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February 22, 2008



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Manatt Formalizes Its Sports Law Practice

By [Bill Heberer](#) and [Ron Katz](#), Co-Chairs of Manatt's Sports Law Practice Group

We welcome you to the inaugural edition of *ManattSports*, the newsletter of the Sports Law Practice Group of Manatt, Phelps & Phillips, LLP. Behind every athlete's or sports team's highly public endeavors is a multi-billion dollar business infrastructure that operates in complex and specialized ways. It's a world where business judgment, public policy advocacy and legal skill are essential to unique sports marketing and athletic endeavors. Manatt understands this world and provides athletes, sports leagues, universities, public sports authorities, corporate sponsors, and other wide-ranging industry stakeholders and participants with practical counsel that is custom-tailored to their needs and protects their interests.

Manatt has been actively engaged in sports law for decades, and we have now decided to formalize that practice. With full-service offices in the sports and media capitals of New York and Los Angeles, our firm excels in the spotlight of the big leagues, and has represented professional sports leagues and clients like a major national amateur organization and a premier National Basketball Association franchise. Manatt's Sports Law Practice Group includes lawyers who use capabilities recognized by Chambers USA and The Best Lawyers in America to counsel athletes such as a world-renowned professional golfer and a high-profile former world

SPORTS LAW PRACTICE GROUP CO-CHAIRS

William M. Heberer

Partner
wheberer@manatt.com
212.790.4566

Ronald S. Katz

Partner
rkatz@manatt.com
650.812.1346

NEWSLETTER EDITORS

Jeffrey J. Lokey

Partner
jlokey@manatt.com
650.812.1385

Benjamin G. Shatz

Counsel
bshatz@manatt.com
310.312.4383

Ryan S. Hilbert

Associate
rhilbert@manatt.com
650.812.1347

OUR PRACTICE

Behind every athlete's or sports team's highly public endeavors is a multi-billion dollar business infrastructure that operates in complex and specialized ways. It's a world where business judgment, public policy advocacy and legal skill are essential support for unique sports marketing and athletic endeavors. ... [more](#)

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heavyweight champion. Additionally, Manatt has an unsurpassed advertising, sponsorship and marketing law capability that regularly deals with multi-million dollar sponsorship agreements, leading cable and broadcast sports networks and programming, and other sports media giants. Further areas in which Manatt maintains unique expertise include sweepstakes and promotions, personal representation, public policy advocacy, Internet and gaming, facility work and finance.

In this issue and coming issues, *ManattSports* will deliver analysis of the most current and hotly disputed industry issues, as well as spotlight the various successes to which our practitioners have contributed. We hope you enjoy *ManattSports* and welcome your thoughts on issues and topics you would like to see addressed. This first issue focuses on drugs and sports, which has moved off of the sports page and onto the front page. As you will see from the accompanying article, Manatt is on the forefront of this subject. Next month we will focus on soccer and Manatt's projects and plans relating to the 2010 World Cup in South Africa and the 2014 World Cup in Brazil.

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Manatt's Sports Practice Group Hosts Anti-Doping Experts

By [Benjamin G. Shatz](#), Co-Editor of *ManattSports*

Manatt's Sports Practice Group began 2008 with a January 11 program titled "The Legal Problems of Drugs in Sports." The program's three guest panelists are world leaders in their respective fields:

- Jeffrey G. Benz, of AVP Pro Beach Volleyball, is a member of the arbitration panel for the Court of Arbitration for Sport, as well as a board member of the Sports Lawyers Association and National Sports Law Institute.
- Howard L. Jacobs is an internationally recognized attorney who has represented dozens of athletes in doping cases, including Floyd Landis.
- Don H. Catlin, M.D., a former UCLA professor of molecular and medical pharmacology, is President and CEO of Anti-Doping Research, Inc. Dr. Catlin has been involved in the anti-doping detection field since the 1984 Los Angeles Olympic Games and has developed testing protocols for many sports organizations. He developed the carbon isotope ratio test used in the

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Floyd Landis case, and has performed analytic work on the BALCO investigation substances. Currently he chairs the International Olympic Committee's Medicine & Science Commission and serves on the World Anti-Doping Agency's Medicine & Science Committee.

During the two-hour program, each panelist discussed his personal involvement in the development of anti-doping law and practice. Topics covered included anti-doping testing processes, procedures for charging athletes with violations, the burden of proof at arbitrations, the Floyd Landis case in particular, and the Mitchell Report on doping in Major League Baseball. The audience of over 80 lawyers also posed questions to the panelists on broader questions surrounding the history and future of drug testing in athletics.

Jeff Benz moderated the program through questions designed to address the topics chronologically from initial testing through investigation, arbitration and then appeal. Don Catlin explained that athlete urine samples are ideally taken at random times and sent to his lab. The samples are split in half, one portion becoming the "A" sample used for testing and the other becoming the "B" sample stored for backup purposes. There are only about 30 labs worldwide that are accredited for such testing. The lab samples have no information that reveals the athlete's identity, so the labs do not know whose sample they are testing. If a test returns a positive result in a sample, the sports league or governing body of the sport is notified. The consequences of that result depend on what drug was detected and what sports league or agency is involved. An athlete may be notified and charges brought.

Howard Jacobs described his experiences with the arbitration process. In approximately two-thirds of his cases, the athletes chose to focus on disputing the severity of the penalty imposed rather than the positive test results. The panelists discussed how samples can test positive through contamination. In particular, the ubiquitous "supplements" that athletes consume may be responsible for positive test results. Mr. Jacobs encourages his clients to keep accurate records and, if possible, samples of the supplements they take. Other possible defenses taken by athletes include challenges to sample collection methods or the sample's chain of custody, as well as alleging errors in the testing protocols. Such challenges are often difficult to demonstrate or otherwise fail to exonerate the athlete. For instance, in the Floyd Landis matter, the athlete was able to demonstrate flaws in the testing system, yet still did not prevail at arbitration.

The program was accompanied by extensive handout materials including: (1) the World Anti-Doping Agency's Anti-Doping Code; (2) a list of prohibited substances and methods; (3) the U.S. Anti-Doping Agency's protocols; (4) the U.S. Olympic Committee's National Anti-Doping policies; and (5) the Court of Arbitration for Sport's statutes and rules. Copies of these materials and other information about this program are available by contacting Manatt's Sports Practice Group.

It is clear that the topic of drugs and sport is going to become much more significant in the near future than it already is. As more cases go through sports-related organizations that are not set up to render due process, it is likely that civil court systems will become more involved.



From left, Howard Jacobs, Sports Attorney; [Ron Katz](#), Co-Chairman of Manatt's Sports Law Practice Group; Dr. Don Catlin, CEO Anti-Doping Research, Inc.; and Jeff Benz, AVP Pro Beach Volleyball.

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