

SPORTS & ENTERTAINMENT LAW JOURNAL
ARIZONA STATE UNIVERSITY

VOLUME 6

SPRING 2017

ISSUE 2

**GENERAL COUNSELS IN SPORTS: AN ANALYSIS OF THE
RESPONSIBILITIES, DEMOGRAPHICS, AND
QUALIFICATIONS**

*Christopher R. Deubert**

*Glenn M. Wong***

*Kevin Hansen ***¹*

ABSTRACT

This Article is the first ever in-depth analysis of the responsibilities, demographics, and qualifications for general counsels of clubs in the four major North American sports leagues: the National Football League (NFL); Major League Baseball (MLB); the National Basketball Association (NBA); and, the National Hockey League (NHL). As the highest-ranking attorney at each club, general counsels are prominent individuals in both the sports and legal industries. We sought to better understand their roles and experiences.

Our analysis did not reveal any essential characteristic or qualification on the path to becoming a general counsel. Nevertheless, we did find several interesting pieces of information. Specifically:

(1) Prestige matters. Fifty-two general counsels (49.5%) attended a law school currently ranked in the top 25

* Senior Law and Ethics Associate, Law and Ethics Initiative for the Football Players Health Study at Harvard University.

** Distinguished Professor of Practice Sports Law, Sandra Day O'Connor College of Law, Arizona State University.

*** Compliance Coordinator, Texas Tech University.

¹ The authors thank Caleb Jay, Senior Director, Legal Affairs and Associate General Counsel, Arizona Diamondbacks, and Vicky Neumeyer, Senior Vice President/General Counsel, New Orleans Saints and New Orleans Pelicans, for reviewing and providing comments on a draft of this Article and the underlying data.

and seventy-five of them (66.4%) previously worked at a law firm of at least 101 attorneys.

- (2) *Prior experience at a league office or at a major sports law firm helps, but is not essential. Only seventeen general counsels (15.0%) previously worked at a law firm with a substantial sports law practice, and only ten (8.8%) previously worked at a league office.*
- (3) *More gender and racial diversity is needed in the roster of general counsels. Only twenty-one (18.6%) general counsels are female and only sixteen (14.1%) are non-white.*

The Article includes other information about the backgrounds of general counsels, including their age, the industries in which they previously worked, and the amount of legal experience they obtained before becoming a general counsel. Ultimately, we hope that this Article helps shed light on an important role in the sports industry, and provides guidance for those who seek to aspire to such heights.

INTRODUCTION

Careers in the sports industry are highly sought after and competitive.² Similarly, in recent years, careers in the legal industry have become highly competitive as the industry has undergone changes.³ It thus stands to reason that legal careers in

² GLENN M. WONG, *THE COMPREHENSIVE GUIDE TO CAREERS IN SPORTS* 3 (Shoshanna Goldberg et al. eds., 2d ed. 2013) (“There is a high demand from people who want to work in the sports industry, and there is a limited supply of jobs.”).

³ See, e.g., Peter Lattman, *Dewey & LeBoeuf Crisis Mirrors Legal Industry's Woes*, N.Y. TIMES (Apr. 25, 2012, 6:21 PM), <http://dealbook.nytimes.com/2012/04/25/dewey-leboeuf-crisis-mirrors-the-legal-industrys-woes> [<https://perma.cc/4ZV4-ET82>] (discussing the outlook and future for the legal industry); Elizabeth Olson, *Burdened With Debt, Law School Graduates Struggle in Job Market*, N.Y. TIMES (Apr. 26, 2015), <http://www.nytimes.com/2015/04/27/business/dealbook/burdened-with-debt-law-school-graduates-struggle-in-job-market.html> [<https://perma.cc/MHL6-3QN7>] (discussing the difficulty law school graduates have in securing employment in the legal industry).

the sports industry are extremely competitive. Nevertheless, skilled and intelligent individuals have managed to traverse these competitive challenges to reach the upper echelons of both the sports and legal industries. These individuals are the general counsels of professional sports clubs.

This Article is the first ever in-depth analysis of the responsibilities, demographics, and qualifications for general counsels of clubs in the four major North American sports leagues: the National Football League (NFL); Major League Baseball (MLB); the National Basketball Association (NBA); and, the National Hockey League (NHL). This Article builds on prior work we have done analyzing the responsibilities, characteristics and qualifications of club general managers in the NFL,⁴ MLB,⁵ and NBA,⁶ as well as of athletic directors at National Collegiate Athletic Association (NCAA) Division I institutions.⁷

Before proceeding, it is important to understand who we are talking about when discussing general counsels. Black's Law Dictionary provides the following definitions for a general counsel:

1. A lawyer or law firm that represents a client in all or most of the client's legal matters, but that sometimes refers extraordinary matters – such as litigation and intellectual-property cases – to other lawyers.

⁴ See Chris Deubert, Glenn M. Wong & Daniel Hatman, *National Football League General Managers: An Analysis of the Responsibilities, Qualifications and Characteristics*, 20 VILL. SPORTS & ENT. L. J. 427 (2013).

⁵ Glenn M. Wong & Chris Deubert, *Major League Baseball General Managers: An Analysis of Their Responsibilities, Qualifications and Characteristics*, 18 NINE: J. BASEBALL HIST. & CULTURE 74 (2010), https://papers.ssrn.com/sol3/papers2.cfm?abstract_id=1587675.

⁶ Glenn M. Wong & Chris Deubert, *National Basketball Association General Managers: An Analysis of the Responsibilities, Qualifications and Characteristics*, 18 VILL. SPORTS & ENT. L. J. 213 (2011).

⁷ Glenn M. Wong, Christopher R. Deubert & Justin Hayek, *NCAA Division I Athletic Directors: An Analysis of the Responsibilities, Qualifications and Characteristics*, 22 JEFFREY S. MOORAD SPORTS L. J. 1 (2015).

2. The most senior lawyer in a corporation's legal department, usu[ally] also a corporate officer.⁸

We adopt the Black's Law Dictionary definition for our purposes here with one clarification – we are interested only in those attorneys that are employed by the club (or the entity that owns the club) – not attorneys that act in a general counsel capacity but are employed by a law firm. Additionally, titles do not control the individuals included in our analysis. While individuals discussed in this Article often have a variety of titles, usually but not always including general counsel, for purposes of this Article we mean for the term “general counsel” to include any individual that is the highest-ranking attorney at a club, and who on a regular basis provides legal advice to the club. As a result of our definition, and as will be discussed further in Part II, not all clubs have a general counsel; these clubs instead rely primarily on outside counsel, *i.e.* attorneys that are not employed by the club, for legal matters.

This Article will proceed in four parts: Part I discusses the responsibilities of a club's general counsel; Part II discusses those clubs that do not have a general counsel; Part III examines the demographics of club general counsels, including age, race/ethnicity, and gender; and, Part IV examines the qualifications of club general counsels, including information about their law schools, and prior work experience, including experience in the sports industry. Finally, we conclude with thoughts on the paths to becoming a general counsel for a club.

I. RESPONSIBILITIES OF GENERAL COUNSELS

General counsels, in all industries, “occup[y] multiple roles within the organization.”⁹ In particular, these roles generally include: (1) providing legal advice to the corporation; (2) serving as a senior member of the executive team; (3) administrating the corporation's internal (or “in-house”) legal

⁸ *Counsel*, BLACK'S LAW DICTIONARY (10th ed. 2014); *General Counsel*, BLACK'S LAW DICTIONARY (10th ed. 2014).

⁹ Deborah A. DeMott, *The Discrete Roles of General Counsel*, 74 FORDHAM L. REV. 955, 955 (2005).

department; and, (4) managing external relationships, such as outside counsel.¹⁰ Below, we describe each of these roles as it relates to sports club general counsels.

A. PROVIDING LEGAL ADVICE TO THE CLUB

General counsels are not necessarily experts in any area of law, and are more likely to be experienced or knowledgeable about several areas of law.¹¹ The Association of Corporate Counsel, a professional association of attorneys working in-house at a variety of corporations and private sector organizations (such as general counsels), has conducted surveys of in-house counsel,¹² that provide useful data on this issue. According to a 2015 survey, the ten primary practice areas for in-house counsel, listed in order of the number of counsel practicing in that area, are: (1) contracts; (2) general commercial/contracts; (3) corporate transactions; (4) compliance/ethics; (5) employment/labor; (6) generalist; (7) corporate governance; (8) intellectual property; (9) litigation; and, (10) law department management.¹³ The practices of general counsels for sports clubs are likely similar.

Writing and negotiating agreements for the club is one of the general counsel's most important jobs. Sports clubs enter into a wide variety of agreements, many of which relate to the stadium or arena in which the club plays. The type of agreement may vary depending on whether the club owns the facility, but

¹⁰ *Id.* at 957–58.

¹¹ See Erik Spanberg, *Teams Find Safety in Numbers When It Comes to Their Legal Staff*, SPORTS BUS. J. (May 11, 2015), <http://www.sportsbusinessdaily.com/Journal/Issues/2015/05/11/In-Depth/Team-counsel.aspx> [<https://perma.cc/N5M2-FKMV>] (discussing the variety of areas in which sports club general counsels practice).

¹² See ASS'N OF CORP. COUNSEL, 2015 ACC GLOBAL CENSUS A PROFILE OF IN-HOUSE COUNSEL (2015) [hereinafter 2015 ACC GLOBAL CENSUS], <http://www.acc.com/vl/public/Surveys/loader.cfm?csModule=security/getfile&pageid=1411922&page=/legalresources/surveys/index.cfm&qstring=&title=2015%20ACC%20Global%20Census%20Executive%20Summary&recorded=1> [<https://perma.cc/57X7-MHFD>]. The 2015 survey gathered data from 5,012 in-house attorneys, 59% of whom were located in the United States. *Id.* at 33.

¹³ *Id.* at 28.

typical contracts that need negotiating are financing arrangements, leases (including those with municipalities), vendor agreements with food service and maintenance companies, luxury box contracts, and agreements with companies looking to advertise in or around the facility.¹⁴

General counsels' contract-related duties also extend into their employment and labor practice. General counsels will be involved in the drafting and negotiation of contracts for the clubs' most important employees, including the general manager and coaches.¹⁵ Nevertheless, general counsels' role in drafting or negotiating player contracts is generally limited. All the leagues have standard contracts,¹⁶ and complex contract rules.¹⁷ Conformity with these rules and addendums to the standard contracts are generally governed by the leagues' attorneys.¹⁸

¹⁴ See Spanberg, *supra* note 11 (discussing types of contractual agreements General Counsels enter on behalf of the organization).

¹⁵ See, e.g., #15 – Jeff Gewirtz – EVP Brooklyn Nets & Barclays Center – Part 2, LAWINSPORT (Oct. 23, 2013), <https://soundcloud.com/lawinsport/jeff-gewirtz-part-2> [<https://perma.cc/8S27-GM8L>] (discussing Gewirtz's role of aiding General Manager Billie King in drafting head coach, assistant coach, scouts, and assistant general manager contracts).

¹⁶ See, e.g., 2012-2016 Basic Agreement, MLB.COM 227–294 (Dec. 12, 2011), http://mlb.mlb.com/pa/pdf/cba_english.pdf; NBA Collective Bargaining Agreement, SCRIBD (Dec. 8, 2011), <https://www.scribd.com/doc/172760974/NBA-NBPA-CBA-2011>; NFL Collective Bargaining Agreement, NFL 256–264 (Aug. 4, 2011), <https://nflabor.files.wordpress.com/2010/01/collective-bargaining-agreement-2011-2020.pdf>; *Collective Bargaining Agreement Between National Hockey League and National Hockey League Players' Association*, NHL.COM 310–321 (Feb. 15, 2013), http://www.nhl.com/nhl/en/v3/ext/CBA2012/NHL_NHLPA_2013_CBA.pdf.

¹⁷ See CHRISTOPHER R. DEUBERT ET AL., *Comparing Health-Related Policies and Practices in Sports: The NFL and Other Professional Leagues*, THE FOOTBALL PLAYER'S HEALTH STUDY AT HARV. UNIV. (forthcoming 2017), <http://petrieflom.law.harvard.edu/research/fphs> (discussing salary cap and compensation rules in the NFL, MLB, NBA, NHL, Canadian Football League and Major League Soccer).

¹⁸ See, e.g., *NHL Rejects Kovalchuk Deal*, ESPN (July 21, 2010), <http://www.espn.com/new-york/nhl/news/story?id=5397588> [<https://perma.cc/EWX9-Y25X>] (highlighting the role leagues play in governing collectively bargained standard player contracts).

Beyond employment contracts, general counsels must ensure the club's compliance with a wide variety of employment-related statutes, regulations and policies, including but not limited to those related to wages,¹⁹ discrimination,²⁰ benefits,²¹ and retirement plans,²² for both players and other club employees.

The area of intellectual property is one of significant and growing importance to general counsels. Licensing of league and club games for broadcasting on television and radio networks is one of, if not the, highest sources of revenue for leagues and clubs.²³ While the NFL sells the television and radio broadcast

¹⁹ See, e.g., *Wage and Hour Division (WHD)*, U.S. DEP'T OF LABOR, <https://www.dol.gov/whd/flsa/> [<https://perma.cc/8NKL-5C2E>] (last visited Feb. 22, 2017) (discussing the Fair Labor Standards Act regulating wages and hours of work).

²⁰ See, e.g., *Laws Enforced By EEOC*, U.S. EQUAL EMP. OPPORTUNITY COMM'N, <https://www.eeoc.gov/laws/statutes/> [<https://perma.cc/G24Q-D7GH>] (last visited Feb. 22, 2017) (discussing laws prohibiting various forms of discrimination in the workplace).

²¹ See, e.g., 26 U.S.C. § 4980H (2016) (obligating employers who employ an average of at least 50 full-time employees on business days to provide some basic level of health insurance to its employees or pay a financial penalty).

²² See, e.g., *Employee Retirement Income Security Act (ERISA)*, U.S. DEP'T OF LABOR, <https://www.dol.gov/general/topic/retirement/erisa> (last visited Feb. 22, 2017) [<https://perma.cc/AYQ3-ZS4T>] (describing ERISA as "...a federal law that sets minimum standards for most voluntarily established pension and health plans in private industry to provide protection for individuals in these plans").

²³ See Kurt Badenhausen, *New York Knicks Head the NBA's Most Valuable Teams at \$3 Billion*, FORBES (Jan. 20, 2016, 9:57 AM) <http://www.forbes.com/sites/kurtbadenhausen/2016/01/20/new-york-knicks-head-the-nbas-most-valuable-teams-at-3-billion/#79c3325d2d3a> [<https://perma.cc/H2U8-SEMQ>] (discussing impact of media rights on NBA revenues); Maury Brown, *MLB Sees Record Revenues for 2015, Up \$500 Million and Approaching \$9.5 Billion*, FORBES (Dec. 4, 2015, 4:40 PM), <http://www.forbes.com/sites/maurybrown/2015/12/04/mlb-sees-record-revenues-for-2015-up-500-million-and-approaching-9-5-billion/#2e3f48712307> [<https://perma.cc/KJ5R-TNL6>] (discussing impact of media rights on MLB revenues).

rights to all of its games (except preseason) collectively,²⁴ in MLB, the NBA and the NHL, the clubs are able to sell all games not included in national television packages to local television and radio stations on an individual basis.²⁵ These revenue streams are vital to the clubs' operations. For example, in 2016, MLB clubs' local television contracts brought in a mean of approximately \$53.48 million.²⁶ Also in the realm of intellectual property, another important source of revenue for clubs is the licensing of the club name and logos.²⁷ Clubs enter into agreements with a wide variety of companies that either want to sell items with the club name and logo, or want to be associated with the club, generally as an official sponsor of some kind.²⁸ General counsels must ensure that these agreements comply with the law, protect the clubs' rights and comply with league policies about such arrangements. For example, the NFL's advertising policy prohibits advertisements containing firearms, ammunition, weapons, contraceptives, tobacco products, gambling, and fireworks.²⁹

²⁴ See Matthew J. Mitten & Aaron Hernandez, *The Sports Broadcasting Act of 1961: A Comparative Analysis of its Effects on Competitive Balance in the NFL and NCAA Division I FBS Football*, 39 OHIO N.U. L. REV. 745, 745–52 (2013) (discussing the collective sale of television rights by professional sports leagues).

