Sports Law

This legal arena is more than just a game. Attractive to a large number of attorneys but open to only a select few, sports law is the holy grail for many practicing lawyers. How exactly do you break in? We talk to those who have to find out.

When you watch sports, do you watch the athletes, admire their strength and skill, and think to yourself: "Wow, I wish I could do that"?

When you are watching the summer Olympics this August, and see an athlete jump thirty feet in the air with only the aid of a long pole, or do a flip with a full twist on a balance beam with no safety net, or run faster than you usually drive on local roads, will you think, "Wow, I wish that was me"? Or, "Ugh, I’m fatter than I thought." Or maybe, "That’s insane! And probably painful! I could never do that!"

Or, will you think: "I wish I could be her lawyer."

If it’s the last one, you are not alone. In fact, many law school career services counselors say that entertainment law and sports law are the two most popular specialties among law students just starting out.

Law students (along with lots of other people) see the sports world as glamorous and exciting, and they want a legal career to match, say career counselors. Some who are eager for this career change their minds after discovering the glories of tax law, immigration law, or public service law. Some try to break into the field for a few years, and then move on to something else. These jobs are hard to get.

But, as every athlete knows - just because something is hard to do doesn’t mean it’s impossible. And there is more than one way to get into this game.

The name of the game.

First, before we tell you all about this field and give some tips on how to get into the race if you are still up for the challenge - some definitions.

There’s no such thing as "sports law."

Sports is a kind of business, like the Washington Redskins football team or a league like Major League Baseball. It is also the career field of an individual, like Martina Navratilova, who played tennis (now retired), or Ron Jaworski, a former quarterback for the Philadelphia Eagles football team.

Sports is not a set of cases and regulations, like tax law or intellectual property law, points out Eric Reifschneider, with Cooley Godward’s Palo Alto, Calif., office. Sports is an industry that involves a wide variety of businesses and individuals.
So, there is no such thing as "sports law," just like there is no such thing as "coffee law." Sports law is, in reality, just an umbrella term to describe the legal needs of owners, players, and organizations that are involved in sports.

These legal needs vary widely, and provide a window into the reality of practicing law for sports clients, as opposed to the dream of glamour that many imagine (possibly due to confusing the jobs of being a lawyer and being an agent, which we will look at in detail later).

Ah, the things you can do. (A Horse and His Lawyer.)

Some legal jobs in sports are very, very hard to come by - such as being an in-house counsel for a professional team. Most legal jobs that involve sports clients also involve clients from other industries - and lawyers that do a few things very, very well. Here's a look at what "sports lawyers" actually do.

1. Represent an event.

John Garda is a trial attorney, and he loves horseracing. His family owns some race horses, and his law firm, Hughes and Luce, Dallas, has worked on some high-profile sports transactions - including the sale of the Dallas Mavericks basketball team and the building of the American Airlines Center in Dallas.

All of those factors combined to make Hughes and Luce the Dallas law firm chosen to represent the Breeders' Cup, says Garda. The Breeders' Cup is an annual series of eight horse races all run on one day that will be held this fall at the Lone Star Park in Grand Prairie, Texas, just outside of Dallas. This is the first time the Breeders' Cup will be held at that track.

While his firm was not involved in bringing the race to Dallas, says Garda, Hughes and Luce was chosen to serve as local counsel for the Breeders' Cup by the Lexington, Kentucky firm that represents the race event overall.

Hughes and Luce will serve as legal counsel for the Breeders' Cup and handle legal issues that relate to the running of the event, says Garda, an alumnus of Notre Dame Law School, South Bend, Indiana. Garda's legal practice consists mainly of accounts liability litigation; he represents many business dispute clients. Because of his firm's background in dealing with sports issues, Garda's trial experience, and his connection to horse racing, he finds himself practicing law in the sports arena.

◆ This career model is one way into the game: Lawyers working mostly with non-sports industries in firms that have some sports business clients.

The legal issues surrounding the Breeders' Cup could include, first, the rules and regulations of the Texas Racing Commission, a state regulatory body with rules particular to Texas, says Garda. The commission's rules may not mesh with the guidelines of the Breeders' Cup race itself. So, if the commission's requirements and the race's rules do not match, Garda and his partners will work to get any required waivers from the commission in order for the races to be run.

Garda's firm will also handle any lawsuits that are filed involving the race and its participants. These cases could involve advertising disputes, questions over which horses can run the races, and efforts to prevent specific horses from running.

2. Be outside counsel - for a team owner, a player, a team or a league.

Instead of representing an event, you could work in sports law by having a corporate client who just happens to buy a sports team. Or, you might represent a corporation whose business is sports, like the National Football League. You could also handle legal issues for a specific team. Or, handle a large commercial deal for one player.

Or you could do most of the above.

Ed Ristaino, with Akerman Senterfitt, Miami, represents the Miami Dolphins football team, the Florida Panthers hockey team, and has worked with the Florida Marlins baseball team, the Tampa Bay Buccaneers football team, and the Homestead Miami Motor Sports Complex.

