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An Inside Look at the World of Agents: Past Present, and Future: Panels 1 & 3

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Jeffrey S. Moorad Sports Law Journal Symposium

AN INSIDE LOOK AT THE WORLD OF AGENTS: PAST,
PRESENT, AND FUTURE: PANELS 1 & 3.

Panel 1

INTERVIEWER: ANDREW BRANDT;
PANELISTS: DAVID CORNWELL AND DAVID FEHER

Panel 3

INTERVIEWERS ANDREW BRANDT & JEFFREY MOORAD;
PANELISTS: TOM CONDON, LEIGH STEINBERG,
AND ARN TELLEM

The 2014 Jeffrey S. Moorad Sports Law Journal Symposium – *An Inside Look at the World of Agents: Past, Present and Future* – provides a 360 degree analysis of the sports agent world. From the cut-throat nature of the business to future challenges ahead, this behind-the-scenes look at one of the most competitive careers was a must-see event for anyone interested in the business of sports.

Director of the Jeffrey S. Moorad Center for the Study of Sports Law, Andrew Brandt, interviews the agents for some of professional sports' biggest names. The topics discussed include Major League Baseball's Biogenesis scandal, hostile work environments in the National Football League, and social progress in the National Basketball Association.¹

Panel 1: The State of Sports Law

Andrew Brandt: Thank you, and welcome. It's going to be a very conversational day, so I'm going to be in this comfortable chair all day, talking to a variety of guests that I hope you find interesting, informative, educational, and I'm sure, entertaining. We're really blessed today to have a lineup that is unique; I've done a lot of symposiums both as moderator and panelist, and I've never seen a lineup like this, if I do say so myself, and hopefully we'll have a great day. And again, I appreciate the leadership of John Gotanda

1. For a video recording of the interview, see Villanova University, *The Jeffrey S. Moorad Sports Law Journal Annual Symposium 2014*, available at <http://vums-web.villanova.edu/Mediasite/Play/6cc0d30c88e7448da5785bf47c8736871d>.

and Jeff Moorad and this Center, and I appreciate Jeff's introduction. Many of you know me from here, some of you know me from ESPN, some know me from Sports Illustrated, but I think everyone knows me from Twitter; I'm a very active social media person. And this is also being live-streamed, and WestLaw is streaming this, so it's quite an event, and welcome. No better way to start it than with our lead-off guest. Along with Jeff and myself and this gentleman, we may be three of the only people to have worked on both the player side and the team side. And my first guest here has worked on both. We go way back, growing up together in Washington, D.C. and going to law school together, not here, but at Georgetown Law. Please give a warm welcome to David Cornwell.

This is a name that's been quite in the news, not only this year, but in past years. He has become the go-to guy for players with issues: players with issues with leagues, with teams, with all kinds of things, which I'm sure he could go on about for hours. We only have a little bit of time, so we'll talk about two of the bigger issues this year that David was involved in that obviously got great attention in the news. But I don't think anyone's got the opportunity to sit down with him and talk in this setting.

Let's start. Alex Rodriguez: one of the biggest names in all of sports, maybe the biggest name in baseball. Suspensions come down from the Biogenesis scandal, twelve games here, fifty games here, fifty games here, fifty games here.² All of them accept their punishment, except for Alex Rodriguez, an incredible two hundred twelve game suspension.³ Let's start: where did you get involved, and when, and how?

David Cornwell: Good morning. One group I think we should acknowledge is the student volunteers, you've done a great job here – very gracious and helpful, thank you very much.

I was already involved in the Biogenesis matter representing two players. One who tested positive, Yasmani Grandal, and another, Francisco Cervelli, who was confronting, as was Alex, discipline for a non-analytical positive. When Major League Baseball

2. Alex Rodriguez, the New York Yankees' third-baseman, was one of thirteen players suspended from Major League Baseball for using performance enhancing drugs supplied by Biogenesis, a clinic in South Florida. See Steve Eder, *Arbitrator's Ruling Banishes the Yankees' Alex Rodriguez for a Season*, N.Y. TIMES at A1, Jan. 11, 2014, available at <http://www.nytimes.com/2014/01/12/sports/baseball/arbitrators-ruling-banishes-the-yankees-alex-rodriguez-for-a-season.html>.

3. Rodriguez's suspension was reduced from 211 games to 162 games in January 2014. See Wallace Matthews, *Alex Rodriguez Drops Lawsuits*, ESPN.COM (Feb. 8, 2014, 3:21 PM), www.espn.go.com/new-york/mlb/story/_/id/10420424/alex-rodriguez-new-york-yankees-withdraws-lawsuit-overturn-suspension.

filed the lawsuit against Biogenesis, I was pretty vocal about what I thought the union needed to do to move to dismiss that case, and received a call from a mutual acquaintance of Alex's and mine to get involved in the case. And as lawyers and in symposia like this, I think it's important for us to be provocative, because that's what lawyers should do. We should challenge the conventional wisdom of things. And I think as a lawyer you don't have to go much further than the concept of something being "non-analytical." A non-analytical positive, imagine that. We accept something that's not analytical as being conclusive. In my view, the science has evolved to the point where if someone tests positive, at least from a scientific perspective, you can be pretty certain that the substance was in their body. And in my view, if you're going to be subjected to the same discipline that you would be for a positive, then a non-analytical positive must be accompanied by some level of proof that matches the scientific certainty that we get from a scientific positive. So that was a major focus of mine, as was the tactics used by baseball to establish the likelihood of use.