²⁵ Gabriel Feldman, *The Puzzling Persistence of the Single Entity Argument for Sports Leagues: American Needle and the Supreme Court's Opportunity to Reject a Flawed Defense*, 2009 WIS. L. REV. 835, 886–87 (2009).

²⁶ Craig Edwards, *Estimated TV Revenues for All 30 MLB Teams*, FANGRAPHS (Apr. 25, 2016), <http://www.fangraphs.com/blogs/estimated-tv-revenues-for-all-30-mlb-teams/> [<https://perma.cc/949Y-2FJY>].

²⁷ Feldman, *supra* note 24, at 888–89; John A. Fortunato & Shannon E. Martin, *American Needle v. NFL: Legal and Sponsorship Implications*, 9 DENV. U. SPORTS & ENT. L.J. 73, 74–75 (2010).

²⁸ *Id.*

²⁹ See Julia Ritchey, *VIDEO: Super Bowl Ad Controversy Puts Georgia Gunmaker in Spotlight*, SAVANNAH MORNING NEWS, <http://savannahnow.com/exchange/2013-12-06/super-bowl-ad-controversy-puts-georgia-gunmaker-spotlight> [<https://perma.cc/HEE5-EG7K>] (last updated Dec. 7, 2013, 9:54 AM) (discussing the NFL's

There is an important limitation to the advice general counsels provide. General counsels provide legal advice for the entity for which they work (through its employees), but not for the employees of the entity for which they work.³⁰ This distinction can become problematic if the general counsel believes a fellow employee has committed an act that violates a legal obligation of the entity. In such situations, the general counsel has an obligation to protect the interests of the entity – not the other employee.³¹ Non-lawyers are not always aware of this distinction, which has necessitated a practice whereby general counsels advise employees during internal or other legal investigations that the general counsel represents the entity, not the employee.³²

B. SERVING AS A SENIOR MEMBER OF THE CLUB'S EXECUTIVE TEAM

A general counsel's principal role, as explained above, is to provide the club with legal advice. Nevertheless, given the importance of their role as a trusted legal advisor, general counsels often take on broader responsibilities, including advising on and managing the club's business and other non-legal affairs. A useful example of a general counsel that has taken on an expanded role is New York Yankees Chief Operating Officer and General Counsel Lonn Trost. Trost, who began working as the Yankees' outside counsel in 1975, described his current responsibilities as follows:

policy that advertisements for “firearms, ammunition, and other weapons are prohibited”).

³⁰ See, e.g., MODEL RULES OF PROF'L CONDUCT r. 1.13 (AM. BAR ASS'N 2016); Susanna M. Kim, *Dual Identities and Dueling Obligations: Preserving Independence in Corporate Representation*, 68 TENN. L. REV. 179, 190–94 (2001) (stating that the lawyer's primary professional responsibility is to assist the organization entity to achieve its goals and objectives).

³¹ *Id.*

³² See Grace M. Giesel, *Upjohn Warnings, The Attorney-Client Privilege, and Principles of Lawyer Ethics: Achieving Harmony*, 65 U. MIAMI L. REV. 109, 110–12 (2010).

As general counsel, I provide advice to the Yankees and its affiliates, handling everything from contracts and disputes to radio, TV, Internet, and social media issues.... As COO, I'm responsible for everything from personnel to events in the stadium. One day I may be concerned about a leaky joint in the stadium or how loud the music is being played, and the next day it may be player agreements.³³

Trost is among the oldest and most experienced general counsels in sports. Thus, it stands to reason that he would ascend to more influential roles within the club.

While Trost's non-legal roles are of a business nature, some general counsels do evolve into roles that more directly affect the on-field/court/ice play of the club. In 2016, the Cleveland Browns promoted then-General Counsel Sashi Brown to Executive Director of Football Operations, providing Brown with control over the club's roster.³⁴ Brown's direct involvement in player personnel decisions is a rare progression for an attorney, but nevertheless one that might occur on occasion.³⁵

There are also potential complications that come with providing non-legal advice. While such advice is permitted by codes of ethics,³⁶ it can create ethical dilemmas for general

³³ Julie Edwards, *Rallying Your Team Behind the Cause*, MOD. COUNS., <http://modern-counsel.com/2015/new-york-yankees/> [<https://perma.cc/J5ZU-JAGE>] (last visited Feb. 22, 2017).

³⁴ Zac Jackson, *Haslam Gives Sashi Brown Roster Control, Denies Marrone Interview Scheduled*, PROFOOTBALLTALK (Jan. 3, 2016, 8:43 PM), <http://profootballtalk.nbcsports.com/2016/01/03/haslam-gives-sashi-brown-roster-control-denies-marrone-interview-scheduled> [<https://perma.cc/CUB7-QJFU>].

³⁵ See, e.g., Mike Tannenbaum, MIAMI DOLPHINS, <http://www.miamidolphins.com/team/staff/TannenbaumMike/3994258c-8b67-43a8-b178-73bd76764b07> [<https://perma.cc/DY4Q-FJ4Y>] (last visited Feb. 22, 2017); Howie Roseman, PHILA. EAGLES, <http://www.philadelphiaeagles.com/team/staff/howie-roseman/930d39c9-7d61-4bd3-b061-85b8656e793e> [<https://perma.cc/8RE5-FPXC>] (last visited Feb. 22, 2017).

³⁶ See MODEL RULES OF PROF'L CONDUCT r. 2.1 (AM. BAR ASS'N 2016).

counsel.³⁷ By helping the corporation make business decisions, the general counsel might find it difficult to provide the independent and effective legal advice that the corporation needs.³⁸ Additionally, blurring the types of advice provided by the general counsel potentially eliminates the attorney-client privilege for certain communications between the general counsel and the corporation where it might not be clear which type of advice the general counsel is providing.³⁹ These are important considerations for attorneys that might progress from general counsel to senior executive positions.

C. ADMINISTRATING THE CLUB'S LEGAL STAFF

A general counsel is also responsible for overseeing other lawyers that work for the corporation.⁴⁰ While some corporations require tens or even hundreds of lawyers,⁴¹ professional sports clubs are much smaller. Most clubs have two in-house attorneys – a general counsel and associate counsel – supplemented by outside counsel as needed.⁴² Indeed, as discussed below in Section IV.B.6, many general counsels previously worked as associate or assistant counsels at the club for which they are now general counsel.

There often are other lawyers working for the clubs that are worth mentioning. All four of the sports leagues employ

³⁷ See Kim, *supra* note 30, at 226–45 (discussing the potential problems that can arise when representing an organizational entity).

³⁸ See *id.* at 227–235.

³⁹ See *id.* at 239–42.

⁴⁰ Deborah A. DeMott, *The Discrete Roles of General Counsel*, 74 *FORDHAM L. REV.* 955, 969 (2005).

⁴¹ See, e.g., *id.* at 977 (discussing Enron's 250 lawyers); Peter Robinson, Adam Satariaon & Monte Reel, *Here Are the Legal Generals Behind Apple's Brawl with the FBI*, *BLOOMBERG* (Mar. 4, 2016, 5:00 AM), <http://www.bloomberg.com/news/articles/2016-03-04/apple-defense-pairs-cyberpioneer-with-architect-of-samsung-brawl> [<https://perma.cc/DGR5-5CHD>] (mentioning Apple's 500 lawyers); Kathryn Kranhold, *GE's Key Lawyer Rewired the Game*, *WALL ST. J.* (Oct. 31, 2005, 12:01 AM), <http://www.wsj.com/articles/SB113072236623783871> [<https://perma.cc/DQ8E-TQ62>] (mentioning General Electric's 1,100 lawyers).

⁴² See Spanberg, *supra* note 11.

some form of a salary cap and/or luxury tax system that restricts, in varying degrees of flexibility, the amount clubs can spend on player salaries.⁴³

Concomitant with these systems are complicated rules governing player contracts, including, but not limited to, minimum and maximum salaries, maximum contract lengths, regulations over the types of bonuses permitted, and how a player's salary counts against the salary cap or luxury tax system.⁴⁴ As a result, most clubs employ someone responsible for these tasks; in the NFL, they are generally known as the director of football administration;⁴⁵ in MLB, the NBA and NHL, such roles are often filled by assistant general managers,⁴⁶ but it's becoming more common that such roles are being combined with individuals handling statistical analysis (analytics) for the club.⁴⁷ Some of these individuals have law

⁴³ See DEUBERT ET AL., *supra* note 17.

⁴⁴ *Id.*

⁴⁵ See *Front Office*, TAMPA BAY BUCCANEERS, <http://www.buccaneers.com/team/staff/mike-greenberg/c2f64209-be37-46de-9db7-f6bf0dc4777c> [https://perma.cc/9WRD-ZCU2] (last visited Feb. 22, 2017) [hereinafter Mike Greenberg]; *New York Jets Media Guide*, NEW YORK JETS LLC (Aug. 11, 2016, 7:17 AM), <http://prod.static.jets.clubs.nfl.com/assets/docs/New-York-Jets-Media-Guide.pdf> [https://perma.cc/2PRT-B8HX] [hereinafter Jacqueline Davidson] (providing the biography of Jacqueline Davidson).

⁴⁶ See, e.g., *Executive Staff*, CHARLOTTE HORNETS, <http://www.nba.com/hornets/executive-staff> [https://perma.cc/4TAJ-Q2UJ] (last visited Feb. 22, 2017); *Front Office Biographies*, ARIZ. DIAMONDBACKS, http://arizona.diamondbacks.mlb.com/ari/team/exec_bios/minniti_bryan.jsp [https://perma.cc/YU2L-2X2N] (last visited Jan. 21, 2017); *Ryan Martin*, DETROIT RED WINGS, <http://redwings.nhl.com/club/page.htm?id=43962> [https://perma.cc/2W3C-CYPD] (last visited Feb. 22, 2017).

⁴⁷ See, e.g., *Clippers 2015–16 Information Guide*, L.A. CLIPPERS, http://i.cdn.turner.com/nba/nba/.element/media/2.0/teamsites/clippers/2015-16_LA-Clippers_Media-Guide.pdf [https://perma.cc/CLT4-8R7T] (last visited Feb. 22, 2017) (providing the biography of Jud Winton); *Team*, TAMPA BAY LIGHTNING, <http://lightning.nhl.com/club/page.htm?id=109144> [https://perma.cc/9KU3-DX5Z] (last visited Feb. 22, 2017).

degrees.⁴⁸

Nevertheless, the general counsel generally does not supervise these salary cap and contract professionals. While the general counsel may occasionally provide advice concerning a contract or the collective bargaining agreement, these professionals generally report to the general manager, who is responsible for the club's roster. Consequently, the attorneys who the general counsel must supervise generally only include one or two associate counsels, and outside counsel, discussed next.

D. MANAGING EXTERNAL RELATIONSHIPS

One of the general counsel's most important duties in any industry is to know when to seek additional legal help. As discussed above, general counsels must handle a wide variety of legal issues. However, if one matter becomes too complicated or time consuming, it is best to hire a law firm to handle the matter. In the 2015 Association of Corporate Counsel survey, in-house counsel were asked for what types of legal matters the corporation frequently consulted outside counsel; the top ten areas were: (1) litigation (consulted 67% of the time); (2) employment/labor (50%); (3) intellectual property (41%); (4) corporate transactions (36%); (5) mergers/acquisitions (34%); (6) antitrust/trade (26%); (7) tax (23%); (8) real estate (19%); (9) securities/governance (18%); and, (10) international (16%). Notably, some of the areas for which outside counsel are most frequently consulted are areas of frequent and particular relevance to the world of sports: litigation; employment/labor; intellectual property; and, antitrust/trade.

Choosing outside counsel is an important and competitive process.⁴⁹ Law firms seek to impress general counsels in hopes of securing interesting and lucrative work,⁵⁰

⁴⁸ See, e.g., Jacqueline Davidson, *supra* note 45; Mike Greenberg, *supra* note 44; Ryan Martin, *supra* note 46.

⁴⁹ See Deborah A. DeMott, *The Discrete Roles of General Counsel*, 74 *FORDHAM L. REV.* 955, 970–74 (2005).

⁵⁰ See Melissa Maleske, *How to Woo In-House Counsel in 2016*, *LAW360* (Dec. 24, 2015, 8:39 PM),

particularly for professional sports clubs. Not surprisingly, clubs generally work with the biggest and best law firms in the country or their metropolitan area, including many that have long-standing sports law practices. Some of these firms are discussed at length in Section IV.B.4. Firms Practicing Sports Law.

An additional external relationship that general counsels must manage is with the league and the league's attorneys. Each of the sports leagues we discuss in this Article consists of member clubs that are individually owned and operated, with the league serving as a centralized, governing body. The member clubs, collectively and with the guidance of league staff, make decisions about the leagues' policies and practices. The general counsel is sometimes among the club's employees that represent the club at league meetings where potential policy and practice changes are discussed and voted upon.⁵¹ Relatedly, general counsels frequently consult with league employees and attorneys about policies and practices, to better protect both the club's and league's interests.⁵²

With the above understanding of a general counsel's responsibilities, we now move on to discussing those clubs without a general counsel before analyzing the demographics and qualifications of general counsels in Parts III and IV, respectively.

II. CLUBS WITHOUT A GENERAL COUNSEL

Clubs' personnel structure for the handling of legal

<http://www.law360.com/articles/738607/how-to-woo-in-house-counsel-in-2016>.

⁵¹ See, e.g., Jim Owczarski, *Bengals' Katie Blackburn Holds Important Place in NFL*, THE CINCINNATI ENQUIRER (Mar. 23, 2016, 7:10 PM), <http://www.cincinnati.com/story/sports/nfl/bengals/2016/03/22/cincinnati-bengals-executive-vice-president-katie-blackburn-workplace-diversity/82138824/>.

⁵² See, e.g., Villanova University, *Moorad Speaker Series: Aileen Dargosa*, YOUTUBE (Apr. 29, 2016), <https://www.youtube.com/watch?v=g-JgwfZVFDs> [<https://perma.cc/823K-VCDV>] (discussing relationship with league office on intellectual property, sponsorship, venue management, security, and player conduct policies and issues).

issues is not uniform. While most clubs have a general counsel as defined in this Article, *i.e.*, handles a wide range of general legal matters for the club, some clubs do not have such a position. Many clubs have attorneys sprinkled throughout other departments who handle tasks that do not necessarily require a law degree, including player personnel,⁵³ salary cap,⁵⁴ and business matters.⁵⁵ Nevertheless, these individuals generally lack the broad legal experience and duties of a general counsel and thus are not included in our analysis.