The legal work Ristaino does includes buying and selling franchises for owner clients, protecting the intellectual property of teams, doing licensing and trademarks, and working on stadium financing. Ristaino is an alumnus of Notre Dame Law, South Bend, Indiana, and has been practicing for 20 years.
Ristaino’s career is living proof that there is a very wide range of legal work that can be done within the sports business.

**Bankruptcy Law:** companies that own stadiums sometimes go bankrupt, says Ristaino. There is the former Enron Field in Houston as the most obvious example, he says. Also, Pro Player Stadium in Florida was owned by Fruit of the Loom, which went bankrupt. Lawyers for the teams and companies need to know about bankruptcy law to serve their clients well.

Immigration Law: this probably would not spring to mind as an active area in sports, until you think about the Canadians on hockey teams and the Latin Americans and Asians on baseball teams, says Ristaino. And there is a special sports twist: work visas can take time to acquire. A team’s lawyer needs to know both immigration regulations, which are highly complex, and also the team’s schedule, so that the players can get to spring training on time.

**Franchise Law:** this is, and is not, the same as franchising a 7-11. When a person or group buys a sports team, says Ristaino, they are getting that league’s franchise. If you buy a 7-11 store, the 7-11 corporations is required to give you all the information you need via a specific form, called a Uniform Offering Circular. The potential buyer can rationalize the price of the 7-11 store based on its financial performance.

The NFL is not required to give prospective buyers this form. The league gives the potential buyer financial information, but “ultimately, the buyer decides [whether or not to buy] both with and without those numbers,” says Ristaino. In addition to the different financial structure of a store and a football team, there is the publicity that the new owner will have, which brings an enormous change to their lives.

- **The industry-focused career model:** Ristaino has actively pursued sports clients and made it clear to his firm that this is the industry he wants to work with. Aside from being an in-house lawyer with a specific team, Ristaino’s legal career is the closest to being all about sports.

Ristaino started out doing transaction work for a client, a businessman who was interested in sports. The client decided to make an investment as a minority shareholder in a football team. When the team went up for sale, the client decided to buy ownership control, and became the owner of the Miami Dolphins.

Even if you cannot achieve total sports saturation in your job, that doesn’t mean you can’t work with sports clients at all. You may even end up as a vital player without even looking for the game.

Kenneth Adelson, a partner with Cooley Godward, San Francisco, does real estate litigation and commercial litigation. He is also one of the people credited with keeping the Oakland A’s baseball team in Oakland.

The Oakland A’s play in Network Associates Coliseum, which the team leases from the city of Oakland. In the late 1990s there was a dispute over the licensing agreement, which went into arbitration.

One of the issues at hand involved the Raiders, the town’s football team. Oakland is still one of the few cities in which the football and baseball teams play in the same arena. The late 1990s saw the Raiders return to town after a 13-year sojourn playing in Los Angeles. The stadium was improved for the prodigal football team, but promised improvements for baseball never materialized. The dispute was on.

Adelson, who was brought on board because of his real estate expertise, worked with another partner at Cooley Godward, Christopher Westover, who was representing the Oakland A’s owners at the time.

One of the provisions in the ballpark’s lease was that, if the current owner wanted to terminate the current lease and negotiate a new one, then the owner was required to offer the team up for sale to other interested buyers at a discount, says Adelson.

The A’s owners did this, and one of the interested buyers would have moved the team out of town.

Luckily, Major League Baseball did not approve the prospective buyer, the owners were able to renegotiate their lease, and the team stayed in town.

- **The Right-Place-Right-Time career model:** Adelson, like Garda, works with a firm that works with some sports clients, and was tapped for his expertise in a specific area.

Yes, it was fun and different to venture into legal work with a baseball team, says Adelson. "Sometimes we would hold negotiations at the ballpark, and we got to know some interesting people," he says. Adelson has been practicing law for 35 years and is an alumnus of Boalt Hall School of Law at the University of California at Berkeley.
Adelson never sought out sports clients. It was "utter happenstance," he says, that he worked on the issue at all.

**Our Seventh-Inning Stretch.**

Yes, work is important. But since this is also an article about sports, let's take a moment for pure sports enjoyment. Then we'll talk about your job some more.

As a junior associate at Katten, Muchin & Zavis in Chicago (now KMZ Rosenman), Eric Reifschneider was able to work on some player contracts for the White Sox baseball team. The firm's client roster included the Chicago Bulls as well.

Currently with Cooley Godward, Reifschneider, a Harvard Law grad who has been practicing for 12 years, now handles technology licensing and other transactions. He also, on occasion, works on endorsement contracts for professional athletes, and deals for acquiring sports franchises. Reifschneider's real claim to sports fame, came about in 1998, when he and the head of Mergers and Acquisitions at Cooley Godward, Rick Climan, had an argument about sports.

Specifically: whose team's quest for glory was the most futile - the Boston Red Sox baseball team or the New York Rangers hockey team? Climan said the Rangers were the most hopeless, and therefore he had the most right to claim suffering. Reifschneider said that the Red Sox were the most futile, and that he had claim to this dubious honor.