You know, not all cases are the same and ultimately you have to play the hand that you're dealt. We used an approach in Alex's case and his appeal that has, frankly, been the source of well-deserved criticism. I think that the scorched-earth approach is kind of swinging for the fences, and if you miss, you miss. And looking back on it, I think, honestly, we'd have to admit that we missed. Even though we ended up getting the 211 [game suspension] knocked down to 162 game suspension, which saved Alex basically \$6 million. I think that we could have done better with a different approach, but hindsight is 20-20.

Andrew Brandt: Can you define further your scorched-earth approach? What did you mean?

David Cornwell: Were you paying attention?

Andrew Brandt: You mean a PR assault on Major League Baseball? A PR assault on the Commissioner?

David Cornwell: Look, one way to characterize the strategy was to scratch the Commissioner's eyes out and kick the Yankees in the shin. We didn't get much out of it; we got a lot of PR. But in terms of the substance of the case and what was going on in the room – I think we had a total of 11 days of hearings – looking back on it I don't think that we gave Arbitrator Horowitz (Fred Horowitz, who was the Neutral), I don't think we gave him sufficient pegs to hang his hat on. By that I mean, as lawyers, if you're arguing for a particular result you have to give the trier of fact some rationale to em-

brace your conclusion, and that requires something more than saying it over and over again. And looking back on it, I'm not sure that we gave Fred good reasons to come to our side.

Andrew Brandt: Two things from the hearing – the arbitration you speak of. If you could address, number one, Alex not testifying, and number two, the histrionics of him leaving the hearing when, I believe, if I'm right, he was told Bud Selig would not be forced to testify. Your strategies there?

David Cornwell: Well, I'm not sure storming out was a strategy. We felt that as the author of the disciplinary letter and the ultimate decision maker, or as President Bush would say, "The Decider," we should have the opportunity to cross examine the Commissioner on the rationale, one, with respect to the discipline at all, and two, the level of discipline. And our thinking was supported when Rob Manfred testified (the COO of Baseball), and basically as witnesses sometimes do, lay a lot of the rationale at the Commissioner's feet. So I thought that opened the door for the Commissioner to testify, but the panel ruled against us and the morning that Arbitrator Horowitz announced the decision, Alex reacted and stormed out of the room and didn't participate in the hearing any longer. But you can understand – imagine you're facing the greatest or largest suspension in the history of the game, given all the focus on Alex, and then the underlying issue of Performance Enhancing Substances, I can understand why a man would want to confront his accuser and demand that the attorneys that he had hired to represent his interests have the opportunity to question his accuser. So I understand Alex's reaction.

Andrew Brandt: When that happened, did you try pull him back, simmer down, bring it back to reason, or did you watch him leave?

David Cornwell: That's a great question. You must be on TV. We had probably 22 people in the room – a huge room with a U-shaped table. And across the table was the panel – three arbitrators, we were sitting on this side, and Major League Baseball and their attorneys were on the other side, so we were the furthest away from the wall. I was sitting to Alex's right, and he listened; I was focused on the panel and Alex was sitting to my left, and he slammed the table. Scared the blank out of me. And he got up and he stormed out. And I'm not sure what happened next because I got up and followed him. And we were probably in our breakout room for – it seemed like an eternity – but maybe five to ten minutes before the other lawyers came in and took a break. I now

know from reading the transcript that the others stayed in the room to make a record. My initial impulse was simply to go with my client.

Andrew Brandt: And decision not to testify?

David Cornwell: I don't think there was a lot to be gained by his testimony, and potentially a lot to be lost by his testimony. So we felt that the issues we had raised about the authenticity of the notebooks, the entries, the inconsistencies that we were able to point out that clearly indicated, in my view, that if they hadn't been doctored, they certainly had been created with the view towards some evidentiary use, or maybe he was going to write a book, I don't know what Bosch was thinking.

We had created substantial doubt as well as the issues that Major League Baseball did not cover with their various issues. My view was that we would be able to demonstrate that they didn't carry their burden of establishing a strong basis for discipline, so it wasn't necessary for him to testify.

Andrew Brandt: So Alex Rodriguez will miss the 2014 season, correct?

David Cornwell: Absolutely, correct.

Andrew Brandt: And return a year from now.

David Cornwell: Spring training for the 2015 championship season.

Andrew Brandt: And what is your own, in a situation like that, I think a lot of people are curious, what is your ongoing involvement with a client like that?

David Cornwell: Trying to get paid.

Andrew Brandt: I think everyone can relate to that.