Additionally, there are several attorneys who are employees of, and general counsels to, the entity that owns the club. As a result, these attorneys might handle legal matters beyond those exclusive to the club. For example, Giles Kibbe is General Counsel of Crane Capital Group,⁵⁶ an entity principally owned and controlled by Houston Astros owner Jim Crane.⁵⁷ Such arrangements are very common in the NBA and NHL, where an entity might own an NBA club and/or an NHL club, and the arena in which one or more clubs play. For example, Peter Miller is General Counsel to Maple Leaf Sports & Entertainment, an entity that owns the NBA's Toronto Raptors, the NHL's Toronto Maple Leafs, and the Air Canada Centre

⁵³ See *supra*, note 35; see also *Calgary Flames Executives*, NHL.COM, <http://flames.nhl.com/club/page.htm?id=40733> (last visited Feb. 22, 2017) [<https://perma.cc/XPG4-SKQG>] (including the biography of Brian Burke, President of Hockey Operations for the Flames and a graduate of Harvard Law School).

⁵⁴ See, e.g., *Chiefs 2016 Media Guide*, KANSAS CITY CHIEFS 44 (2016), <http://prod.static.chiefs.clubs.nfl.com/assets/pdf/2016/2016MediaGuide.pdf> [<https://perma.cc/29MR-HUJK>] (providing background on Trip MacCracken, Director of Football Administration, including J.D. from Duke University School of Law).

⁵⁵ *Id.* at 15.

⁵⁶ See *Giles Kibbe*, LINKEDIN, <https://www.linkedin.com/in/giles-kibbe-132031a8> [<https://perma.cc/U8EU-PV6R>] (last visited Feb. 22, 2017).

⁵⁷ See *Jim Crane Owner and Chairman*, HOUS. ASTROS, http://houston.astros.mlb.com/hou/team/exec_bios/jim_crane.html [<https://perma.cc/LQ4H-8ZBR>] (last visited Feb. 22, 2017).

where both clubs play.⁵⁸ Because these attorneys provide the type of generalized legal services covered in this Article, and because there is a unity of interest between their direct employer and the club, we do include these individuals in our analysis.

Table 1 below provides the number of clubs in each league that lack a general counsel. Instead, these clubs heavily rely on outside counsel for legal work.

Table 1: Teams Without a General Counsel

League	Clubs Without a General Counsel
NFL	2
MLB	3
NBA	1
NHL	3
Total	9

The following is a list of those clubs without a general counsel: Kansas City Chiefs,⁵⁹ San Diego Chargers,⁶⁰ Cincinnati

⁵⁸ Annie Monjar, *Maple Leaf Sports Has Serious Defense*, ADVANTAGE (Mar. 15, 2014), <http://advantagemagazine.ca/2014/mlse-2/> [<https://perma.cc/8FZR-QTP4>].

⁵⁹ As discussed in preceding footnotes, the Chiefs have two attorneys on staff, though their roles do not require a law degree. In a recent case that reached the Supreme Court of Missouri, the Chiefs relied on Polsinelli PC, the second largest law firm in Kansas City to represent them. *See Cox v. Kansas City Chiefs Football Club, Inc.*, 473 S.W.3d 107 (Mo. 2015); *see also* Andrew McKeegan, *Kansas City's Top Law Firms*, KAN. CITY BUS. J. (Jan. 22, 2016, 5:00 AM), <http://www.bizjournals.com/kansascity/subscriber-only/2016/01/22/law-firms.html> [<https://perma.cc/6HVP-CW8S>].

⁶⁰ *Mark Fabiani*, SAN DIEGO CHARGERS, <http://www.chargers.com/team/staff/roster/mark-fabiani> [<https://perma.cc/6VVA-W7EB>] (last visited Feb. 22, 2017). Although the San Diego Chargers list Mark Fabiani as “Special Counsel” on their website, Fabiani’s job description makes clear that his role is limited to “finding a new permanent home for the Chargers.” *Id.* Moreover, Fabiani maintains his own consulting firm in addition to his work with the Chargers. *See id.*

Reds;⁶¹ Cleveland Indians;⁶² Kansas City Royals;⁶³ Oklahoma City Thunder;⁶⁴ Calgary Flames;⁶⁵ Chicago Blackhawks;⁶⁶ and, St. Louis Blues.⁶⁷ As described in the accompanying footnotes, all of these clubs rely on local law firms for their legal matters.

Finally, it is important to understand how these clubs without general counsels affect our analysis. There are 122 clubs in the NFL, MLB, NBA and NHL combined. We are interested in the universe of clubs that have general counsels. Thus, by subtracting out the nine clubs that do not, the denominator for our analyses is 113 (unless otherwise indicated due to other circumstances).

⁶¹ The Reds rely on James A. Marx of the law firm Dinsmore & Shohl LLP. See *James A. Marx*, DINSMORE, http://www.dinsmore.com/jim_marx/ [<https://perma.cc/Y3E7-U5RA>] (last visited Feb. 19, 2017).

⁶² The Indians rely on Joseph R. Znidarsic of the law firm Thrasher Dinsmore & Dolan. See *Joseph R. Znidarsic*, THRASHER DINSMORE & DOLAN, <http://tdlaw.com/attorneys/joseph-znidarsic-chardon-oh-lawyer/> [<https://perma.cc/N6ZZ-C9GS>] (last visited Feb. 19, 2017).

⁶³ The Royals rely on David W. Frantze of the law firm Stinson Leonard Street LLP. See *David W. Frantze*, STINSON LEONARD STREET, <https://www.stinson.com/DaveFrantze/> [<https://perma.cc/L47S-HJ97>] (last visited Feb. 19, 2017).

⁶⁴ The Oklahoma City Thunder's legal matters are handled by Frank D. Hill of the law firm of McAfee & Taft. See *Frank D. Hill*, MCAFEE & TAFT, <http://www.mcafeetaft.com/frank-d-hill> [<https://perma.cc/P7L4-59W5>] (last visited Feb. 19, 2017).

⁶⁵ The Flames rely on Brian Yaworski of the law firm DLA Piper. See *Brian Yaworski, Q.C., ICD.D.*, DLA PIPER, <https://www.dlapiper.com/en/canada/people/y/yaworski-brian/> [<https://perma.cc/2EAH-99JE>] (last visited Feb. 19, 2017).

⁶⁶ The Blackhawks rely on David Americus of the law firm Godzecki, Del Giudice, Americus, Farkas & Brocato LLP. See *David Americus*, CHI. BLACKHAWKS, <http://blackhawks.nhl.com/club/page.htm?id=86122> [<https://perma.cc/Y5VL-3JPN>] (last visited Feb. 19, 2017).

⁶⁷ The Blues rely on Christopher J. Schmidt and Ryan S. Davis of the law firm Bryan Cave. See *Christopher J. Schmidt*, BRYAN CAVE, <https://www.bryancave.com/en/people/christopher-j-schmidt.html> [<https://perma.cc/V635-687Y>] (last visited Feb. 19, 2017); *Ryan S. Davis*, BRYAN CAVE, <https://www.bryancave.com/en/people/ryan-s-davis.html> [<https://perma.cc/RPV3-YXR2>] (last visited Feb. 19, 2017).

Also of note, included in the 113 statistic are general counsels that serve multiple sports clubs. For example, Brad Shron is General Counsel of both the Philadelphia 76ers and the New Jersey Devils.⁶⁸ Because we are interested in the demographics and qualifications of general counsels in each sports league, those working for two clubs are included in the analysis of each league.

Having identified the few clubs that do not have a general counsel, we can now analyze the demographics of general counsels in Part III, and their qualifications in Part IV.

III. DEMOGRAPHICS OF GENERAL COUNSELS

This Part provides the demographics of general counsels in the areas of age, race/ethnicity, and gender.

Before providing this data, it is important to explain our methodology for its collection. In the summer of 2016, we created a database of all of the general counsels for NFL, MLB, NBA, and NHL clubs. That database was updated in January 2017. The general counsels were determined by visiting each club's website, and sometimes consulting the club's media guide. To gather personal and professional data about each general counsel, we reviewed biographies available from club websites and media guides, as well as the LinkedIn⁶⁹ pages personally created by the general counsels. We considered these sources to be eminently reliable in collecting data. For a small minority of general counsels, additional information was gathered from other reliable sources, including reputable news outlets and state bar records.

Additionally, in considering the aggregate data presented, bear in mind that because not all clubs have general counsels, the denominators in our analysis do not match the number of clubs in each league.

⁶⁸ *Brad Shron*, LINKEDIN, <https://www.linkedin.com/in/brad-shron-82538358> [<https://perma.cc/NH3K-C4UG>] (last visited Feb. 19, 2017).

⁶⁹ LinkedIn is an online professional networking service where people can post their academic and professional biographies. *See* LINKEDIN, https://www.linkedin.com/static?key=what_is_linkedin (last visited Feb. 19, 2017).

Examination of the data also requires context. In analyzing the demographics (and later the qualifications) of general counsels in sports, it is helpful to compare that data against lawyers generally and, more specifically, in-house counsel. We will again use the 2015 survey from the Association of Corporate Counsel, mentioned earlier.⁷⁰ The 2015 survey gathered data from 5,012 in-house attorneys, fifty-nine percent of whom were located in the United States.⁷¹ We will provide corresponding data from this survey where relevant. Nevertheless, to be clear, this survey collected data from all in-house counsel, not just general counsels.

A. AGE

Table 2 below provides the number of general counsels fitting into various age brackets. Table 3 provides the age ranges of general counsels when they first assumed the position of general counsel. In collecting data, if a birth year was not readily available, we assumed that the individual was twenty-two years old the year he or she graduated from college.

Table 2: Age⁷²

	NFL	MLB	NBA	NHL	Total
Under 30	0	0	1	1	2 (1.8%)
30-39	8	1	8	5	22 (19.5%)
40-49	8	12	9	10	39 (34.5%)
50-59	7	4	9	8	28 (24.8%)
Over 60	7	10	2	3	22 (19.5%)
Total	30	27	29	27	113

⁷⁰ 2015 ACC GLOBAL CENSUS, *supra* note 12, at 26.

⁷¹ *Id.* at 33.

⁷² The most recent data on the ages of American attorneys comes from a 2005 report by the American Bar Foundation. That report found the ages of attorneys to be as follows: 29 years or less – 4%; 30-34 – 9%; 35-39 – 13%; 40-44 – 13%; 45-54 – 28%; 55-64 – 21%; and, 65 or older – 13%. AM. BAR ASS'N, LAWYER DEMOGRAPHICS (2016), http://www.americanbar.org/content/dam/aba/administrative/market_research/lawyer-demographics-tables-2016.authcheckdam.pdf [<https://perma.cc/VNC3-Z2FV>] (citing *The Lawyer Statistical Report*, AM. BAR FOUND. (2012)).

Table 3: Age When Hired As General Counsel

	NFL	MLB	NBA	NHL	Total
Under 30	4	1	2	2	9 (8.0%)
30-39	14	12	16	13	55 (49.1%)
40-49	6	7	10	7	30 (26.8%)
50-59	5	5	1	3	14 (12.5%)
Over 60	1	2	0	1	4 (3.6%)
Total	30	27	29	26⁷³	112

Not surprisingly, there are only two general counsels under the age of thirty and only nine were hired before the age of thirty. Generally speaking, it is difficult to obtain the necessary experience in such a short period of time to obtain the position of general counsel. Nevertheless, the two general counsels believed to be under thirty years of age are Zachary Kleiman of the Memphis Grizzlies⁷⁴ and Alana Newhook of the Dallas Stars.⁷⁵ Kleiman joined the Grizzlies after briefly working as an attorney with Proskauer Rose LLP,⁷⁶ which, as will be discussed in Section IV.B.4, is one of the preeminent law firms practicing in sports. Kleiman had also previously interned with the New York Knicks, Los Angeles Lakers, Oakland Raiders, and Charlotte Bobcats.⁷⁷ Newhook worked briefly at the Dallas office of

⁷³ Information was not available for one NHL club general counsel.

⁷⁴ See Zachary Z. Kleiman, LINKEDIN, <https://www.linkedin.com/in/zachary-z-kleiman-3064178> [<https://perma.cc/L6TG-RHL9>] (last visited Feb. 22, 2017) (indicating that Kleiman graduated from college in 2010).

⁷⁵ Alana C. Newhook, LINKEDIN, <https://www.linkedin.com/in/alana-c-newhook-82257839> [<https://perma.cc/ZU7E-RGZR>] (last visited Feb. 22, 2017) (indicating that Newhook graduated college in 2009 after only three years).

⁷⁶ Zachary Z. Kleiman, *supra* note 74; see *infra* notes 176–188 and accompanying text.

⁷⁷ Zachary Z. Kleiman, *supra* note 74.

Wilson Elser Moskowitz Edelman & Dicker LLP, a large national law firm,⁷⁸ before joining the Stars as Legal Counsel and Director of Contract Management.⁷⁹

Otherwise, the ages of the general counsels are not surprising. The largest age bracket was that of 40-49, representing 34.5% of general counsels. Yet, the age distribution is fairly consistent among the other age brackets: 30-39 (19.5%); 50-59 (24.8%); and, over 60 (19.5%).⁸⁰

Finally, the data suggests that the general counsel position is one in which people remain for an extended period of time. While the 40-49 age bracket makes up the largest percentage today, almost half of general counsels for whom data was available were hired in their thirties. Additionally, while twenty-two general counsels are over sixty, only four were hired at such an age. Thus, the data suggests that many general counsels were likely hired when they were at least one age range younger.

B. RACE/ETHNICITY

Table 4 provides the racial/ethnic demographics of general counsels. In creating this data, we acknowledge there are challenging issues around this topic, particularly trying to categorize increasingly multi-cultural populations into specific categories.⁸¹ It is certainly not within our expertise to wade into any such debate and thus, for our purposes here, we largely tracked the race and ethnicity standards used by the U.S. Census

⁷⁸ See WILSON ELSER MOSKOWITZ EDELMAN & DICKER LLP <http://www.wilsonelser.com/> [<https://perma.cc/H9CM-BC5B>] (last visited Feb. 22, 2017) (describing firm as having “[n]early 800 attorneys” and “30 strategically located offices in the United States and another in London”).

⁷⁹ *Alana C. Newhook*, *supra* note 75.

⁸⁰ Reliable data on the oldest and youngest General Counsels was not available.

⁸¹ See D’Vera Cohn, *Census Considers New Approach to Asking About Race – By Not Using the Term at All*, PEW RES. CTR. (June 18, 2015), <http://www.pewresearch.org/fact-tank/2015/06/18/census-considers-new-approach-to-asking-about-race-by-not-using-the-term-at-all/> [<https://perma.cc/NN2F-H9F9>].

Bureau.⁸² Nevertheless, we did supplement the Census Bureau's categories with the category of Hispanic/Latino, a description that research indicates is preferred by a significant portion of Americans.⁸³

To obtain the racial/ethnic data, we conducted research into the backgrounds of each general counsel and made certain assumptions based on the information available. We recognize this is not an ideal way to collect such sensitive and personal data and encourage additional research in this area. Nevertheless, we believe this data was important to collect and that there were no other reasonably feasible methods for its collection.

Table 4: Race/Ethnicity

	NFL	MLB	NBA	NHL	Total
Asian ⁸⁴	1	1	1	1	4 (3.5%)
Black/African-American	4	2	4	0	10 (8.8%)
Hispanic/Latino	0	1	1	0	2 (1.8%)
Native American	0	0	0	0	0 (0.0%)
Native Hawaiian/Pacific Islander	0	0	0	0	0 (0.0%)
White	25	23	23	26	97 (85.8%)
Total	30	27	29	27	113

It is unfortunate but not surprising to find that the general counsels of professional sports clubs are overwhelmingly white. These statistics also track those of attorneys and in-house counsel generally. For example, by analyzing data from the

⁸² See *Race*, U.S. CENSUS BUREAU, <http://www.census.gov/topics/population/race/about.html> [<https://perma.cc/K5XJ-NGT9>] (last visited Jan 21, 2017).

