses tailored to sports law, including the basic Sports Law course offered by many law schools, interested students should consider taking such courses. Many sports law professors will have contacts in the industry; some will also feature guest speakers in their courses who can provide additional guidance and represent potential contacts. Because Sports Law courses at many schools are broad surveys, however, the coverage of materials in many Sports Law courses is not comprehensive enough, on its own, to prepare students to work in the field. Kristi Dosh, an attorney and ESPN’s former sports business reporter, writes, “I can’t say that I’ve used anything I learned in my Sports Law class in my profession.” This view, of course, is not universal to all sports attorneys and business reporters.

Still, sometimes courses other than Sports Law might be more useful to those interested in practicing in the area. In particular, while in
law school, students should try to acquire as much practical experience as possible in areas including contract drafting and negotiation. Especially in the professional sports industry, many sports lawyers will spend a good deal of time negotiating contracts and drafting contractual provisions. These contracts won’t always be multimillion-dollar athlete employment agreements. In fact, since most athlete contracts are now based on a standardized contract emanating from a collective bargaining agreement, some of the more interesting sports law contracts will be found in regard to other transactions. A sports lawyer might negotiate an endorsement agreement or perhaps a complex contract with a stadium’s hot dog vendor. To maximize your ability to make the case to a potential employer that you are the best qualified for a sports law position, you want to make sure you have received all the training you can get in law school in how to draft and negotiate contracts. At your law school, that might mean taking a course in how to draft residential leases or working in a clinic that provides legal assistance to nonprofit corporations or in low-income or rural communities. Your law school may offer courses in negotiation, including in a simulation setting, or it may run a clinic that focuses on negotiation and alternative dispute resolution. Seek out as much experience in negotiation and in writing and drafting contracts as you can while you are in law school, because even where your experience is in a nonsports area that can translate into the skills needed by successful sports lawyers.

Students interested in representing athletes should also seek out courses in tax planning and wealth and estate management. Athlete salaries in the major professional sports are high enough that nearly all athletes will benefit from legal representation concerning their taxes and how to structure their estates. Law students who max out their wealth management and tax opportunities may be able to market themselves more successfully to athlete agencies or perhaps, down the road, to individual athletes seeking representation.

Two substantive areas of law have maintained—and will likely continue to have—particular impact on the professional sports industry. Those are antitrust law and intellectual property. Antitrust law is at the center of many
legal disputes concerning professional sports. The major sports leagues in America are organized as joint ventures among separate economic entities. Since the teams must agree to certain business arrangements in order to establish predictable patterns of competition, there are necessarily contracts, combinations, and other relationships between competitors that raise the concerns associated with federal and state antitrust laws, which seek to preserve the benefits of competition by restricting the ability of rivals to collaborate with one another. It is no surprise that many sports league commissioners—including the NBA’s former commissioner David Stern and the NFL’s former commissioner Paul Tagliabue—have a background in antitrust law.

In more recent times, intellectual property concerns have taken center stage for sports leagues, and students should certainly seek out intellectual property courses. The basic product being marketed by professional sports leagues and college sports conferences is the broadcast of a sporting event. Intellectual property law tells us who owns the broadcast and under what circumstances it can be shown; the protection of intellectual property rights is central for sports leagues in preserving the value of their product. As sports have penetrated newer industries like video game marketing and with the rising popularity of fantasy sports leagues, there have been a number of high-profile intellectual property law disputes surrounding professional and amateur sports.

Labor law is also a core area for the professional sports lawyer. All of the major sports leagues are unionized, meaning that the professional athletes are represented by a labor organization and negotiations between that union and the league and teams are regulated by federal labor law.

A number of other courses that might not, at first blush, appear to have relevance to a sports law career, could prove useful. For instance, particularly in baseball, basketball, and hockey, a number of athletes at the professional level come from other countries. As a result, to work in the United States they will need visas and may look to their lawyers (or the teams employing them may look to team lawyers) for immigration counsel. Taking a course in immigration law could thus prove extremely useful. Athletes may also need assistance in getting divorces or
in drafting ante-nuptial agreements, so family law may prove useful for those interested in providing legal representation to professional athletes. Particularly with regard to amateur athletics, disability law can also be a relevant field. High schools have to confront various issues under the Americans with Disabilities Act (ADA) and the Individuals with Disabilities in Education Act (IDEA) in connection with athletic participation and eligibility.

Sports Law Certificates

Several law schools offer specialized certificates or programs in sports law. A cautionary note: Just because you attend such a law school and earn a sports law certificate, that is no guarantee that you will land a job in the field. With relative ease in a search of the World Wide Web, one can find lawyers who earned such certificates practicing exclusively in nonsports fields like DUI defense and matrimonial or divorce law. In addition, some law schools that offer certificate programs may do so more as an attempt to recruit (cynics might say “to lure”) potential students than because they have any longstanding expertise in a particular field or track record of placing students into meaningful sports law positions. It is always best to discuss law schools’ certificate programs with past graduates and those practicing in the field, rather than to rely on promotional brochures at face value.

If you are considering attending a law school with a sports law certificate because it offers that certificate, be particularly careful if doing so means turning down a less expensive law school or one with better post-JD employment prospects overall. Be a savvy consumer. Ask the law school for information about what percentage of certificate earners work in sports law. In other words, our short advice to students interested in a sports law career is to pick the school with the best employment prospects in general, rather than in sports specifically, and to pick a school that offers an attractive financial aid package and/or affordable tuition. Given that a sports law job is a hard thing to get even for students at top