David Cornwell: It will be interesting to see because I'm blessed with the opportunity to work with these men in situations that not only are very impactful in their careers, they're very impactful in their lives. So Leigh and Jeff used to talk about, in the days when we worked together, the bonding process. How you bond with your clients. And when you go through something as extraordinary as this, you bond with your clients. So it will be interesting because we certainly have a bond among the lawyers for what we were doing. It will be interesting to see if that bond holds up. There were times when we would spend 17 hours together, starting at 8:30 in the morning, then after the hearing we'd end up at Reed Smith's offices in a row of conference rooms meeting with associates and partners and the client, and others. It's like a family. You

get sick of each other but you're also bonded in a way that will probably endure.

Andrew Brandt: What we see of Alex Rodriguez seems very scripted. You're saying you got to know him spending 17 hours a day together. You want to share any insights to him as a person?

David Cornwell: Sure. I think my first extended meeting with Alex was in Tampa. We went to PF Chang's at a mall in Tampa and we probably sat together for four or five hours, and I watched the public persona peel away, fall away, and that was interesting to me, but I didn't know what to make of it. Then I flew back and we spent a whole day together, and Alex is a very talented, insightful, intelligent, likeable man. And based on that conclusion I walked away from that second meeting feeling sympathetic or sorry for him because I had a sense that that guy was hidden, that guy couldn't come out. He had to be cautious about people knowing who that guy is. And given the controversy that swirls around Alex the baseball player I think that in this next phase of his life he would do well in letting that guy be the guy that we all see.

Andrew Brandt: What's he going to do this year?

David Cornwell: Regroup. Get healthy. This guy, \$200 million to play a game. And he has had a torn labrum in one of his hips, and then he had a torn labrum in the other hip. Thirty-seven years old at the time I think, running around on the baseball field trying to get well so he could get back with "my guys," is what he would say. So I think being away from the game, if he can be, being away from the public eye, if he can be, would do him well to recharge his batteries and perhaps give a chance for "that guy" to rise to the top.

Andrew Brandt: Thanks for sharing. Moving to the other big issue of the year: your name is associated with – those of you who followed, I'm sure everyone did, what's been called Bullygate down in Miami, the situation involving Richie Incognito and Jonathan Martin, what Jonathan Martin was moved to such despair that he left the team.⁴ Thus began the inquiry that led to a four month investigation by the NFL, and as David will talk about, another investigation by the NFLPA, into what happened, into workplace conduct, into workplace safety, harassment, and even a national

4. During the 2013 season, Miami Dolphins offensive lineman Richie Incognito harassed teammate Jonathan Martin and other team personnel with racial and homophobic slurs, resulting in an NFL investigation into workplace bullying. See Gregg Rosenthal, *Summary of Ted Wells Report on Miami Dolphins*, NFL.COM (Feb. 14, 2014, 6:41 PM), <http://www.nfl.com/news/story/0ap2000000325899/article/summary-of-ted-wells-report-on-miami-dolphins>.

discussion of bullying that we heard not only on sports programs, but on Good Morning America, CNN, et cetera. David is the representative for Jonathan Martin, the player that was bullied, the player that was treated so poorly, as came out in the now-famous Wells report, from the Dolphins experience. Take us inside that. How did you come to represent Jonathan Martin, how did you find the investigations to deal with, and he seems to be in a better place now?

David Cornwell: On a Sunday, I was driving back, I went out to Hilton Head for the weekend, and Rick Smith is an agent with Priority Sports out of Chicago, Kenny Zuckerman is also Jonathan's agent and he's in L.A., and I was driving back listening to Bach, instead of 2-Pac, and Rick Smith called and started going on about what Jonathan had experienced and what had happened, and like most of you, I think in that call, I was stuck on three things – black man, 310, 6'5" – four things: bullied. It just didn't fit. So we talked about it and I guess I had a conference call with his mother the next day about what was going on. There wasn't a lot of law going on in this as much as there was managing a lot of moving parts.

As lawyers, I think we have to very early in the process of getting a case make an assessment of what our objectives are, and very quickly in the process my objective was to preserve Jonathan's options, including, if he wanted to, to go back and play football, and given the nature of the issues, to do no harm. I got up to speed – it's not factually that complicated, and I believe it was Wednesday following the Sunday that I got the call, I think Jonathan had been gone for a few days at that point, the Dolphins opened up their locker room and allowed their players to do interviews with the press. What I call "mics under their chin." Hartline and others, Bryant McKinnie had been there long enough to have a cup of coffee and he was the one who talked the most. And the natural machismo reaction was very negative towards Jonathan. I'm generally very subdued in my media comments, but I did a press release that was pretty tough. They did that on Wednesday, and I released my press statement the next day, on Thursday. Dawn Aponte, who is one of the EVPs at the Dolphins, and Tom Garfinkel, who actually worked for Jeff at the Diamondbacks and the Padres, reached out and said they wanted to do a conference call. And we did, and Dawn was angry because of the reaction that my press release got. I told him, "Stop, stop, stop, you're picking your fight in search of a foe. I'm not trying to turn the Dolphins into an adversary, but I'll pull the curtain back. I took a bite out of your ass, and the reason I

did it is that you opened up your locker room and you let your guys take a shot at my guy. If you don't do it anymore, I won't do it anymore. If you do it again, I'll do it again. So it's really up to you." So I think we were able, out of that conference call, to ensure that we didn't necessarily have to have an adversarial relationship with the Dolphins.