⁸³ See Ana Gonzalez-Barrera, *Is Being Hispanic a Matter of Race, Ethnicity or Both?*, PEW RES. CTR. (June 15, 2015), <http://www.pewresearch.org/fact-tank/2015/06/15/is-being-hispanic-a-matter-of-race-ethnicity-or-both/> [<https://perma.cc/2K2W-LR2Z>].

⁸⁴ "Asian" includes the Indian subcontinent. See U.S. CENSUS BUREAU, *supra* note 82.

United States Census, the American Bar Association found that in 2010, 88% of attorneys were white, 5% were black, 4% were Hispanic, and 3% were Asian.⁸⁵ Similarly, the Association of Corporate Counsel's 2015 census reported that 7% of in-house counsel were Asian, 5% Hispanic, and 4% Black.⁸⁶ Simple arithmetic tells us then that 84% of in-house counsel were white.

We think it is important to recognize general counsels that succeeded in this industry despite the racial imbalances and thus identify those general counsels here.

The Asian general counsels are: Meghan Parekh (Jacksonville Jaguars); Ashwin Krishnan (Miami Marlins); Ram Padmanabhan (Chicago Bulls); and, Andrew Koehler (San Jose Sharks).

The Black/African-American general counsels are: Brandon Etheridge (Baltimore Ravens); Myles Pistorius (Miami Dolphins); Kevin Warren (Minnesota Vikings); Ed Goines (Seattle Seahawks); Nona Lee (Arizona Diamondbacks); Damon Jones (Washington Nationals); Joe Pierce (Charlotte Hornets); David Kelly (Golden State Warriors); Rafael Stone (Houston Rockets); and, Nicole Duckett Fricke (Los Angeles Clippers).

Finally, the Hispanic/Latino general counsels are: Sam Fernandez (Los Angeles Dodgers); and, Bobby Perez (San Antonio Spurs).

C. GENDER

Table 5 provides the gender demographics of general counsels.

Table 5: Gender

	NFL	MLB	NBA	NHL	Total
Female	6	5	5	5	21 (18.6%)
Male	24	22	24	22	92 (81.4%)
Total	30	27	29	27	113

⁸⁵ See *Lawyer Demographics*, AM. BAR ASS'N, http://www.americanbar.org/content/dam/aba/administrative/market_research/lawyer-demographics-tables-2016.authcheckdam.pdf [<https://perma.cc/VNC3-Z2FV>] (last visited Feb. 21, 2017).

⁸⁶ 2015 ACC GLOBAL CENSUS, *supra* note 12, at 26.

It is not surprising that the vast majority of general counsels of men's professional sports clubs are men. Nevertheless, the gender disparity among sports general counsels is greater than that of attorneys generally, and significantly greater when compared to other in-house counsel. According to the American Bar Association, in 2016, 64% of American attorneys were male and 36% were female.⁸⁷ Moreover, the Association of Corporate Counsel's 2015 census reported that 50.5% of in-house counsel were male and 49.5% were female.⁸⁸ We return to this issue in the Conclusion.

With the above understanding of the demographics of general counsels, we now turn to their professional qualifications.

IV. QUALIFICATIONS OF GENERAL COUNSELS

In Part III we provided the age, race/ethnicity, and gender demographics of general counsels. Of course, none of these characteristics should be a factor in the hiring of general counsel.⁸⁹ What is relevant are the qualifications of the individual being considered for general counsel. This Part examines those qualifications, including information about their law schools and prior work experience, including experience in the sports industry.

It is important to recognize that collecting this data was challenging as there are some general counsels for whom there is little publicly available information. While we have endeavored

⁸⁷ See *Lawyer Demographics*, *supra* note 85.

⁸⁸ 2015 ACC GLOBAL CENSUS, *supra* note 12, at 26.

⁸⁹ Indeed, federal law prohibits discrimination in employment decisions based on age (if 40 or older), race/ethnicity, and gender. See *About the EEOC: Overview*, U.S. EQUAL EMP. OPP. COMM'N, <https://www.eeoc.gov/eeoc/index.cfm> [<https://perma.cc/EBK7-WFJQ>] (last visited Feb. 21, 2017) (discussing role of U.S. Equal Employment Opportunity Commission in "enforcing federal laws that make it illegal to discriminate against a job applicant or an employee because of the person's race, color, religion, sex (including pregnancy, gender identity, and sexual orientation), national origin, age (40 or older), disability or genetic information.").

to provide the most accurate information that we can, the reader should bear in mind that our data cannot be considered perfectly complete. Indeed, our data should be considered a minimum, as it is possible more general counsels have met the qualifications examined than our research was able to uncover.

A. LAW SCHOOL

Law schools place considerable importance on their rankings, as determined by the U.S. News & World Report,⁹⁰ as an indicator of their prestige.⁹¹ As a result, law schools have been accused of “gaming” the rankings by distorting certain information considered in the rankings.⁹² In particular, law schools have been accused of not providing accurate information concerning the post-law school employment of its graduates.⁹³

⁹⁰ See *Best Law Schools*, U.S. NEWS & WORLD RPT., <https://www.usnews.com/best-graduate-schools/top-law-schools/law-rankings?int=a1d108> [<https://perma.cc/K4RK-ZU9Y>] (last visited May 5, 2017).

⁹¹ See Vivia Chen, *How Law Schools Game the Rankings*, THE CAREERIST (May 5, 2016), <http://thecareerist.typepad.com/thecareerist/2016/05/the-brutality-behind-law-schools-rankings-.html> [<https://perma.cc/9WSM-43U4>] (citing WENDY NELSON ESPELAND & MICHAEL SAUDER, ENGINES OF ANXIETY: ACAD. RANKINGS, REPUTATION, AND ACCOUNTABILITY 117 (2016)).

⁹² See Darren Bush & Jessica Peterson, *Jukin’ The Stats: The Gaming of Law School Rankings and How to Stop It*, 45 CONN. L. REV. 1235, 1238 (2013); Paul Campos, *Served*, NEW REPUBLIC (Apr. 25, 2011), <https://newrepublic.com/article/87251/law-school-employment-harvard-yale-georgetown> [<https://perma.cc/764Z-MNV2>]; Vivia Chen, *How Law Schools Game the Rankings*, THE CAREERIST (May 5, 2016), <http://thecareerist.typepad.com/thecareerist/2016/05/the-brutality-behind-law-schools-rankings-.html> (citing WENDY NELSON ESPELAND & MICHAEL SAUDER, ENGINES OF ANXIETY: ACAD. RANKINGS, REPUTATION, AND ACCOUNTABILITY 130–31 (2016)).

⁹³ See Darren Bush & Jessica Peterson, *Jukin’ The Stats: The Gaming of Law School Rankings and How to Stop It*, 45 CONN. L. REV. 1235, 1253 (2013); Christopher Polchin, *Raising the “Bar” on Law School Data Reporting: Solutions to the Transparency Problem*, 117 PENN ST. L. REV. 201, 205 (2012); Paul Campos, *Served*, NEW REPUBLIC (Apr. 25, 2011), <https://newrepublic.com/article/87251/law-school-employment-harvard-yale-georgetown>.

This information is significant considering that the highest ranked law schools generally have the best employment rates.⁹⁴ It also stands to reason that graduates of high-ranking law schools achieve more prestigious employment, including potentially becoming the general counsel of a professional sports club.

Table 6 summarizes the current rankings of law schools from which general counsels obtained their Juris Doctorate. While the ranking of the law school at the time the general counsel attended the law school might be a more accurate indicator of the importance of the law school's ranking, collecting historical data for every year that a general counsel graduated from law school would have been an unreasonably burdensome task. Current law school rankings, while not perfect, provide an interesting perspective into the importance of one's law school education on the path to becoming a general counsel.

Table 6: Current Law School Ranking

	NFL	MLB	NBA	NHL	Total
Top 10	11	5	9	4	29 (27.6%)
11-25	4	6	5	8	23 (21.9%)
26-50	4	6	4	2	16 (15.2%)
51-100	8	5	5	3	21 (20.0%)
Over 100	3	4	5	4	16 (15.2%)
Total	30	26	28	21	105⁹⁵

⁹⁴ See David Lat, *Who Has the Best 'Employed at Graduation' Rate Among the Top 14 Law Schools?*, ABOVE THE L. (Mar. 13, 2013, 10:30 AM), <http://abovethelaw.com/2013/03/who-has-the-best-employed-at-graduation-rate-among-the-top-14-law-schools/?rf=1> [https://perma.cc/75JN-VKGB]; Staci Zaretsky, *Which Law Schools Employed the Most Graduates as Real Lawyers Versus Real Baristas?*, ABOVE THE L. (Mar. 27, 2013, 1:09 PM), <http://abovethelaw.com/2013/03/which-law-schools-employed-the-most-graduates-as-real-lawyers-versus-real-baristas/?rf=1> [https://perma.cc/U3VJ-69DK].

⁹⁵ This data does not include General Counsels who attend Canadian law schools, of which there are eight: Matthew Shuber (Toronto Blue Jays); Peter Miller (Toronto Raptors/Maple Leafs); Keely Brown (Edmonton Oilers); France Margaret Belanger (Montreal Canadiens);

Not surprisingly, law schools ranked in the top 10 are the highest proportion of law schools attended by general counsels. Nevertheless, the distribution between the different tiers of law schools is fairly equal. While fifty-two general counsels attended a law school in the top 25 (49.5%), thirty-seven general counsels attended a law school ranked 51 or lower (35.2%).

The law schools with the most alumni working as general counsels are: Harvard (8);⁹⁶ University of Pennsylvania

Wendy Kelley (Ottawa Senators); Chris Gear (Vancouver Canucks); and, Dan Hursh (Winnipeg Jets). *See France Margaret Belanger*, LINKEDIN, <https://www.linkedin.com/in/france-margaret-belanger-833b6b41/> (last visited, Feb. 22, 2017); *Keely Brown*, LINKEDIN, <https://www.linkedin.com/in/keely-brown-88590a64/> (last visited, Feb. 22, 2017); *Chris Gear*, LINKEDIN, <https://www.linkedin.com/in/chris-gear-bb295a1/> (last visited, Feb. 22, 2017); *Dan Hursh*, LINKEDIN, <https://www.linkedin.com/in/dan-hursh-79a48951/> (last visited, Feb. 22, 2017); *Wendy Kelley*, LINKEDIN, <https://www.linkedin.com/in/wendyakelley/> (last visited, Feb. 22, 2017); *Peter Miller*, LINKEDIN, <https://www.linkedin.com/in/peter-miller-7293892/> (last visited, Feb. 22, 2017); Annie Monjar, *Maple Leaf Sports Has Serious Defense*, ADVANTAGE <http://advantagemagazine.ca/2014/mlse-2/> (last visited, Feb. 22, 2017); *Matthew Shuber*, LINKEDIN, <https://www.linkedin.com/in/matthew-shuber-4447062/> (last visited, Feb. 22, 2017).

⁹⁶ Harvard's General Counsel alumni are: Brandon Etheridge (Baltimore Ravens); Mike Egan (Atlanta Falcons); Megha Parekh (Jacksonville Jaguars); Ashwin Krishnan (Miami Marlins); Damon Jones (Washington Nationals); Michael Zarren (Boston Celtics); and, Brad Shron (Philadelphia 76ers/New Jersey Devils). *See e.g., Ashwin Krishnan*, LINKEDIN, <https://www.linkedin.com/in/ashwin-krishnan-936a17103/> (last visited Feb. 22, 2017); *Brad Shron*, LINKEDIN, <https://www.linkedin.com/in/brad-shron-82538358/> (last visited Feb. 22, 2017); *Damon Jones*, LINKEDIN, <https://www.linkedin.com/in/damon-jones-95218312/> (last visited Feb. 22, 2017); *Michael Zarren*, <http://www.nba.com/celtics/contact/michael-zarren.html> (last visited Feb. 22, 2017); *Megha Parekh*, LINKEDIN, <https://www.linkedin.com/in/meghaparekh/> (last visited Feb. 22, 2017); *Ravens Hire General Counsel Brandon Etheridge*, BALTIMORE RAVENS (Sept. 14, 2016), <http://www.baltimoreravens.com/news/article-1/Ravens-Hire-General-Counsel-Brandon-Etheridge/0c65958f-889d-49b1-b013-87e007d2cf78>; *Staff: Mike Egan*, ATLANTA FALCONS,

(5),⁹⁷ Duke (4),⁹⁸ Stanford (4),⁹⁹ Rutgers (4),¹⁰⁰ Columbia (3),¹⁰¹

<http://www.atlantafalcons.com/team/staff/Mike-Egan/58a65414-3b05-4c10-89e3-d00e6578a0aa> (last visited Feb. 22, 2017).

⁹⁷ The University of Pennsylvania's General Counsel alumni are: William Heller (New York Giants); Ed Weiss (Boston Red Sox); Joe Pierce (Charlotte Hornets); and, Randall Boe (Washington Wizards/Capitals). *See e.g., General Counsel File: William J. Heller, New York Football Giants, Inc.*, PRACTICAL L. (Jan. 15, 2017), <http://us.practicallaw.com/3-596-2826?q=&qp=&qo=&qe=%20Ed%20Weiss>; *Ed Weiss*, LINKEDIN, <https://www.linkedin.com/in/ed-weiss-62900110a/> (last visited Feb. 22, 2017); *Joe Pierce*, LINKEDIN, <https://www.linkedin.com/in/joe-pierce-2333882/> (last visited Feb. 22, 2017); *Randall Boe*, LINKEDIN, <https://www.linkedin.com/in/randall-boe-4016132/> (last visited Feb. 22, 2017).

⁹⁸ Duke's General Counsel alumni are: Rick Strouse (Philadelphia Phillies); John Higgins (Tampa Bay Rays); Scott Wilkinson (Atlanta Hawks); and Zachary Kleiman (Memphis Grizzlies). *See e.g., John Higgins*, LINKEDIN, <https://www.linkedin.com/in/john-higgins-a0124650/> (last visited Feb. 22, 2017); *Richard L. Strouse Joins Phillies*, PHILLIES (Dec. 1, 2009, 11:17 AM), http://philadelphia.phillies.mlb.com/news/press_releases/press_release.jsp?ymd=20091201&content_id=7733238&vkey=pr_phi&fext=.jsp&cid=phi; *Scott Wilkinson*, LINKEDIN, <https://www.linkedin.com/in/scott-wilkinson-90001522/> (last visited Feb. 22, 2017); *Zachary Z. Kleiman*, LINKEDIN, <https://www.linkedin.com/in/zachary-z-kleiman-3064178/> (last visited Feb. 22, 2017).

⁹⁹ Stanford's General Counsel alumni are: Dave Koeninger (Arizona Cardinals); Ed Policy (Green Bay Packers); Hannah Gordon (San Francisco 49ers); and, Rafael Stone (Houston Rockets). *See e.g., David Koeninger*, LINKEDIN, <https://www.linkedin.com/in/david-koeninger-ba441938/> (last visited Feb. 22, 2017); *Front Office: Ed Policy*, GREENBAY PACKERS, <http://www.packers.com/team/staff/policy-ed/ba047611-d232-4f82-a6e3-6a67732c47fc> (last visited Feb. 22, 2017); *Hannah Gordon*, LINKEDIN, <https://www.linkedin.com/in/hannahgordon/> (last visited Feb. 22, 2017); *The Business Team*, NBA 67, 69, http://www.nba.com/media/rockets/MediaGuide0809_page67.85.pdf (last visited Feb. 22, 2017).

