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Current Sports Law Issues — Concussions, Steroids, and the Use of Player Images

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Last Thursday, September 16, Manatt was the Gold Sponsor of the 2010 Sports Law Symposium at Santa Clara Law School. More than 200 lawyers, law students, and sports business professionals attended the day-long symposium that primarily addressed three cutting-edge legal issues: concussions, drug use, and the use of athlete images.

Keynote Speaker. The concussions panel began with keynote speaker **Alan Schwarz**, *The New York Times* reporter whose investigative journalism exposed the connection between concussions and early-onset dementia in athletes. Mr. Schwarz's articles form an important part of the national discussion on this issue and have led to congressional hearings and policy changes by the NFL. His presentation outlined the history of his investigations and his statistical analysis demonstrating the problem. It included heart-rending videotaped footage of the effects of dementia on former players.

The keynote luncheon speaker was **William Neukom**, Managing Partner of the San Francisco Giants and former President of the American Bar Association. The charismatic Mr. Neukom described "the Giants' Way" — his vision and management strategy for operating the Giants as a successful professional baseball team as well as a valuable contributor to the Bay Area community generally, through entertainment, education, and public service. His inspiring comments married his devout love of the game with best-practices business and sports management acumen. Accompanying this article is a picture of Mr. Neukom being introduced by the Chair of Manatt's Sports Law Practice Group, Ron Katz.

Concussions. The concussions panel was comprised of football legend Jim Brown, former NFL player Ben Lynch, former San Francisco 49ers team physician Michael Dillingham, workers' compensation attorney John Hogan, sociologist Harry Edwards, and Manatt lawyer Craig de Recat. Jim Brown provided historical perspective and criticized the NFL for ignoring the issue until now. Brown also praised the National Hockey League for its attention to concussions, which segued nicely into a presentation by Anaheim Ducks CEO Michael Schulman and San Jose Sharks General Counsel Don Gralnek that included video explanations of legal versus illegal hits for the current season.

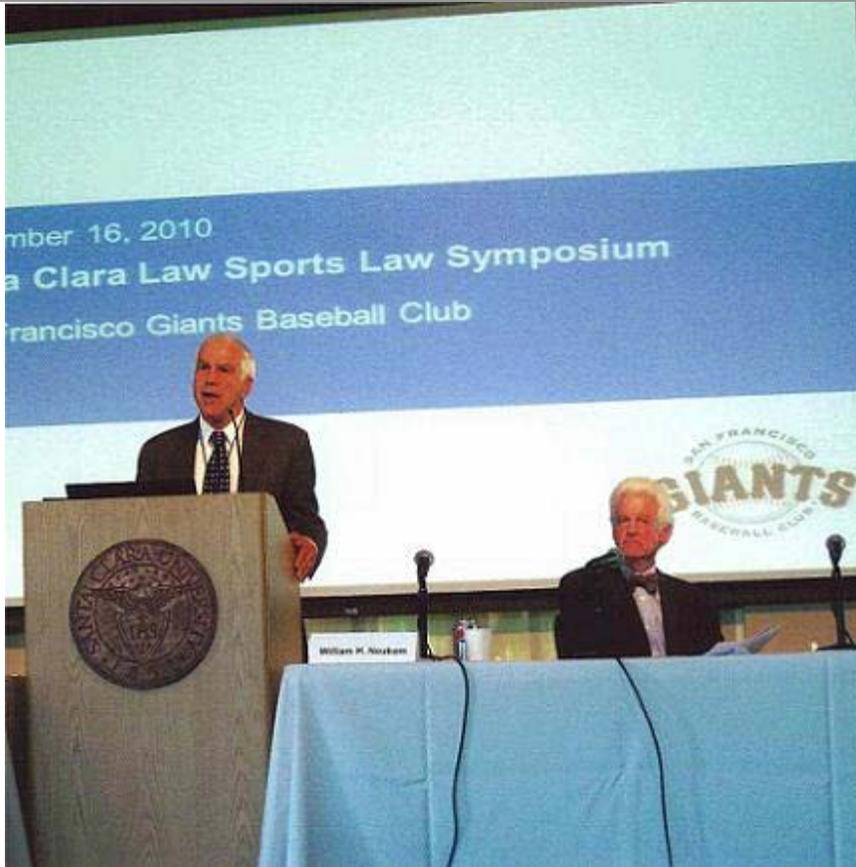
Performance-Enhancing Drugs. The vexing issue of drug use by athletes raises legal and moral issues debated in courtrooms and Congress. Manatt Sports Practice Group leader Ron Katz led a panel exploring these questions that included Maurice Suh (Floyd Landis's lawyer), former U.S.O.C. General Counsel Jeffrey Benz, medical doctor and researcher Don Catlin — a founder of modern drug-testing in sport, including the U.C.L.A. Olympic Analytical Laboratory — Michael Dillingham, and athletes Jim Brown and Ben Lynch.

Use of Athlete Images. Manatt attorney Mark Lee, an expert in right-of-publicity law, moderated a panel of lawyers representing various parties in precedent-setting litigation involving rights to use athlete images. In addition to publicity rights, these cases involve antitrust law, contract law, questions of fiduciary duty, and First Amendment privileges.

Amateurism. The symposium concluded with a panel on amateurism, i.e., how the three major issues discussed throughout the day applied to college and Olympic athletics. Highlights of this panel, which was also moderated by Ron Katz, included a presentation by Elsa Cole, former General Counsel of the NCAA, about the origins of amateurism in the NCAA, an entertaining and insightful view of the "Collegiate Athletic Arms Race" by Professor Emeritus Harry Edwards of U.C. Berkeley, and a first-hand look of the current state of the NCAA by Santa Clara Athletic Director Dan Coonan.

Reporters from various news outlets covered the symposium, and an ESPN article is available by clicking [here](#).

Videos of the presentations of Alan Schwarz and Bill Neukom will be available shortly. If you would like to receive a copy, email a request to rkatz@manatt.com.



Ron Katz, Chairman of Manatt's Sports Law Practice Group, introducing Bill Neukom, Managing Partner of the San Francisco Giants, at the recent Santa Clara Law School Sports Law Symposium, of which Manatt was the principal sponsor.

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