I think on that night I got a call from Jeff Pash, who told me they had hired Ted Wells to do an investigation, and my reaction was that Jonathan doesn't need an investigation to tell him what happened, or to tell him how he felt, or to validate how he felt. What happened, happened, and Jonathan reacted the way he did, so I was not very enthusiastic about the report, or the investigation, to begin with, because as a lawyer, my view was my client can say what happened and that should be the end of the story. But I understood that that wasn't a practical approach, so we knew that we were going to participate in the investigation. I shared with Ted what my objectives were, and we went about, I think we hired an expert to drop all of Jonathan's text messages, probably that Sunday.

Jonathan and his mother were in Pittsburgh, so I flew up to see them, and Richie Incognito, or as I referred to him, "The Other Guy," did an interview with Jay Glazer on Fox, where he said that Jonathan, as an explanation of the nature of the relationship, Richie said, "Well, Jonathan sent me a text message where he threatened to kill my family and I didn't take it seriously." So I'm sitting with Jonathan like, what is this about? And I went through his phone, and the text was actually what's called a "meme," a picture that was comic, intended to be a joke, you can tell from the picture, a woman holding a pit bull, where it says "I'm gonna kill your whole family," and the pit bull has this silly, wild, crazy look on his face. So I had Jonathan text the picture to me. Incognito did his interview before the one o'clock kick-offs, so I waited until shortly before the four o'clock kick-offs, probably about 3:45 or so, and I tweeted the picture out with the tweet under it that said "J Marts' text to Richie Incognito – you decide." And that was another firing the shot across Richie's bow, we're not going to let somebody mischaracterize what happened. So Jay ended up, as I understand it, getting in a little trouble with his bosses. Richie clearly created the impression that one could have taken this as a serious threat against his family but for their relationship, that's just not true once you see it.

Andrew Brandt: That machismo culture you mentioned, I heard, even on shows I was on, “Oh, he should have stood up and punched him.” When you hear that, when Jonathan heard that, when his parents heard that, what was the reaction? And were you impressed, as I was, in the report, you obviously saw before I did, the despair that he reached, where he actually could not find a voice on that team to talk to, and left? And as I understand it, checked himself into a facility? Did you see that when you first met him, did you see that level of despair, and what do you think of this whole “he should have punched him”?

David Cornwell: Look – I grew up in locker rooms too, and part of me thought he should have punched him, and didn’t understand why he didn’t until I got to meet Jonathan. And I quickly reached the conclusion that punching him would have been the easy response, but standing up, raising your hand, in this culture, with the massive media coverage – a grown man, standing up, raising his hand and saying “This isn’t okay,” and walking away, took a level of strength that I don’t think I had at that age. So I saw it, and then I saw that this was a very interactive, engaging process. You have to get to know [if this] is [] a product of parenting, so you get to know the parents. Is this some hidden demon that this young man has, and if so, I want to know about it before it’s exposed on national TV or something like that. And it became very clear to me that this just was a very thoughtful young man. He majored in Classics, and my reaction was, “I didn’t know there were enough classics to major in.” Very thoughtful, but you sit down with him and he’s just a guy, a young black man enjoying life and playing in the National Football League and this was stripped from him because primarily three people determined he wasn’t black enough.

Jonathan didn’t meet the stereotype of what they expected from a young black male, and they picked on him because of it. Jonathan’s reaction was, “This is who I am, you’re not going to make me into somebody different, deal with it, and guess what – I can walk away from this and do something else.” So the strength was revealed as you get to know the process, was such that I became even more committed to protecting Jonathan’s interest. And it was a tough, tough thing, but there were cool parts to it. I think I still have the voicemail from Matt Lauer, I have no idea how he got my cell phone number, but he called to make sure I had his cell phone number. So that was pretty cool.

Andrew Brandt: We can put it up on the board: “Matt Lauer’s cell phone number.” Finishing up on Martin, as people may not

know, he was traded last week from the Dolphins to the 49ers. College coach Jim Harbaugh, from Stanford, he's in a better place. Did you think there was any way, shape, or form in God's green earth that he would stay on that team?

David Cornwell: On the Dolphins?

Andrew Brandt: On the Dolphins.

David Cornwell: Wasn't going to happen.

Andrew Brandt: Had they not traded him?