¹⁰⁰ Rutgers' General Counsel alumni are: Jason Cohen (Dallas Cowboys); Hymie Elhai (New York Jets); Katie Pothier (Texas Rangers); and, Jay Itzkowitz (New York Islanders). *See e.g., Daniel Kaplan, Forty Under 40: Hymie Elhai*, STREET & SMITH'S SPORTS BUS. J. (Apr. 4, 2016), <http://www.sportsbusinessdaily.com/>

Duquesne (3);¹⁰² Georgetown (3);¹⁰³ Marquette (3);¹⁰⁴ University

Journal/Issues/2016/04/04/Forty-Under-40/Hymie-Elhai.aspx; *Jason Todd Cohen*, ST. B. OF TEX., https://www.texasbar.com/AM/Template.cfm?Section=Find_A_Lawyer&template=/Customsource/MemberDirectory/MemberDirectoryDetail.cfm&ContactID=339078 (click “Find a Lawyer”; then search first name “Jason,” last name “Cohen,” firm “Cowboys”); Evan Hoopfer, *Rangers Name New Executive Vice President and General Counsel*, DALL. BUS. J., (Sep. 28, 2016), <http://www.bizjournals.com/dallas/news/2016/09/28/texas-rangers-katie-pothier-vice-president-counsel.html>; *Jay Itzkowitz*, LINKEDIN, <https://www.linkedin.com/in/jay-itzkowitz-3841243> (last visited Feb. 22, 2017).

¹⁰¹ Columbia’s General Counsel alumni are: Ted Tywang (Cleveland Browns); Myles Pistorious (Miami Dolphins); and, Richard Haddad (Detroit Pistons). *See Front Office*, CLEVELAND BROWNS, <http://www.clevelandbrowns.com/team/front-office.html> (last visited Mar. 26, 2017); *see also Staff Directory: Myles Pistorious*, MIAMI DOLPHINS, http://www.miamidolphins.com/team/staff/Pistorious_Myles/8384c068-8126-4d59-97b8-8e16e63d5224 (last visited Mar. 26, 2017); *see also Richard Haddad*, MICH. SPORT BUS. CONF. (Oct. 9, 2013, 11:57 AM), <http://umsbc.com/richard-haddadvice-president-general-counsel-palace-sports-entertainment-detroit-pistons>.

¹⁰² Duquesne’s General Counsel alumni are: Art Rooney II (Pittsburgh Steelers); Travis Williams (Pittsburgh Penguins); and, Greg Kirstein (Columbus Blue Jackets). *See e.g., Arthur J. Rooney II*, BUCHANAN INNGERSOLL & ROONEY PC, <http://www.bipc.com/arthur-rooney> (last visited Feb. 22, 2017); *Greg Kirstein*, LINKEDIN, <https://www.linkedin.com/in/greg-kirstein-82986825/> (last visited Feb. 22, 2017); *Travis Williams*, LINKEDIN, <https://www.linkedin.com/in/travis-williams-71883a37> (last visited Feb. 22, 2017).

¹⁰³ Georgetown’s General Counsel alumni are: Bart Waldman (Seattle Mariners); Matthew Reece (Boston Bruins); and, John Keenan (Los Angeles Kings). *See e.g., Bart Waldman*, LINKEDIN, <https://www.linkedin.com/in/bart-waldman-288462a1/> (last visited Feb. 22, 2017); *John Keenan*, LINKEDIN, <https://www.linkedin.com/in/john-keen-8830631/> (last visited Feb. 22, 2017).

¹⁰⁴ Marquette’s General Counsel alumni are: Greg Heller (Atlanta Braves); Michael Sneathern (Milwaukee Bucks); and, Nyea Sturman (Orlando Magic). *See e.g., Board of Advisors*, MARQ. UNIV. L. SCH., <https://law.marquette.edu/national-sports-law-institute/board-advisors> (last visited Feb. 22, 2015).

of Southern California (3),¹⁰⁵ University of Virginia (3),¹⁰⁶ and, Washington University in St. Louis (3).¹⁰⁷

Also not surprisingly, many of the law schools with multiple general counsels are among the top ranked law schools in the country: Stanford (2nd); Harvard (3rd); University of Pennsylvania (7th); Virginia (tied for 8th); Duke (10th); Georgetown (tied for 15th), Washington University in St. Louis (18th); and, University of Southern California (19th).¹⁰⁸

The presence of Duquense on the above list can likely be explained by other factors. Duquense is one of only two law schools in the Pittsburgh area (University of Pittsburgh being the other), and thus Duquense alumni are general counsel for two of the Pittsburgh sports clubs (Steelers and Penguins).¹⁰⁹

Marquette's presence on the list is likely, at least

¹⁰⁵ USC's General Counsel alumni are: Todd Davis (Los Angeles Rams); Lydia Wahlke (Chicago Cubs); and, Bernard Schneider (Anaheim Ducks). *See e.g.*, Benjamin Gleisser, *A Trojan Makes His Return to L.A. With the Rams*, USC TROJAN FAM., <https://tfm.usc.edu/a-trojan-makes-his-return-to-l-a-with-the-rams/> (last visited Mar. 26, 2017).; *Bernard E. Schneider*, LAWYERDB.COM, <http://www.lawyerdb.org/Lawyer/Bernard-Schneider/> (last visited Feb. 22, 2017); *Lydia Wahlke*, LINKEDIN, <https://www.linkedin.com/in/lydiawahlke> (last visited Feb. 22, 2017).

¹⁰⁶ Virginia's General Counsel alumni are: Bryan Stroh (Pittsburgh Pirates); and, Stephen Stieneker (Denver Nuggets/Colorado Avalanche). *See Brian Stroh*, LINKEDIN, <https://www.linkedin.com/in/bstroh/> (last visited Mar. 26, 2017); *see also Executive Team*, PEPSI CENTER, <https://www.pepsicenter.com/kse/company/executive-team/> (last visited Mar. 26, 2017).

¹⁰⁷ Washington University in St. Louis' General Counsel alumni are: Michael Whittle (St. Louis Cardinals); Neil Kraetsch (Oakland Athletics); and, Steve Weinreich (Minnesota Wild). *See, e.g.*, *Michael Whittle*, LINKEDIN, <https://www.linkedin.com/in/michael-whittle-21043511> (last visited Feb. 22, 2017); *Neil Kraetsch*, LINKEDIN, <https://www.linkedin.com/in/neil-kraetsch-632a859> (last visited Feb. 22, 2017); *Steve Weinreich*, LINKEDIN, <https://www.linkedin.com/in/steve-weinreich-2a23274> (last visited Feb. 22, 2017).

¹⁰⁸ *See Best Law Schools*, *supra* note 90.

¹⁰⁹ *See, e.g.*, *Art Rooney IV*, LINKEDIN, <https://www.linkedin.com/in/art-rooney-iv-0654b864> (last visited Jan. 16, 2017); *Travis Williams*, LINKEDIN, <https://www.linkedin.com/in/travis-williams-71883a37> (last visited Jan. 16, 2017).

partially, attributed to a different factor. Marquette offers a sports law program considered to be one of the best in the country, including the opportunity to earn a certificate in sports law.¹¹⁰ It is thus not surprising that some of its alumni have become general counsels of sports clubs. Additionally, Milwaukee Brewers General Counsel, Marti Wronski, actually taught at Marquette University Law School prior to becoming general counsel.¹¹¹ Tulane University also offers a well-regarded sports law program¹¹² that has resulted in alumni throughout the sports world, including two general counsels: Aileen Dargosa (Philadelphia Eagles);¹¹³ and, Alex Winsberg (Los Angeles Angels).¹¹⁴ Additionally, Vicky Neumeyer, general counsel for the New Orleans Saints and Pelicans, earned a Master of Laws (L.L.M.) from Tulane's sports law program.¹¹⁵

B. PRIOR WORK EXPERIENCE

Of course, one's prior work experience is an important factor in obtaining future positions. For this reason, we are interested in examining the prior work experience that led general counsels to their current positions. In this section, we

¹¹⁰ *Sports Law*, MARQ. UNIV. L. SCH., <https://law.marquette.edu/programs-degrees/sports-law> (last visited Jan. 17, 2017) [<https://perma.cc/9YCS-U647>].

¹¹¹ Marti Wronski, *At Bat for the Brewers*, ST. B. OF WIS., <http://www.wisbar.org/NewsPublications/WisconsinLawyer/Pages/Article.aspx?Volume=88&Issue=7&ArticleID=24225> (last visited Feb. 21, 2017) [<https://perma.cc/BUL6-NVJ4>].

¹¹² *Sports Law*, TULANE UNIV. L. SCH., http://www.law.tulane.edu/tlsAcademicPrograms/sportslaw_index.aspx (last visited Jan. 17, 2017) [<https://perma.cc/NSQ8-VY64>].

¹¹³ *Aileen Dargosa Biography*, PHILA. EAGLES, <http://media.philadelphiaeagles.com/media/151268/dargosa-aileen.pdf> [<https://perma.cc/T27D-D86B>] (last visited Jan. 17, 2017).

¹¹⁴ *Alex Winsberg*, LINKEDIN, <https://www.linkedin.com/in/alexwinsberg> [<https://perma.cc/6YY3-J6FN>] (last visited Jan. 17, 2017).

¹¹⁵ *Vicky Neumeyer Biography*, NEW ORLEANS SAINTS, <http://www.neworleanssaints.com/team/staff/vicky-neumeyer/ef944dcf-02d6-4569-94a4-ccc5efa5b458> [<https://perma.cc/C4YW-NCCL>] (last visited Jan. 17, 2017).

will examine the industries in which general counsels previously worked, the number of years of legal experience before becoming general counsel, the size of the law firms where they previously worked, whether they worked at law firms with sports law practices, whether they spent time working at one of the professional sports leagues' offices, and whether they previously worked as an assistant or associate general counsel.

We again remind the reader of the challenges in gathering position-by-position career data for general counsels, which is not the most public of professions. The data we provide here we believe to be correct (even if not entirely complete) and serves to provide a better understanding of the experiences of general counsels.

1. Industries

It stands to reason that general counsels of professional sports clubs would have considerable experience in the legal and/or sports industries. Table 7 shows the industries in which general counsels previously worked. Also, note that because most of the general counsels worked in more than one industry, the total prior industries in which they worked is well more than the number of general counsels. In addition to the total number of general counsels that worked in a particular industry, we provide the percentage of general counsels that has worked in that industry.

Table 7: Industries Worked in Prior to Becoming General Counsel

	NFL	MLB	NBA	NHL	Total
Academia	0	2	1	1	4 (3.5%)¹¹⁶
Government	4	10	10	5	29 (25.7%)
Private law practice	25	27	24	24	100 (88.5%)
Non-profit (legal)	0	1	1	1	3 (2.7%)
Sports (legal)	16	11	11	9	47 (41.6%)
Sports (non-legal)	3	4	5	5	17 (15.0%)
Other (legal)	7	5	11	11	34 (30.1%)
Other (non-legal)	3	4	3	5	15 (13.3%)
Total	58	64	66	61	249

Not surprisingly, a strong majority of general counsels (88.5%) previously worked in a private law practice. Working for a private law firm would provide an attorney the training and experience necessary to one day become the general counsel of an organization, including a professional sports club.

Initially, it might appear that many general counsels did not have previous sports-related legal experience. Table 7 shows that of the 113 general counsels in sports, only 47 (41.6%) had prior legal experience in the sports industry. However, when calculating prior legal experience in the sports industry, we did not include the attorney's experience at a law firm. We know that many general counsels did sports-related work at their prior law firms. Nevertheless, the scope of many general counsels'

¹¹⁶ These percentages are calculated by dividing the total number of general counsels that worked in this industry by the 113 clubs with general counsels.

prior law firm practice is not readily available information and thus we did not include it in the calculation. Instead, we focused on time spent working for the leagues, clubs and other sports-related entities.

Finally, it is interesting to examine the government experience of the general counsels. At least fourteen general counsels had the experience of either a clerkship or internship with a judge at some point.¹¹⁷ Additionally, three general

¹¹⁷ The General Counsels who had judicial clerkships or internships are: Cliff Stein (Chicago Bears); Vicky Neumeyer (New Orleans Saints/Pelicans); Ed Weiss (Boston Red Sox); Lydia Wahlke (Chicago Cubs); Giles Kibbe (Houston Astros); Erik Greupner (San Diego Padres); Damon Jones (Washington Nationals); Michael Zarren (Boston Celtics); Ram Padmanabhan (Chicago Bulls); Richard Haddad (Detroit Pistons); Ben Lauritsen (Portland Trailblazers); Sam Harkness (Utah Jazz); Robert Carr (Detroit Red Wings); and Wendy Kelley (Ottawa Senators). *See Front Office: Cliff Stein*, CHI. BEARS, <http://www.chicagobears.com/team/staff/Cliff-Stein/8dbdd7b5-9ffa-4612-8ddd-902086ec91a3> (last visited Mar. 27, 2017); *see also Vicky Neumeyer*, NEW ORLEANS SAINTS, <http://www.neworleanssaints.com/team/staff/vicky-neumeyer/ef944dcf-02d6-4569-94a4-ccc5efa5b458> (last visited Mar. 27, 2017); *see also Ed Weiss*, LINKEDIN, [https://www.google.com/search?q=Ed+Weiss+\(Boston+Red+Sox\)%3B&rlz=1C5CHFA_enUS705US705&oq=Ed+Weiss+\(Boston+Red+Sox\)%3B&aqs=chrome..69i57j0l2.292j0j4&sourceid=chrome&ie=UTF-8](https://www.google.com/search?q=Ed+Weiss+(Boston+Red+Sox)%3B&rlz=1C5CHFA_enUS705US705&oq=Ed+Weiss+(Boston+Red+Sox)%3B&aqs=chrome..69i57j0l2.292j0j4&sourceid=chrome&ie=UTF-8) (last visited Mar. 27, 2017); *see also Lydia Wahlke*, LINKEDIN, <https://www.linkedin.com/in/lydiawahlke> [<https://perma.cc/C4E2-FGD4>] (last visited Feb. 20, 2017); *see also Giles Kibbe*, *supra* note 56; *see also Front Office: Eric Greupner*, SAN DIEGO PADRES, http://sandiego.padres.mlb.com/sd/team/exec_bios/greupner.jsp (last visited Mar. 27, 2017); *see also Damon Jones*, *supra* note 96; *see also Michael Zarren – Assistant GM and Team Counsel*, NBA.COM: BOS. CELTICS, <http://www.nba.com/celtics/contact/michael-zarren.html> [<https://perma.cc/4ATE-KCBW>] (last visited Feb. 19, 2017); *see also Executive Staff*, CHI. BULLS, <http://www.nba.com/bulls/chicago-bulls-staff-directory/> (last visited Mar. 27, 2017); *see also Richard Haddad*, *supra* note 101; *see also Ben Lauritsen - Vice President, General Counsel*, NBA.COM, <http://www.nba.com/blazers/staff/ben-lauritsen-vice-president-general-counsel> [<https://perma.cc/M5X8-LBME>] (last visited Feb. 21, 2017); *see also Contact Us: Sam Harkness*, UTAH JAZZ, <http://www.nba.com/jazz/contact/> (last visited Mar. 27, 2017); *see also Robert Carr*, LINKEDIN, <https://www.linkedin.com/in/robert-carr->

counselors are former prosecutors: Richard Slivka of the Denver Broncos, who previously worked for the United States Attorney's Office for the District of Colorado;¹¹⁸ H. Russell Smouse of the Baltimore Orioles, who was previously an attorney for the United States Department of Justice and an Assistant United States Attorney for the District of Maryland;¹¹⁹ and, Bobby Perez of the San Antonio Spurs, who was an Assistant District Attorney in Bexar County, Texas.¹²⁰ Finally, David Cohen of the New York Mets was previously an Associate Judge for the juvenile court in Fulton County, Georgia.¹²¹

2. Years of Legal Experience Prior to Becoming General Counsel

As discussed throughout this Article, legal experience is an important prerequisite to becoming a general counsel. But how much legal experience? Table 8 shows the range of general counsels' legal experience prior to becoming general counsel.

