Introduction

Practice for the attorney involved in the business of sports can be varied and substantively rich . . . the practice of law in the sports realm encompasses virtually every substantive area of the law. Thus, the sports law attorney can be viewed as the “ultimate general practitioner” given the broad array of legal subjects that must be mastered.¹

—Professor Timothy Davis

Theory: There is no such thing as sports law; it is merely composed of attorneys developing practices in diverse areas and applying their acquired expertise to athletes, agents, or sports-related corporate entities. I have heard many people muse about this concept and they largely accept it as being true, me being among those who believed its veracity before I gained enhanced experience as an attorney. Today, after almost a decade as a practicing lawyer, I understand this perception to be accurate in certain instances, but not exact. The new Chapter 1 in this second edition focuses on one sports law practice area that is unique to the profession—regulations governing players and agents—and thus breaks the mold that all sports lawyers are not specialized but have a heightened acumen for certain other areas of the law (i.e., contracts, labor law, or criminal law).

The following chapter focuses on issues concerning sports agents that do not necessarily involve the various players associations’ regulations but are important for any would-be agent or lawyer for an agent to know, such as issues concerning certification and noncompete agreements with employers. It takes Chapter 3 from the first edition and refocuses it on litigation regarding the intricacies of representing professional athletes, as well as various state and federal regulations concerning agents. As is the case with most of the chapters in this second edition, the case law has been updated to be a bit more relevant and fresh, with injections of information based on my own experiences as a practitioner.

As with the first edition, there is a heavy dose of topics associated with the National Collegiate Athletic Association (NCAA) and amateurism, and a discussion on intellectual property that includes subtopics of trademark, copyright, right of publicity, cybersquatting, and fantasy sports, to name a few. Some new additions include chapters on defamation law–related issues as well as the rapidly expanding esports industry, where there is a debate whether the individuals competing in video-game competitions should be considered athletes in the same way that professional baseball players are considered.

It has become clearer to me, as I gain additional experience as a lawyer focusing on building a niche in sports and entertainment, that there is truly a distinction between a sports lawyer and all other types of practitioners. It requires a deep understanding of the nuances that largely affect athletes, their representatives, and companies providing products and services in the space. It also necessitates an acknowledgment of and ability to effectively communicate and craft relationships with power brokers who may provide financial services, accounting, managerial services, or the like in the specific space. I hope this book provides you with a basic understanding of the legal issues surrounding sport so that you at least come across as knowledgeable and competent when you start to represent your sports-related clients’ best interests.