David Cornwell: Wasn't going to happen, absolutely not. Then we would have been adversaries, if they had insisted on keeping the player, then they would have had a problem with us. Jonathan needed a new start, the reaction of his teammates required that new start be somewhere else. I don't think there are any set of circumstances, or any argument given the circumstances that anyone could have made to me that would have justified him staying on that team. This overlapped with the Rodriguez hearing so one day I had the chance to go over, and I had spoken to the Commissioner a couple times, but I had the chance to go over and visit with him and Jeff Pash to talk about what was going on and where we wanted to end up, and he was very clear that he would be supportive of Jonathan resuming his career, and I made it very clear that I thought that included Jonathan being on a different team. Listen – the text messages, I wrote a note to Ted Wells recently thanking him for his professionalism because he dug into the most sensitive areas of a man's life without stripping him of his dignity or exposing him to ridicule or scorn. And there were things that we talked about candidly in Jonathan's interview with Ted Wells and that were reflected in the text messages, that I felt that if we were going to ask the Commissioner to get behind us, he needed to hear about those things from me, instead of from the media. I couldn't let Roger go out on a limb and say to me DC how come I'm finding out about this now? So I walked him through the issues and text messages and issues that arose in the context of these guys' relationship, and he understood that boys will be boys and football players will be football players, so we got that out of the way. But I don't think there was any chance. I met with Dan Nash, the lawyer for the Dolphins, and told him that I didn't expect Jonathan to be on the team next year, but if he wanted to play football, I expected him to be able to play football this year.

Andrew Brandt: And you told me last night that the Wells Report was going to refer to things like the n-word, and you wanted things like that spelled out in the Wells Report. Why?

David Cornwell: You know, Steven A talked about this on First Take, that it's odd to me as a black man that we're having a debate about what we can say to each other as black men or women and that, to take the sting out of the word "nigger," we now say "n-word." And I don't think we should take the sting out of the word "nigger." So I don't think we should say "n-word." And Ted was going to – I don't recall the reason that I was talking to him, but I had a telephone call with Ted, and he indicated that we were going to do – he was quoting some texts where the n-word was used and I said, "Whoa, what?"

He said, "You remember the text where Richie said the n-word."

So I said, "Richie didn't say 'n-word.' He said 'nigger.' And I think that it is a misrepresentation of the communication between them for you to say 'n-word' in the report."

And he said, "Your guy used some salty language and talked about some sensitive issues too."

"Go for it."

The first thing that I told Ted was that we were prepared to let the chips fall where they may, and if Jonathan was going to be judged for using some salty language, then okay, we'd live with that.

But it was not okay with me that the report take the sting out of a white man calling a black man "nigger" or "darkie" or "shine box" or referring to "shooting niggers" in a text with another white male. Richie Incognito is a weak man that derived a false sense of strength by picking on people that were physically weaker than he was. And if Richie wanted to conduct his life like that, cool, let's pull back the curtain, shine the spotlight on it, and then see how he embraced his decision making. And we saw that weak man beat up his car after trying to beat up on Jonathan on Twitter, trying to beat up on me on Twitter, and beat up on Ted Wells on Twitter. And we all endured it, and Ted issued his report and let everybody see who Richie Incognito was – truly was. And his response was to go out and beat up his Lamborghini. That tells you a lot about who Richie really is.

Andrew Brandt: Think he plays again in the NFL?

David Cornwell: I don't care. If he does, he does. If he doesn't, he doesn't. I don't know.

Andrew Brandt: Ladies and Gentlemen, David Cornwell.

Andrew Brandt: Our final third of the triumvirate about the current issues in sports law dominating the news really came up just

this week, and we are fortunate to be able to react and comment and have one of the newsmakers here with us. I saw it, I believe Monday morning, in the news all over the sports pages, an antitrust lawsuit against the NCAA.⁵ And what better time to have that come out than on the eve of the biggest business that the NCAA has, which is March Madness, the basketball tournament. That was filed by Jeffrey Kessler and Winston Strong, I called Jeff, he was unavailable, but he sent his lead partner, David Feher. Let's welcome David.

There's always been a lot of talk about the NCAA exploiting college athletes, but we've never seen something quite like this. Why now?

David Feher: I think it's time. And I think a lot of this has to do with how the public reacted to what its seen it recent years. When you look back twenty, thirty years ago, people would make offhand comments that, "Well, the NCAA is different. It's about amateurism. It's about education." And I think when you look at the headlines that have been in the papers the last number of years, it's a different world. I went to Georgetown [as an] undergraduate, I had the pleasure – tragedy – of seeing Villanova beat Georgetown in the 1985 National Championship game. Which I've said proudly was probably the greatest game ever played, and sometimes you win, sometimes you lose. But Georgetown and Villanova shared a bond being in the Big East for years and years and years, and those against Syracuse, against other Eastern schools, were part of a long tradition where the students were bound together in that experience. And then because, largely, of the pursuit of money for big-time football, the Big East as it existed before doesn't exist anymore.

There's no loyalty in NCAA sports when it comes to the pursuit of money. There's no loyalty towards the fans, there's no loyalty towards the students. It's a multibillion dollar business. And I think that people have recognized that, and I think they've recognized that the students – and I don't want to use the word students, that's not really a fair term because the NCAA and the conferences have abused that term to try and claim that athletes who are per-

5. The antitrust lawsuit's plaintiffs are basketball and football players from Clemson, Rutgers, University of Texas at El Paso, and California. The lawsuit seeks an injunction against the NCAA's regulations that cap athlete compensation and seeks individual damages for the plaintiffs. See Jerry Hinnen, *Labor Attorney Jeffrey Kessler Files Antitrust Lawsuit Vs. NCAA*, CBS SPORTS (March 17, 2014, 11:42 AM), <http://www.cbssports.com/collegefootball/eye-on-college-football/24488838/labor-attorney-jeffrey-kessler-files-antitrust-lawsuit-vs-ncaa>.

forming services and putting their bodies on the line to generate all this money, somehow should be treated as amateur students when really they're generating all of this money for other people, and calling them students instead of calling them athletes who are working hard to generate this money, that's just not fair and not right. And so what I'd say is that there's a general public recognition that, regardless of what tomorrow will be, it needs to be better than what we have today.