44b8b87/ (last visited Mar. 27, 2017); see also Wendy Kelley, *supra* note 95.

¹¹⁸ Adam Mimeles, *Gridiron Guidance*, GW MAG., http://www2.gwu.edu/~magazine/archive/2009_law_winter/dept_alumni_profile1.html [https://perma.cc/KEM7-S3T9] (last visited Jan. 17, 2017).

¹¹⁹ *H. Russell Smouse Biography*, LAWYERDB.ORG, <http://www.lawyerdb.org/Lawyer/Russell-Smouse/> (last visited Mar. 26, 2017).

¹²⁰ *Bobby Perez*, LINKEDIN, <https://www.linkedin.com/in/bobby-perez-75566740> [https://perma.cc/RKQ5-BRJB] (last visited Feb. 21, 2017).

¹²¹ Roger Adler, *Batter Up! New York Mets GC, David Cohen*, THE NAT'L L. J. (Jan. 16, 2007), <http://www.nationallawjournal.com/id=900005553012/Batter-Up?slreturn=20160809023811> [https://perma.cc/7JB3-Z3Q6].

Table 8: Years of Legal Experience Prior to Becoming General Counsel

	NFL	MLB	NBA	NHL	Total
10 or less	14	12	12	12	50 (44.2%)
11-20	10	9	12	10	41 (36.3%)
21-30	3	4	4	3	14 (12.4%)
Over 30	3	2	1	2	8 (7.1%)
Total	30	27	29	27	113

The data shown in Table 8 demonstrates that while general counsels have prior legal experience, they generally are not among the most experienced attorneys – 80.5% of all general counsels had twenty years or less of legal experience prior to becoming general counsel. Moreover, the most common experience range of general counsels is that of ten years or less (44.2%).

There is, of course, also a relation between a general counsel's age and years of legal experience. In Section III.A., Age, we showed that 55.8% of general counsels are less than fifty. When considered alongside the data in Table 8, it appears that there is something of an age/experience sweet spot at which attorneys have benefited from several (but not many) years of experience at a law firm and are then ready to move into an in-house position, including possibly that of general counsel. Some might also move into a position as an assistant or associate counsel, which is discussed in Section IV.B.6.

3. Law Firm Size

The size of the law firm at which an individual works can have a significant impact on an attorney's career. Larger law firms tend to represent larger organizations and be involved in cases that are more substantial (both legally and financially).¹²²

¹²² See Quintin Johnstone, *An Overview of the Legal Profession in the United States, How that Profession Recently Has Been Changing, and Its Future Prospects*, 26 QUINNIPIAC L. REV. 737, 759 (2008).

Attorneys working at large law firms tend to have graduated from more prestigious law schools,¹²³ make more money than their colleagues at smaller firms,¹²⁴ and are generally considered to have more career options once their careers have begun.¹²⁵ Undoubtedly, having worked at a major law firm is a significant resume enhancer that can propel attorneys to prominent legal positions, including being general counsel of a professional sports club. Table 9 summarizes the available data about the law firms at which general counsels have worked, divided into four general categories: mega-law firms with 500 or more attorneys; large law firms with between 101 and 499 attorneys; medium size law firms with between 26 and 100 attorneys; and, small law firms with less than 26 attorneys.¹²⁶

¹²³ See Anthony Ciolli, *The Legal Employment Market: Determinants of Elite Firm Placement and How Law Schools Stack Up*, 45 JURIMETRICS J. 413, 430 (2005).

¹²⁴ See Steven Davidoff Solomon, *Law School a Solid Investment, Despite Pay Discrepancies*, N.Y. TIMES (June 21, 2016), <http://www.nytimes.com/2016/06/22/business/dealbook/law-school-a-solid-investment-despite-pay-discrepancies.html?action=click&contentCollection=DealBook&module=RelatedCoverage®ion=EndOfArticle&pgtype=article> [https://perma.cc/T2SG-C5XJ].

¹²⁵ See Ciolli, *supra* note 123, at 430.

¹²⁶ We recognize that the categorization of a law firm as “large” or “small” can vary greatly depending on the metropolitan area in which the firm practices. Nevertheless, sports clubs operate on a national scale and thus we have categorized the firms according to generalized national standards.

Table 9: Prior Law Firm Employment by Size

	NFL	MLB	NBA	NHL	Total
500+ Attorneys	14	11	12	16	53 (42.7%)
101-499 Attorneys	7	6	7	9	29 (23.4%)
26-100 Attorneys	3	4	2	1	10 (8.1%)
Less than 26 Attorneys	3	7	5	3	18 (14.5%)
No Law Firm Employment	4	1	6	3	14 (11.3%)
Total ¹²⁷	31	29	32	32	124

Above, we described the impact of working at a large law firm generally. The data in Table 9 also shows the importance of working at a large law firm if you wish to be a general counsel of a professional sports club – 42.7% of general counsels (53/124) have experience working at a law firm of at least 500 attorneys (mega-law firms). Similarly, 23.4% of general counsels (29/124) have experience working at a law firm of at least 101-499 attorneys (large law firms). In considering this data, it is important to know our research revealed that seven general counsels worked at both large and mega-law firms, resulting in duplicative data. By removing the double counting, we can calculate that seventy-five general counsels (66.4%)¹²⁸ previously worked at a law firm of at least 101 attorneys.

In contrast, only eighteen general counsels (14.5%) ever worked at a small law firm, *i.e.*, one of less than twenty-six

¹²⁷ In considering the totals for the above data, it is important to remember that not all clubs have a General Counsel, and that some General Counsels worked for more than one size law firm and thus are counted twice in Table 7.

¹²⁸ The 75 statistic was determined by adding the 53 general counsels that worked at mega-law firms to the 29 general counsels that worked at large law firms, and subtracting 7 for the general counsels that worked at both size law firms. The 66.4% statistic was determined by dividing 75 by the 113 clubs with general counsels.

employees. Thus, it is clear that one's chances of becoming a general counsel are positively correlated with the size of the law firms at which the individual worked. This correlation can, at least partially, be attributed to the fact that it is generally large, prestigious law firms that have sports clubs as clients and do other sports-related work. These law firms are discussed in the next section.

Lastly, those fourteen individuals that never worked at a law firm (12.4% of all general counsels) have varied paths to their current position. Some, like Todd Davis of the Los Angeles Rams¹²⁹ and Nyea Sturman of the Orlando Magic¹³⁰ were fortunate enough to begin working with the club straight out of school. Moreover, some worked in business, such as Michael Zarren of the Boston Celtics who worked as a management consultant,¹³¹ while others worked in politics, such as Gregory Jackson of the Minnesota Timberwolves, who was staff counsel for the Republicans caucus in the Minnesota State Senate where he worked for then-Senate Minority Leader Glen Taylor, who later purchased the Timberwolves.¹³²

4. Firms Practicing Sports Law

Not surprisingly, some of the largest and most prestigious law firms regularly provide legal services to the sports leagues and their clubs. The attorneys at these firms thus become intimately familiar with the legal issues of the leagues and clubs and develop relationships with league and club officials. Thus, it is logical that when looking to hire internal legal counsel, the leagues and clubs often hire attorneys from firms with which they have a working relationship. Below, we briefly discuss these firms (in alphabetical order) and some of

¹²⁹ See *Todd Davis*, LINKEDIN, <https://www.linkedin.com/in/todd-davis-75465a5> [<https://perma.cc/FKE3-GLV8>] (last visited Feb. 22, 2017).

¹³⁰ See *Nyea Sturman*, LINKEDIN, <https://www.linkedin.com/in/nyea-sturman-b32859> [<https://perma.cc/VQ93-ULTG>] (last visited Feb. 19, 2017).

¹³¹ *Michael Zarren*, *supra* note 117.

¹³² *Gregory W. Jackson*, LINKEDIN, <https://www.linkedin.com/in/gregory-w-greg-jackson-74466920> [<https://perma.cc/9PGM-ET5P>] (last visited Feb. 19, 2017).

the attorneys that have transitioned from external to internal counsel for the leagues or clubs.¹³³ Notably, this list does not include the law firms of Weil, Gotshal & Manges LLP and Winston Strawn LLP. While both firms have robust sports practices, those practices focus on representing athletes and their players associations¹³⁴ – clients whose interests are generally adverse to the clubs and leagues which are the focus of this Article. Finally, Table 10 summarizes the number of club general counsels that worked for at least some time at one of these prominent sports law firms.

a. Akin Gump Strauss Hauer & Feld LLP

Akin Gump Strauss Hauer & Feld LLP (Akin Gump) is an international law firm based in Washington, D.C. with 20 offices¹³⁵ and more than 931 attorneys worldwide.¹³⁶ Led by attorney Daniel L. Nash, Akin Gump currently serves as the NFL's principal outside counsel on labor matters.¹³⁷ Akin Gump is listed as the NFL's counsel in many reported case decisions,

¹³³ See also GLENN M. WONG, *supra* note 2, at 264 (discussing the top sports law firms).

¹³⁴ See *Company Overview of Weil, Gotshal & Manges LLP: James W. Quinn*, BLOOMBERG, <http://www.bloomberg.com/research/stocks/private/person.asp?personId=33102045&privcapId=1417124&previousCapId=1417124&previousTitle=Weil,%20Gotshal%20&%20Manges%20LLP> (last visited Feb. 19, 2017); *Sports*, WINSTON & STRAWN LLP, <http://www.winston.com/en/what-we-do/sectors/sports/index.html> [<https://perma.cc/96BT-3JPX>] (last visited Feb. 19, 2017). Quinn, a seminal figure in sports law, recently left Weil, Gotshal & Manges but the practice he created largely remains.

¹³⁵ *Locations*, AKIN GUMP, <https://www.akingump.com/en/locations/index.html> [<https://perma.cc/4TMX-W48Z>] (last visited Feb. 19, 2017).

¹³⁶ *Akin Gump Strauss Hauer & Feld LLP*, VAULT, <http://www.vault.com/company-profiles/law/akin-gump-strauss-hauer-feld-llp/company-overview.aspx> [<https://perma.cc/7GBF-SZ3W>] (last visited Feb. 19, 2017) (showing the firm's overview, ranking, diversity/pro bono, reviews, firm information, etc.).

¹³⁷ *Daniel L. Nash*, AKIN GUMP, <https://www.akingump.com/en/lawyers-advisors/daniel-l-nash.html> [<https://perma.cc/VUC6-X6CT>] (last visited Feb. 19, 2017).

dating back to 1988.¹³⁸ Indeed, many of the NFL's in-house counsel practiced first at Akin Gump. Michele Roberts, the Executive Director of the National Basketball Players Association, also previously worked at Akin Gump, but was not involved in sports matters.¹³⁹

Despite Akin Gump's prestigious record, only one current general counsel previously worked at the firm. San Francisco 49ers General Counsel Hannah Gordon was a summer associate at the law firm in 2007.¹⁴⁰ Gordon later worked for the NFL before joining the 49ers in 2011.¹⁴¹

b. Covington & Burling LLP

Covington & Burling LLP is an international law firm based in Washington, D.C. with ten offices¹⁴² and 930 attorneys worldwide.¹⁴³ Led by attorney Gregg H. Levy, Covington & Burling currently serves as the NFL's principal outside counsel

¹³⁸ See, e.g., Nat'l Football League Mgmt. Council v. Nat'l Football League Players Ass'n, 820 F.3d 527 (2d Cir. 2016); Matthews v. Nat'l Football League Mgmt. Council, 688 F.3d 1107 (9th Cir. 2012); Powell v. Nat'l Football League, 690 F. Supp. 812 (D. Minn. 1988).

¹³⁹ Jared Dubin, *Who's That Executive Director? Meet the New Head of the NBPA, Michele Roberts*, GRANTLAND (July 29, 2014), <http://grantland.com/the-triangle/whos-that-executive-director-meet-the-new-head-of-the-nbpa-michele-roberts/> [<https://perma.cc/5QJT-RSPJ>].

¹⁴⁰ *Hannah Gordon*, LINKEDIN, <https://www.linkedin.com/in/hannahgordon> [<https://perma.cc/B5A6-W2T6>] (last visited Feb. 19, 2017).

¹⁴¹ *Id.*; *Coaches & Staff: Hannah Gordon*, 49ERS.COM, http://www.49ers.com/team/staff/gordon_hannah/698be8c7-e484-4fe6-8520-93ea6daf5f4b [<https://perma.cc/E5FN-6YFY>] (last visited Feb. 19, 2017).

¹⁴² *Offices*, COVINGTON & BURLING LLP, <https://www.cov.com/en/offices> [<https://perma.cc/4M75-SABR>] (last visited Feb. 22, 2017).

¹⁴³ *Covington & Burling LLP at a Glance*, VAULT, <http://www.vault.com/company-profiles/law/covington-burling-llp/company-overview.aspx> [<https://perma.cc/K8WQ-65P7>] (last visited Feb. 22, 2017) (showing the firm's overview, ranking, diversity/pro bono, etc.).

on antitrust matters.¹⁴⁴ Covington & Burling has represented the NFL in dozens of reported cases, dating back to 1961.¹⁴⁵ Paul Tagliabue, who served as Commissioner of the NFL from 1989 to 2006, was an attorney at Covington & Burling prior to becoming Commissioner, and returned to the firm upon leaving the NFL.¹⁴⁶

In addition to Tagliabue, several other prominent sports attorneys spent time working at Covington & Burling, including NFL General Counsel Jeff Pash,¹⁴⁷ and NBA General Counsel Richard Buchanan.¹⁴⁸

The only current general counsel to have worked at Covington & Burling is Baltimore Ravens' General Counsel Brandon Etheridge. Etheridge worked at the firm from 2011 to 2014, before being hired as counsel at the NFL.¹⁴⁹ Etheridge worked at the NFL for approximately two years before joining the Ravens.¹⁵⁰

c. Foley & Lardner LLP

Foley & Lardner LLP is an international law firm based

¹⁴⁴ *Gregg H. Levy*, COVINGTON & BURLING LLP, <https://www.cov.com/en/professionals/l/gregg-levy> [<https://perma.cc/GLX6-XVWP>] (last visited Feb. 22, 2017).

¹⁴⁵ *See, e.g.*, *Am. Needle, Inc. v. Nat'l Football League*, 560 U.S. 183 (2010); *Brown v. Pro Football, Inc.*, 812 F. Supp. 237 (D.C. Cir. 1992); *Am. Football League v. Nat'l Football League*, 27 F.R.D. 264 (D. Md. 1961).

¹⁴⁶ *Paul J. Tagliabue*, COVINGTON & BURLING LLP, <https://www.cov.com/en/professionals/t/paul-tagliabue> [<https://perma.cc/BD97-AS99>] (last visited Feb. 22, 2017).