Climan and Reifschneider were not daunted by the challenge of comparing two teams from different cities, playing different sports. Nor were they satisfied with letting the issue go unanswered. And so they created the Futility Index.

The Futility Index, Reifschneider explains, is a mathematical formula showing exactly how hopeless it is for any one team to win its league championship. The equation involves past team performance, and number of teams in the league, among other factors. Reifschneider and Climan came up with the equation, ran it through a spreadsheet, and calculated the answer for every pro team in the four major sports leagues.

The Rangers were "off the charts" in their futility, says Reifschneider. The team's 44-game losing streak before a Stanley Cup win in the mid-1990s was "far and away the most amazing streak," says Reifschneider. The Red Sox were pretty badly off, but their quest for glory is not as futile as the Rangers.

In baseball, the Chicago White Sox and Cubs also have highly futile aspirations. The Cardinals football team (which was first in Chicago, then in St. Louis, and currently in Arizona) is the "most pathetic" in its futility, says Reifschneider, a St. Louis native.

Now, let's get back to work. Next, here's the **law job that will give you a career** that is completely devoted to sports:

**3. Get hired by a team in-house.**

Teams hire lawyers. Professional teams in the four major sports leagues based in the United States (men's hockey, basketball, baseball and football) **have in-house counsel**, just like many corporations and some larger nonprofits. Being an in-house counsel is probably the most immersed you could be in sports, professionally, as a lawyer practicing law (again, not being an agent).

An in-house counsel would work on any legal issue involving the team, including: player contracts and union negotiations, stadium financing and construction, the sale of the team to new owners, or moving the team to a new town, just to name a few. Your job would be sports, sports, sports, all the time. Which is great - if you can get the job in the first place.

There are about 120 teams in the four main professional leagues, and some of those teams are in Canada. So the pickings are already slim. And these teams, despite being well-known to many, are not actually big businesses, points out Reifschneider.

The New York Yankees baseball team, for example, probably has about $500 million in revenues, predicts Reifschneider, which makes it a small-ish company in the business world. And most pro sports teams do not even come close to that kind of capital, with most batting at the $100 million level.
Each of these professional sports teams has one, maybe two in-house counselors on staff. That comes to about 200 lawyers nationwide. Putting it in perspective: pro sports teams probably have more towel-boys than lawyers.

**Does the job ruin the fun?**

At one time, Ed Ristaino estimates, he went to 42 hockey games, 81 baseball games and 10 football games in a single year. He bought his own tickets, declining to even sit in his law firm’s box seats. This way, clients “see your commitment to the sport, and the team,” he says. He loves watching the games.

Does handling legal issues dull the joy of horseracing for John Garza? ”Not at all,” he says.

Working on legal issues for teams and players has left Eric Reifschneider ”as big a fan as ever,” he says. Working on the business side of sports has only made the games more interesting.

When Reifschneider helped with drawing up contracts for White Sox players in Chicago, he worked on the contract of a player who is still with the team, Frank Thomas. Reifschneider recalls watching games during that time, thinking then, ”in some small way, I’m part of his being in this game.”

**How to get this job.**

There are two ways to get a job practicing law in the sports arena, and both of them require, like many sporting events, divine intervention. Still, lightning does strike, athletes win gold medals at the Olympics, and sports teams do hire lawyers...

1. ”Get lucky,” says Ed Ristaino. Start off getting some experience under your belt. If someone has just spent millions buying a sports franchise, she does not want a lawyer who is learning as he goes. Work on getting general commercial and litigation experience, says Ristaino, both are very valuable. ”Learn your craft, be skilled,” he says.

Then: tell people what you want. ”Expressing your desires is always good,” says Ristaino. When starting out, he let it be known that he wanted to work with sports clients. This is where the luck comes in. If you are lucky, your firm’s clients will say ’I was thinking of buying a ball club.’ And then your firm’s partners will say ’You should talk to Jane, she knows all about that.’ And you’ve just gotten your start.

2. ”Get in with the club,” says Ristaino. Go to the major leagues or the minor leagues and get any kind of entry level professional position. Do group ticket sales, sell advertising. Learn the business from the ground up. Most successful sports lawyers he knows started out this way, says Ristaino. Then you move up the ranks and become a general counsel for the club, or an executive.

**More Advice.**

1. Take a trademark course in law school, recommends Ed Ristaino. And don’t forget, aside from a few nuances, you could substitute any other business for sports, and you would still be practicing the same types of law.

2. Don’t think that you will spend all day at the stadium, hanging out with the players, says Ristaino, because you won’t.

3. There is nothing wrong with the minor leagues, Ristaino adds; it could be a good place to get your start.

4. ”Do something you are passionate about,” says John Garda, ”if it’s sports, that’s great.” To get into doing law for sports clients, focus your job-search on firms that handle sports cases already.

5. ”Presume that’s never going to be the only thing you do,” says Eric Reifschneider. You will likely work with clients in many industries, in addition to sports.

**Please see the following articles for more information about sports and entertainment law:**

- Entertainment Law - Glamor By Association?
- Sports Attorneys and Contracts
- Being a Sports Lawyer

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