And the thing I'll say is – well, a couple things. First off, this has nothing to do with ideology or your views on the law as to whether you have this view or that view. I was interviewed on WABC radio, which is a pretty conservative radio station with most of its commentators, and they were incredibly supportive of what we were trying to do. A few hours later I was interviewed by Sirius Progress live radio, which is on the complete opposite end of the political spectrum, and they were incredibly supportive of what we were trying to do, in terms of the offhand remarks that people were making. And I think what this has to do with, is about something pretty basic. We're not in this out of nowhere. Jeffery and I have been counsel to the NFL Players' Association for more than twenty years, counsel to the NBA Players' Association for more than twenty years; we've been representing the interests of players for a long, long time. We're not in this to try and get a big pile of money that we're going to get some big slice of – this is an injunction class, this is not a damages class. It's about changing the system.

And what I like to say is that people look at this and they say, "Well, what's going to happen? Is this really going to be positive or not?" And my main response to that is kind of twofold: one is that we've been here before. We went through this in the early 1990s – I know for some of you that's actually maybe before you were born – because the case started in the late '80s, went to trial in 1992. But before the Freeman-McNeil trial, the NFL owned the players.⁶ They set the rules, and when they said they owned the players, they weren't shy about it. It had an unfortunate history, and people were treated badly. We had witnesses where All-Pro quarterbacks had their wives insulted to their face in the midst of contract negotiations, where the player had to break up a fight between his wife and the GM because the GM was insulting the wife in the midst of this meeting. And we had great offensive linemen who were told by their GMs, "Son, you're gonna be bagging groceries if you don't do what I tell you to do right now."

6. *McNeil v. Nat'l Football League*, 790 F. Supp. 871 (D. Minn. 1992).

It was a different world, and people said that, in that case, “Oh we can’t have competition. If we have competition for player services, then the game will fall apart.” We actually had hall of fame coaches giving testimony, showing film with offensive linemen, saying, “If we have players moving from team to team, the offensive linemen will trip all over each other and will fall on the grass, and we won’t be able to play the game!” And what happened was, we cross examined them and said, “Oh, by the way Coach, you moved from one team to another and you changed all the signals, so odds were now evens and everything was completely different, how did you do that year?” And he said, “Ten and four, made the playoffs.”

And so there was an illogic to all of the defenses, and we’ve been there before, and when we had increased competition in the NFL – we did it by the way not chaotically, but we did it with a lot of thought, with a lot of deliberation – we won in the courts, and then the NFL woke up and said, “Okay, let’s sit down and figure this out.” And we put a system in place, while it’s not perfect, and it’s not as good as it could be for the players, because no negotiated settlement is, it works reasonably well. And by the way, the way it is now, NFL revenue back in the early 90s yielded a salary cap of about \$33, \$34 million if I remember right; now it’s \$133 million this year. NFL revenues are over \$10 billion this year. It was in the nines last year. The sport is more popular than ever, actually there’s more hope for teams, because before if you were bad, you were bad almost forever.

And it’s consistent with my second point, which is that in this country, the antitrust laws aren’t some kind of technical detail. The antitrust laws are about freedom, and competition, and a belief that on the whole – and there are exceptions here and there – but on the whole competition is a good thing and it yields better results than someone dictating what the result will be.

The way it is right now, you have the NCAA, supported by the conferences, dictating rules to a ridiculous level and, tragically, where the revenues are going to people completely other than the athletes who are generating the revenues on the field. And I’m not saying the players don’t get something, because they are in effect paid right now through scholarships, but it has a cap on it, an artificial cap, where it is room, board, cost of tuition and fees, and it’s not even the full cost of attendance. There’s a phrase: “Laundry money.” And it used to be way back when that you could get laundry money, if you were going to a school on an athletic scholarship. Today, if you’ve got to put quarters in a laundry machine, you’ve

got to get them out of your own pocket. And if you come from a disadvantaged family where you don't have all that many quarters to begin with, even while you're generating massive moneys for your school, you are in effect a pauper in a normal student environment. You can't buy pizza. I remember growing up I was on scholarship, and could you afford to buy a slice of pizza that week? There were tons of [students] who are in that situation. And I wasn't generating millions upon millions of dollars for other people, and when that's happening – when t-shirts are being sold, uniforms are being sold, and most importantly, because our case isn't about intellectual property – when your services – when you put your body on the line on the field. We said in the complaint, your sweat, hard work, and sometimes broken bodies yield these revenues. It's unfair to have your compensation capped in this artificial way. It's just wrong. The antitrust laws are the charter of economic liberty, and for it to be capped this way and have all of these proceeds dedicated to other folks, it's just as wrong as can be.