¹⁴⁷ *Jeffrey Pash*, MIT SLOAN SPORTS ANALYTICS CONF., <http://www.sloansportsconference.com/people/jeffrey-pash/> [<https://perma.cc/6NVR-PM36>] (last visited Feb. 22, 2017).

¹⁴⁸ *Interview with NBA General Counsel Rick Buchanan*, HARV. L. SCH. J. OF SPORTS & ENT. L. (Feb. 26, 2016), <http://harvardjssel.com/2016/02/interview-with-nba-general-counsel-rick-buchanan/> [<https://perma.cc/7XUD-XR5H>].

¹⁴⁹ *Ravens Hire General Counsel Brandon Etheridge*, BALT. RAVENS (Sept. 14, 2016), <http://www.baltimoreravens.com/news/article-1/Ravens-Hire-General-Counsel-Brandon-Etheridge/0c65958f-889d-49b1-b013-87e007d2cf78> [<https://perma.cc/2J5C-NDWK>].

¹⁵⁰ *Id.*

in Milwaukee with 20 offices¹⁵¹ and more than 839 attorneys worldwide.¹⁵² Led by attorneys Mary K. Braza and Irwin P. Raij, Foley & Lardner has specialized in providing counsel on the purchase and sale of professional sports clubs as well as stadium issues.¹⁵³ Foley & Lardner's sports experience began by advising former MLB Commissioner Bud Selig during his time as owner of the Milwaukee Brewers.¹⁵⁴ Selig later hired Foley & Lardner partner Bob DuPuy as MLB's Chief Legal Officer.¹⁵⁵

Given the historical ties between the Brewers and Foley & Lardner, it is not surprising that the only current general counsel to have worked at the firm is the Brewers' current general counsel, Marti Wronski, who was an associate at the firm from 1997-2001.¹⁵⁶

d. Kirkland & Ellis LLP

Kirkland & Ellis is an international law firm based in Chicago with 12 offices and approximately 1,700 attorneys

¹⁵¹ FOLEY & LARDNER LLP, <https://www.foley.com> [<https://perma.cc/RXD6-ASBE>] (last visited Feb. 22, 2017).

¹⁵² *Foley and Lardner LLP*, VAULT, <http://www.vault.com/company-profiles/law/foley-lardner-llp/company-overview.aspx> [<https://perma.cc/QJV6-EN2X>] (last visited Feb. 22, 2017) (showing the firm's overview, ranking, diversity/pro bono, etc.).

¹⁵³ See *Mary K. Braza*, FOLEY & LARDNER LLP, <https://www.foley.com/mary-k-braza/> [<https://perma.cc/6SKW-WSSA>] (last visited Feb. 22, 2017); *Irwin P. Raij*, FOLEY & LARDNER LLP, <https://www.foley.com/irwin-p-raij/> [<https://perma.cc/BX9K-9W92>] (last visited Feb. 22, 2017).

¹⁵⁴ Rich Kirchen, *Despite Selig's Retirement, Foley & Lardner Hopes to Keep MLB Work*, MILWAUKEE BUS. J. (Oct. 2, 2013, 4:41 PM), <http://www.bizjournals.com/milwaukee/blog/2013/10/despite-selig-retirement-foley.html> [<https://perma.cc/S3FC-YLYM>].

¹⁵⁵ *Id.*

¹⁵⁶ Stephen Schumacher, *General Counsel for the Brewers, Marti Wronski, to Appear on "Conversations from St. Norbert College" Television Show*, SAINT NORBERT COLL. (July 22, 2011), <http://www.snc.edu/news/pressrelease/1798/> [<https://perma.cc/Z2JR-JQUM>].

worldwide.¹⁵⁷ Kirkland & Ellis represents professional sports clubs in a variety of corporate and litigation matters.¹⁵⁸

Given its prominence in Chicago, it is not surprising that the current general counsels of the Chicago Cubs (Lydia Wahlke) and Chicago Bulls (Ram Padmanabhan) previously worked at the firm. Wahlke was an associate at the firm from 2005-08, and 2009-10 (after completing a federal clerkship),¹⁵⁹ and Padmanabhan was an associate at the firm from approximately 1996-2000.¹⁶⁰ No other general counsels previously practiced at Kirkland & Ellis.

e. Latham & Watkins LLP

Latham & Watkins LLP is an international law firm based in Los Angeles with 31 offices¹⁶¹ and more than 2,000 attorneys worldwide.¹⁶² Latham & Watkins sports' practice specializes in counseling professional sports leagues and clubs on media deals.¹⁶³

¹⁵⁷ *Our Firm Offices*, KIRKLAND & ELLIS LLP, <https://www.kirkland.com/sitecontent.cfm?contentID=233>. (last visited Feb. 20, 2017).

¹⁵⁸ *Law 360 2015 Practice Group of the Year: Sports*, KIRKLAND & ELLIS LLP, [https://www.kirkland.com/siteFiles/News/Law360%20\(Ppractice%20Groups%20of%20the%20Year_%20Sports\)%202016.pdf](https://www.kirkland.com/siteFiles/News/Law360%20(Ppractice%20Groups%20of%20the%20Year_%20Sports)%202016.pdf) [<https://perma.cc/JAC7-V62W>] (last visited Feb. 20, 2017).

¹⁵⁹ *Lydia Wahlke*, *supra* note 117.

¹⁶⁰ The estimate of Padmanabhan's experience at Kirkland & Ellis is based on his appearances on behalf of the firm in reported case decisions. *See* *March Madness Ath. Ass'n LLC v. Netfire*, 162 F. Supp. 2d 560 (N.D. Tex. 2001) (listing Padmanabhan as a Kirkland & Ellis attorney); *Texas v. Am. Tobacco Co.* 14 F. Supp. 2d 956 (E.D. Tex. 1997) (relisting Padmanabhan as a Kirkland & Ellis attorney).

¹⁶¹ *Latham Around the World*, LATHAM & WATKINS LLP, <https://www.lw.com/officeSearch.aspx?officeViewMode=ListView> [<https://perma.cc/28DN-AA6Y>] (last visited Feb, 20, 2017) [hereinafter *Latham Around the World*].

¹⁶² *Latham & Watkins LLP*, VAULT, <http://www.vault.com/company-profiles/law/latham-watkins-llp/company-overview.aspx> [<https://perma.cc/G8SF-QJ95>] (last visited Feb. 20, 2017) (showing the firm's overview, ranking, diversity/pro bono, etc.).

¹⁶³ *See Entertainment, Sports & Media*, LATHAM & WATKINS LLP, <https://www.lw.com/industries/entertainment-sports-media> [<https://perma.cc/6SB8-YX29>] (last visited Feb. 20, 2017); *Century*

Given that it has six California offices,¹⁶⁴ it is thus not surprising that three current general counsels working for west coast clubs previously worked at Latham & Watkins: Hannah Gordon of the San Francisco 49ers was an associate at the firm from 2008-09;¹⁶⁵ Sam Fernandez of the Los Angeles Dodgers was an associate at the firm from 1980-84;¹⁶⁶ and, Ben Lauritsen of the Portland Trailblazers was an associate at the firm from 2005-07.¹⁶⁷ Additionally, Ashwin Krishnan of the Miami Marlins was a summer associate at the firm in 2009.¹⁶⁸

f. Paul, Weiss, Rifkind, Wharton & Garrison LLP

Paul, Weiss, Rifkind, Wharton & Garrison LLP (Paul Weiss) is an international law firm with 8 offices¹⁶⁹ and more than 940 attorneys worldwide.¹⁷⁰ In recent years, Paul Weiss' sports law practice has centered around representing the NFL in the class action lawsuit brought by former players concerning concussions,¹⁷¹ and attorney Ted Wells' handling of sports-

City Partners Named Among Sports Law "Elite", LATHAM & WATKINS LLP, <https://www.lw.com/awards/latham-century-city-partners-named-among-sports-law-elite> [<https://perma.cc/DMU3-TLYN>] (last visited Feb. 20, 2017).

¹⁶⁴ See *Latham Around the World*, *supra* note 161.

¹⁶⁵ *Gordon*, *supra* note 140.

¹⁶⁶ James Bradicich, *Baseball Attorneys Swing Away at USC Event*, USC NEWS (Nov. 16, 2011), <https://news.usc.edu/28442/baseball-attorneys-swing-away-at-usc-event/> [<https://perma.cc/D8X6-KJF5>].

¹⁶⁷ *Ben Lauritsen*, *supra* note 117.

¹⁶⁸ *Ashwin Krishnan*, LINKEDIN, <https://www.linkedin.com/in/ashwin-krishnan-936a17103> [<https://perma.cc/56V5-FXAN>] (last visited Feb. 21, 2017).

¹⁶⁹ PAUL WEISS, <https://www.paulweiss.com/> [<https://perma.cc/3XNH-ZN2Y>] (last visited Feb. 21, 2017).

¹⁷⁰ *Paul, Weiss, Rifkind, Wharton & Garrison LLP*, VAULT, <http://www.vault.com/company-profiles/law/paul,-weiss,-rifkind,-wharton-garrison-llp/company-overview.aspx> [<https://perma.cc/B7FM-YUEY>] (last visited Feb. 21, 2017).

¹⁷¹ See *In re Nat'l Football League Players' Concussion Injury Litig.*, 307 F.R.D. 351 (E.D. Pa. 2015), *aff'd*, 821 F.3d 410 (3d Cir. 2016); *Brad S. Karp*, PAUL WEISS, <https://www.paulweiss.com/professionals/>

related investigations, including investigating the conduct of former National Basketball Players Association Executive Director Billy Hunter,¹⁷² the NFL's investigation into workplace misconduct at the Miami Dolphins,¹⁷³ and allegations that the New England Patriots intentionally deflated footballs prior to the 2015 AFC Championship Game, known as "Deflategate."¹⁷⁴ Additionally, NBA Executive Vice President and Deputy General Counsel Daniel Rube previously worked at the firm.¹⁷⁵ Nevertheless, the only current general counsel to have worked at Paul Weiss is New York Islanders General Counsel Jay Itzkowitz, who was an associate at the firm from 1987-1991.¹⁷⁶

g. Proskauer Rose LLP

Proskauer Rose LLP is an international law firm based in New York City with 13 offices¹⁷⁷ and more than 700 attorneys worldwide.¹⁷⁸ Led by attorney Robert Batterman, Proskauer Rose is counsel to all of the major professional sports leagues,

partners-and-counsel/brad-s-karp.aspx [https://perma.cc/5MUQ-62L9] (last visited Feb. 21, 2017).

¹⁷² Ken Belson, *Inquiry Questions Actions of N.B.A. Union Chief, But Finds No Criminality*, N.Y. TIMES (Jan. 17, 2013), <http://www.nytimes.com/2013/01/18/sports/basketball/report-questions-actions-of-nba-union-chief-billy-hunter.html> [https://perma.cc/29RU-MURF].

¹⁷³ Jacob Gershman, *NFL Taps Attorney Ted Wells to Lead 'Deflategate' Probe*, WALL ST. J. (Jan. 23, 2015, 3:33 PM), <http://blogs.wsj.com/law/2015/01/23/nfl-taps-attorney-ted-wells-to-lead-deflategate-probe>.

¹⁷⁴ *Id.*

¹⁷⁵ Daniel Rube, NBA CAREER OPPORTUNITIES, <http://careers.nba.com/leadership/#daniel-rube> [https://perma.cc/HLQ9-KL9F] (last visited Feb. 21, 2017).

¹⁷⁶ Jay Itzkowitz, LINKEDIN, <https://www.linkedin.com/in/jay-itzkowitz-3841243> [https://perma.cc/LX7T-CB9G] (last visited Feb. 21, 2017).

¹⁷⁷ Offices, PROSKAUER ROSE LLP, <http://www.proskauer.com/offices> (last visited Feb. 21, 2017).

¹⁷⁸ Proskauer Rose LLP, VAULT, <http://www.vault.com/company-profiles/law/proskauer-rose-llp/company-overview.aspx> [https://perma.cc/C7EK-AZST] (last visited Feb. 20, 2017) (showing the firm's overview, ranking, diversity/pro bono, etc.).

particularly on labor matters, *e.g.*, collective bargaining.¹⁷⁹ Several prominent sports attorneys began their careers at Proskauer Rose, including former NBA Commissioner David Stern,¹⁸⁰ NHL Commissioner Gary Bettman, NHL General Counsel David Zimmerman,¹⁸¹ MLB Chief Legal Officer Dan Halem,¹⁸² and NHL Vice President, Special Projects & Corporate Social Responsibility Jessica Berman.¹⁸³

Proskauer Rose has more alumni working as general counsels for sports clubs than any of the other major sports law firms. In the NFL, Megan Parekh of the Jacksonville Jaguars was a Proskauer Rose associate from 2009-2013,¹⁸⁴ and Aileen Dargosa of the Philadelphia Eagles was an associate at the firm from 2004-2007.¹⁸⁵ In the NBA, Richard Haddad of the Detroit Pistons was a Proskauer Rose associate from 2006-2008 and 2009-2012 (after completing a federal clerkship),¹⁸⁶ Zachary

¹⁷⁹ *L Robert Batterman*, PROSKAUER ROSE LLP, <http://www.proskauer.com/professionals/bob-batterman/> [<https://perma.cc/TK3Y-B8KX>] (last visited Feb. 20, 2017); *see also* Michael McCann, *Proskauer Rose is the Most Powerful Law Firm in Sports*, SPORTS ILLUSTRATED (Mar. 7, 2013), <http://www.si.com/more-sports/2013/03/07/proskauer-rose> [<https://perma.cc/9SCX-6H32>].

¹⁸⁰ McCann, *supra* note 179.

¹⁸¹ Alex Vorro, *David Zimmerman is a Team Player as GC of the NHL*, INSIDECOUNSEL (Aug. 1, 2011), <http://www.insidecounsel.com/2011/08/01/david-zimmerman-is-a-team-player-as-gc-of-the-nhl> [<https://perma.cc/6QC7-3JQ5>].

¹⁸² *MLB Official Info: MLB Executives*, MLB.COM, http://mlb.mlb.com/mlb/official_info/about_mlb/executives.jsp?bio=halem_dan [<https://perma.cc/TLQ4-ACYN>] (last visited Feb. 20, 2017).

¹⁸³ Christopher Botta, *Forty Under 40: Jessica Berman*, SPORTS BUS. J. (Mar. 10, 2014), <http://www.sportsbusinessdaily.com/Journal/Issues/2014/03/10/Forty-Under-40/Jessica-Berman.aspx> [<https://perma.cc/G5QG-GCQL>].

¹⁸⁴ *Megha Parekh*, LINKEDIN, <https://www.linkedin.com/in/meghaparekh> [<https://perma.cc/HCA6-R58L>] (last visited Feb. 21, 2017).

¹⁸⁵ *Aileen Dargosa*, LINKEDIN, <https://www.linkedin.com/in/aileen-dargosa-082709b8> (last visited Feb. 21, 2017).

¹⁸⁶ *Richard Haddad*, LINKEDIN, <https://www.linkedin.com/in/richard-haddad-9060b368> [<https://perma.cc/45YP-9J29>] (last visited Feb. 21, 2017).