Andrew Brandt: What do you guys want? What does this suit want to come out of it? Pay? Paychecks to college athletes?

David Feher: What we want is fundamental systemic change that is fairer for the athletes. As to exactly what that's going to be, or how it's going to turn out – there's a lot of mileage between here and there. In a perfect world – I can't tell you exactly what a perfect world will be – what I can tell you is there needs to be more compensation, there needs to be more competition, there needs to be a fairer system. So when you watch TV, and you see a player generating this money in this tournament, or on the football field, and their leg snaps and they can never play again, your reaction is not "Oh my god their life is over." Seriously. Because there are young men who put their bodies on the line and there isn't insurance to cover them, and it's done. Or on top of that maybe they're great college players, and their game is suited to the college but it doesn't translate to the pros, and so they generate all of this money, and then there isn't the prospect of a pro career. Or whatever happens in the pros – that's separate thing. The question is having a fairer system now for the players. And there's a lot in between here and whatever the final result will be.

And the one point I do want to make on this is that this is not about the destruction of college football; this is not about the destruction of the great revenue generating machine, but also that passionate emotional system we have where people are interested in the game. We want people to be interested in the game. When we

did this in the NFL, it increased fan interest, it increased revenues. College football and college basketball will get through this and get to a better place where the fans are just as committed and just as interested in laying out money rooting for their teams. But it can be done without it being on the backs and broken bodies of players. And honestly, if you're rooting on the premise that "I'm only going to root if players are abused and taken advantage of" – I don't think that's the country we're in. I don't think that's where we are, and I don't think that's where we need to be. And I don't think it's true, by the way – I think any notion that people root because they like players to be disadvantaged – nobody cares how much the coach is being paid.

Andrew Brandt: What I would say to you is I agree with all of that. The question is: the segment of the population you're talking about, in my view, is very small. So you have this vast college sports community, but my sense is you're talking about [] "big time college football", "big time college basketball." How will this affect nonrevenue sports? Do you believe the third string offensive tackle should be entitled to compensation as well as the star quarterback? I know there's a lot of mileage to figure out, but how does that work?

David Feher: I don't think everyone will get exactly the same dollar amount, because market forces tend to reward more people who contribute more, so there's likely to be some variation. As to how that will play out, there are surprises. And sometimes you don't know. And I would just tell anyone who thinks they know what will happen to stop and pause. Because I remember when we had the NFL antitrust trial, we had incredible testimony that, "Oh, the running backs will get incredible amounts of money, the wide receivers and quarterbacks will get incredible amounts of money; nobody else will get anything." The way it turned out was different and surprised a lot of people. I actually remember in the first free agency season we literally looked at each other and said, "who are these offensive linemen we've never heard of who are getting paid massive amounts of money in the new contracts?" And it turned out that the teams were looking at it and saying, "Oh my god, if I have a star quarterback I need to protect that quarterback, and so I need to have a great offensive lineman." No one expected that. No one predicted that. And so there was variation, but there was actually market forces recognizing true value.

And I think in this whole issue about nonrevenue sports, I think it's a false justification. Money comes into colleges, there are

very smart financial people who know and understand how to deal with the total amount of money that comes into colleges. For any college to say, “Oh, if we aren’t allowed to restrict and harm these young men, then we’re gonna hurt these other people,” I think it’s just wrong. I think that it’s not real, because I think once money comes into a school, it comes into a school and can be used however people want it. A school could announce tomorrow that all of the money that’s coming in from their football program is going to be dedicated to their physics department. And if the football program doesn’t succeed then the physics department is going to be shut down. They don’t say that. Instead, they make other arguments. But I think they make other arguments because they’re trying to psychologically coerce people into getting with the program. Those are the kinds of arguments that I think are wrong and just don’t make any sense.

And the last point I want to make on this is that – ok, this is in part about compensating the players more fairly, so that the current system where there are billions of dollars not going to the players is fairly allocated – but beyond that, in the NFL trial we in large part won because when the players testified how they were treated, and how they were treated like they were owned, and how they had no control over their lives, and how they wanted to live somewhere that their family was and they couldn’t do it, and how they were treated with a lack of dignity. This really is about compensation, but it’s also about the system and treating people the way they should be treated. And I do not underestimate at all the force of that in terms of people saying “Yes, the time has come to do something differently.”

Andrew Brandt: How would Title IX figure into this?⁷ If there are more revenues allocated to men’s sports, how would that affect women’s sports?

David Feher: It’s come up before, in terms of whether or not the revenue-generating sports, whether they have an impact on the women’s athletic programs. I don’t expect Title IX to be – I don’t want to say “obstacle,” that’s kind of a not-right thing to say, because I have a 19-year-old daughter who has just started college, and anyone who – they shouldn’t have to go through this – but anyone who doesn’t believe that we all need to be treated with equal dignity certainly learns it when you’re looking at your daughter and you’re saying, “The world you’re going into should be a better place.” And

7. Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 (2012).

so I think that women's athletics should be fully, fully supported. But any notion that, somehow, there's a tradeoff and we need to treat other people badly in order to treat other people right is, to me, illogical and an offense to us all.