Kleiman of the Memphis Grizzlies was a Proskauer associate from 2013-2015,¹⁸⁷ and Brad Shron of the Philadelphia 76ers was an associate at the firm from 2005-13.¹⁸⁸ Shron also serves as General Counsel of the NHL's New Jersey Devils, as both the 76ers and Devils are owned by billionaire Josh Harris.¹⁸⁹

h. Skadden, Arps, Slate, Meagher & Flom LLP

Skadden, Arps, Slate, Meagher & Flom LLP (Skadden Arps) is an international law firm based in New York City with 22 offices¹⁹⁰ and more than 1,650 attorneys worldwide.¹⁹¹ Led by attorney Jeffrey A. Mishkin, former Chief Legal Officer of the NBA,¹⁹² Skadden Arps provides counsel to all of the major professional sports leagues on a variety of matters, particularly antitrust.¹⁹³ Several prominent sports attorneys began their careers at Skadden Arps, including NHL Deputy Commissioner Bill Daly,¹⁹⁴ NHL Deputy General Counsel Julie Grand,¹⁹⁵ and NBA Vice President and Assistant General Counsel David

¹⁸⁷ *Kleiman*, *supra* note 74.

¹⁸⁸ *Brad Shron*, LINKEDIN, <https://www.linkedin.com/in/brad-shron-82538358> [<https://perma.cc/NH3K-C4UG>] (last visited Feb. 21, 2017).

¹⁸⁹ *Id.*; #274 *Joshua Harris*, FORBES, <http://www.forbes.com/profile/joshua-harris/> [<https://perma.cc/3ESH-49UR>] (last visited Feb. 21, 2017).

¹⁹⁰ *Offices*, SKADDEN, <https://www.skadden.com/the-firm/offices> [<https://perma.cc/57J5-JG7J>] (last visited Feb. 22, 2017).

¹⁹¹ *Skadden, Arps, Slate, Meagher & Flom LLP and Affiliates*, VAULT, <http://www.vault.com/company-profiles/law/skadden,-arps,-slate,-meagher-flom-llp-and-affiliates/company-overview.aspx> [<https://perma.cc/2PDT-Y2MA>] (last visited Feb. 22, 2017).

¹⁹² *Jeffrey A. Mishkin*, SKADDEN, <https://www.skadden.com/professionals/jeffrey-mishkin> [<https://perma.cc/L4CY-YVER>] (last visited Feb. 22, 2017).

¹⁹³ *Sports*, SKADDEN, <https://www.skadden.com/practice/industry-related/sports> [<https://perma.cc/66MJ-D72L>] (last visited Feb. 22, 2017).

¹⁹⁴ *Bill Daly Bio and Timeline*, SPORTS BUS. J. (Sept. 23, 2013), <http://www.sportsbusinessdaily.com/Journal/Issues/2013/09/23/In-Depth/Daly-timeline.aspx> [<https://perma.cc/P74G-J949>].

¹⁹⁵ Peter Lattman, *The WSJ Profiles an NHL Lawyer*, WALL ST. J.: L. BLOG (Sept. 18, 2006, 8:40 AM), <http://blogs.wsj.com/law/2006/09/18/the-wsj-profiles-an-nhl-lawyer>.

Weiss.¹⁹⁶ As mentioned above, Michele Roberts, the Executive Director of the National Basketball Players Association, also previously worked at Skadden Arps, but was not involved in sports matters.¹⁹⁷ Nevertheless, the only current general counsel to have worked at Skadden Arps is Miami Marlins General Counsel Ashwin Krishnan, who was a summer associate at the firm in 2008.¹⁹⁸

Table 10: Prior Experience at Firms Practicing Sports Law

	NFL	MLB	NBA	NHL	Total
Akin Gump Strauss Hauer & Feld LLP	1	0	0	0	1
Covington & Burling LLP	1	0	0	0	1
Foley & Lardner LLP	0	1	0	0	1
Kirkland & Ellis LLP	0	1	1	0	2
Latham & Watkins LLP	1	2	1	0	4
Paul, Weiss, Rifkind, Wharton & Garrison LLP	0	0	0	1	1
Proskauer Rose LLP	2	0	3	1	6
Skadden, Arps, Slate, Meagher & Flom LLP	0	1	0	0	1
Total	5	5	5	2	17

¹⁹⁶ John Lombardo, *Forty Under 40: David Weiss*, SPORTS BUS. J. (Apr. 4, 2016), <http://www.sportsbusinessdaily.com/Journal/Issues/2016/04/04/Forty-Under-40/David-Weiss.aspx>. [<https://perma.cc/WYN4-JMQV>].

¹⁹⁷ Dubin, *supra* note 139.

¹⁹⁸ Krishnan, *supra* note 168.

In considering the above data, it is helpful to remember that while the firms listed above do have international offices, they are predominantly American law firms. Thus, it would not necessarily be expected that individuals working at these law firms would go on to become the general counsel for one of the nine Canadian sports clubs.¹⁹⁹ Thus, if we remove the nine Canadian clubs from the calculus, we see that 16.3% of the general counsels previously worked at one of the major sports law firms.²⁰⁰ While this percentage is fairly substantial, the data nonetheless shows that the alumni of these prominent law firms do not control the market for general counsel positions with professional sports clubs. Instead, as discussed in Section IV.B.3, a more telling statistic appears to be the qualification that a general counsel had previously worked at a law firm of at least 101 attorneys, which includes all of the firms practicing sports law discussed above.

5. League Office Experience

It makes sense that part of the work experience for some general counsels would be time having worked in the league's office. There, the future general counsel would have gained familiarity and experience handling many of the legal issues important to the league and clubs.

Similarly, experience in a league office other than the league in which the general counsel currently works can also be helpful. For example, an NBA general counsel might have worked in the NFL league office. This too makes sense. In Section IV.B.4 we discussed the law firms with the leading sports law practices. That discussion also revealed that the sports leagues often rely on the same law firms, in particular Proskauer

¹⁹⁹ The Canadian sports clubs are: Toronto Blue Jays (MLB); Toronto Raptors (NBA); Calgary Flames (NHL); Edmonton Oilers (NHL); Montreal Canadiens (NHL); Ottawa Senators (NHL); Toronto Maple Leafs (NHL); Vancouver Canucks (NHL); and, Winnipeg Jets (NHL). *Canada's Major-league Professional Sports Teams*, ROUGH GUIDES, <https://www.roughguides.com/destinations/north-america/canada/spectator-sports/canadas-major-league-professional-sports-teams/> (last visited Feb. 22, 2017).

²⁰⁰ This statistic is calculated by dividing 17 by 104. 104 equals the 113 clubs less the 9 Canadian clubs.

Rose and Skadden Arps. In this respect, there is a community of shared legal interests and perspectives among the leagues and their clubs. Consequently, it is not surprising that some club general counsels previously worked at a league office in a different sport.

Table 11 shows the number of general counsels in each league that have previously worked at one of the offices of either the NFL, MLB, NBA, or NHL.

Table 11: League Office Experience

	NFL General Counsel s	MLB General Counsel s	NBA General Counsel s	NHL General Counsel s	Total
Experience at NFL	5	0	0	1	6
Experience at MLB	0	1	0	0	1
Experience at NBA	1	1	0	0	2
Experience at NHL	1	0	0	0	1
Total	7	2	0	1	10

The above data shows that only 8.8% (10/113) of general counsels spent at least some time working in a league office. Thus, while it can obviously help, having worked for a professional sports league does not appear to be significantly important in advancing to the role of general counsel. Though, also note that seven out of thirty NFL general counsels (23.3%) did work in a league office.

Four of the general counsels took the interesting path of having worked in the league office in one sport, and then becoming general counsel for a club in another sport. Those individuals are: Myles Pistorius of the Miami Dolphins, who was an executive for the NBA for 15 years before joining the

Dolphins in 2015;²⁰¹ Ted Tywang of the Cleveland Browns who was a legal intern at the NHL;²⁰² Miami Marlins General Counsel Ashwin Krishnan who interned at the NBA while an undergraduate at Harvard;²⁰³ and, Gregg Brandon of the Buffalo Bills and Sabres, who clerked at the NFL while attending law school.²⁰⁴

Six general counsels previously worked at the league offices for the sports played by their current employer: Brandon Etheridge of the Baltimore Ravens;²⁰⁵ Gregg Brandon of the Buffalo Bills;²⁰⁶ Ted Tywang of the Cleveland Browns; Ed Policy of the Green Bay Packers;²⁰⁷ Hannah Gordon of the San Francisco 49ers;²⁰⁸ and, John Westhoff of the Detroit Tigers.²⁰⁹

6. Experience as Associate Counsel

In this Section, we have examined some of the possible steps that have led to becoming a general counsel. One logical step would be the position directly underneath a general counsel, that of an associate counsel. These individuals, who can also

²⁰¹ Chris Perkins, *Dolphins Hire Myles Pistorius as New Chief Lawyer*, SUN SENTINEL (June 18, 2015, 3:04 PM), <http://www.sun-sentinel.com/sports/miami-dolphins/sfl-dolphins-hire-myles-pistorius-as-senior-vp-general-counsel-20150618-story.html> [<https://perma.cc/U3J6-VSDF>].

²⁰² Ted Tywang, LINKEDIN, <https://www.linkedin.com/in/ted-tywang-43915414/> (last visited Feb. 28, 2017).

²⁰³ Krishnan, *supra* note 168.

²⁰⁴ Gregg G. Brandon, LINKEDIN, <https://www.linkedin.com/in/gregg-g-brandon-5563974> [<https://perma.cc/4TUA-TF2X>] (last visited Jan. 14, 2016).

²⁰⁵ Ravens Hire General Counsel Brandon Etheridge, BALTIMORE RAVENS (Sept. 14, 2016), <http://www.baltimoreravens.com/news/article-1/Ravens-Hire-General-Counsel-Brandon-Etheridge/0c65958f-889d-49b1-b013-87e007d2cf78>.

²⁰⁶ Brandon, *supra* note 204.

²⁰⁷ Ed Policy, GREEN BAY PACKERS, <http://www.packers.com/team/staff/policy-ed/ba047611-d232-4f82-a6e3-6a67732c47fc> [<https://perma.cc/86U5-VYMZ>] (last visited Jan. 18, 2017).

²⁰⁸ Gordon, *supra* note 140.

²⁰⁹ John Westhoff, DETROIT TIGERS, http://detroit.tigers.mlb.com/det/team/team_frontoffice_bio.jsp?loc=john_westhoff [<https://perma.cc/HJT4-ZDDW>] (last visited Jan. 18, 2017).

have a variety of titles, perform in-house legal services for the club but would be under the supervision and direction of the general counsel or another club executive. Table 12 shows how many general counsels spent time as associate counsel for a professional sports club before becoming general counsel.

Table 12: Experience as Associate Counsel

	NFL General Counsels	MLB General Counsels	NBA General Counsels	NHL General Counsels	Total
For an NFL Club	5	0	1	0	6
For a MLB Club	1	5	0	0	6
For an NBA Club	0	1	3	0	4
For an NHL Club	0	0	0	3	3
Total	6	6	4	3	19

The above data shows that while being an associate counsel is a useful career path to becoming a general counsel, it is far from a prerequisite. The fact that only 16.8% (19/113) of general counsels previously worked as an associate counsel might also be attributed to the fact that the associate counsel position is one of more recent usage. For many years, sports clubs subsisted on one or no in-house counsel, but the increasing complexity of sports clubs' operations has necessitated more in-house attorneys.

Perhaps the most interesting portion of this data are the three individuals that were associate counsel for a club in one sport before becoming general counsel for a club in another sport: David Cohen of the Tampa Bay Buccaneers who was

previously Director, Legal Affairs and Risk Management for the Los Angeles Angels;²¹⁰ Nona Lee of the Arizona Diamondbacks who was previously Associate General Counsel for the Phoenix Suns;²¹¹ and, Joe Pierce of the Charlotte Hornets who was previously Associate General Counsel of the Jacksonville Jaguars.²¹²

CONCLUSION

One of the principal purposes of this Article was to better understand the career paths that tend to lead to an individual being the general counsel of a professional sports club. An ideal method for collecting this data would be through surveys completed by the general counsels. While we recommend such research be done, we recognize that it would be challenging to obtain that type of access and cooperation. Thus, we believe this Article provides important and previously unknown data. In the Article, we examined a variety of different experiences and qualifications which we hypothesized might match the experiences of general counsels. Generally speaking, our research has not elucidated any one or two clear paths to becoming a general counsel. Nevertheless, we think our analysis has elucidated three themes.

First, prestige matters. This is not a novel conclusion concerning the legal industry but it nonetheless holds true in the sports law industry as well. Ultimately, if you want a highly-respected and highly-paid legal position – which includes being general counsel of a sports club – it helps to have attended a top law school and to then have worked at a top law firm. fifty-two general counsels (49.5%) attended a law school currently ranked in the top 25 and seventy-five of them (66.4%) previously worked at a law firm of at least 101 attorneys. These law schools and law firms tend to attract high quality students and lawyers and it is thus not surprising that sports clubs would gravitate towards individuals with such resumes.

²¹⁰ *David Cohen*, LINKEDIN, <https://www.linkedin.com/in/davidcohenesq/> (last visited Feb. 28, 2017).

²¹¹ *Nona Lee*, LINKEDIN, <https://www.linkedin.com/in/nona-lee-087114a9> [<https://perma.cc/3RJP-AQPR>] (last visited Jan. 14, 2017).

²¹² *Joe Pierce*, LINKEDIN, <https://www.linkedin.com/in/joe-pierce-2333882> [<https://perma.cc/7W2G-K8JN>] (last visited Jan. 14, 2017).

Second, prior experience at a league office or at a major sports law firm helps, but is not essential. Only seventeen general counsels (15.0%) previously worked at a law firm with a substantial sports law practice (Table 10), and only ten (8.8%) previously worked at a league office (Table 11). Undoubtedly the general counsels who worked in these positions gained important experience and contacts, but there are still many other paths to becoming a general counsel.

Third, more gender and racial diversity is needed in the roster of general counsels. Only twenty-one (18.6%) of general counsels are female and only sixteen (14.1%) are non-white. Sadly, these racial demographics generally match those of lawyers nationwide. The proportion of female general counsels nevertheless is substantially less than the thirty-six percent of all lawyers that are female. While improvement is needed in these areas in the legal industry generally, the sports industry should seek to lead in diversity given the racial diversity of its player populations²¹³ and its prominent status in many aspects of American culture.

In closing, we hope that this Article sheds light on an important role in the sports and legal industries, and provides

²¹³ See Richard Lapchick & Angelica Guiao, *The 2015 Racial and Gender Report Card: National Basketball Association*, INST. FOR DIVERSITY & ETHICS SPORT (July 1, 2015), <https://nebula.wsimg.com/6e1489cc3560e1e1a2fa88e3030f5149?AccessKeyId=DAC3A56D8FB782449D2A&disposition=0&alloworigin=1> [<https://perma.cc/Y6ER-VDS6>] (discussing the racial populations of players in the NBA); Richard Lapchick, *The 2016 Racial and Gender Report Card: Major League Baseball*, INST. FOR DIVERSITY & ETHICS SPORT (Apr. 20, 2016), <https://nebula.wsimg.com/811d6cc2d0b42f3ff087ac2cb690ebeb?AccessKeyId=DAC3A56D8FB782449D2A&disposition=0&alloworigin=1> [<https://perma.cc/XD6K-KJ25>] (discussing racial populations of players in MLB); Richard Lapchick & Leroy Robinson, *The 2015 Racial and Gender Report Card: National Football League*, INST. FOR DIVERSITY & ETHICS SPORT (Sept. 10, 2015), <https://nebula.wsimg.com/91f862c7e055dd1842f9ceb52428ae2c?AccessKeyId=DAC3A56D8FB782449D2A&disposition=0&alloworigin=1> [<https://perma.cc/95YQ-UDRF>] (discussing the racial population of players in the NFL); To note, no such racial and gender report card has been generated for NHL personnel and players.

guidance for those who seek to aspire to such heights.