Andrew Brandt: Finally, I want to juxtapose this lawsuit, David, with the two others going on and whether there are parallels. One – not a lawsuit, but a move for unionization by Kain Colter at Northwestern trying to be unionized as college athletes ongoing with the NLRB.⁸ And the other being the O'Bannon suit for images and likenesses compensation to athletes – both former and current.⁹ Obviously we're all on the same side with these lawsuits or these movements, any parallels? Are you working with the different groups in some way or form?

David Feher: What I'd say is that they're different in approaches. They're all attacking the current system of the NCAA but it's on different fronts. The O'Bannon case is about intellectual property rights, it's actually about intellectual property rights sold after the players leave the college and so that's kind of its own niche. Our case is not about intellectual property rights, it's about competition for the players' services while they are in school, which is different. In terms of the Northwestern case, that is being pursued with the support of a fellow called Ramogi Huma, and his association which has developed over the years, in terms of supporting college football players.¹⁰ And there it's just for Northwestern, and it's seeking to have a union for the Northwestern players. The NCAA actually faces an odd situation because, in professional sports, generally the owners like having a union in place, and I don't want to get overly technical here, but when you have a union in place, if an agreement is reached between a union and the employers, then it is immune from antitrust attack. And because the labor laws need to work, so when there's an agreement, you can't

8. On March 26, 2014, the NLRB decided that football players at Northwestern University qualify as employees eligible for collective bargaining. See NLRB Case 13-RC-121359, available at <http://mynlrb.nlr.gov/link/document.aspx/09031d4581667b6f>.

9. Former UCLA basketball player Ed O'Bannon and eleven other former college basketball players filed a class-action lawsuit against the NCAA seeking compensation for the continued use of their likeness in advertisements, apparel, and video games. See Katie Thomas, *Ex-Players Join Suit vs. N.C.A.A.*, N.Y. TIMES, at B15, March 10, 2010, available at <http://www.nytimes.com/2010/03/11/sports/ncaabasketball/11colleges.html>.

10. Ramogi Huma leads the National College Players Association. This group is a nonprofit advocacy group that serves as the only independent voice for college athletes across the nation. See *About NCPA*, NCPA <http://www.ncpanow.org/about> (last visited Apr. 29, 2014) (providing description of Huma's NCPA).

have somebody challenging it on antitrust laws, because that's what union collective bargaining is. And so in the NCAA they're saying "No, no, no, we don't have a union in place," everyone is kind of a free agent here, whatever the NCAA argues there, it doesn't really facilitate kind of a different systemic result.

I'm not saying that if the NCAA said, "Oh, we want to have a union for everyone," that would solve every problem, but it reflects the inconsistency and hypocrisy in a lot of what's going on right now. And so we wish those players well, but it's a more limited front. Ramogi is a consultant to us in our case, okay, and this case was brought in close consultation with him, with his support, and with the support of the players who have been working with him. And in large part that's because we are in this for systemic change and to support the players who we have represented and helped, like I said, for more than twenty years. I'm just glad that Ramogi has the confidence in us, that his association has the confidence in us, and that the players who have stepped up on this have the confidence in us. Because it's a trust, and it's one that we hope to fulfill.

Andrew Brandt: What do you want to see as you define systemic change? What is your utopic version of college sports, or the NCAA as it will be?

David Feher: Well, you asked me before and I said I didn't want to get into details, and so I'm going to try and be a good lawyer and not get into details again. What I will say is that we want more competition for players, we want results that more closely reflect players' value, because it's just not fair, it's just not right, in terms of no correlation at all between the value that players bring to the field and what they get. We want protection, too, for players in some way. Because I think in any market players are going to get protected more so than when they're injured on the field, it's not over and done where you get nothing. And in part we want the market and the system to be more responsive to the athletes. What we want is not what we have now. What we have now is the NCAA as a bureaucracy, which I think serves no one except its own internal bureaucracy. This is kind of an odd thing to say, but I know a lot of good people who work in the NCAA, and a lot of them are trying to do a good job, but it's a bureaucracy that's kind of handcuffed itself because, like a lot of institutions that are subject to restraints on competition, and that are political, and where people have been allowed to take advantage of other people, there are constraints. And so people want to do better, but they can't do better, and if

they ever say, “Oh my gosh, we should compensate the players more,” they get whacked down.

Now I think also is a time where other participants in the market are seeing it differently. There are colleges and conferences that have said players should get, at a minimum, the full cost of attendance and some kind of stipend, where it’s fairer. Five, ten years ago, there wouldn’t have been a peep of that. And so I think there’s a growing recognition that we need to move to a better place where there is greater compensation, where there’s greater recognition, and greater dignity for the players. We don’t want to be in a situation where – I’ve told this story, it’s kind of interesting – University of Oklahoma self-reported itself for a violation for feeding three players too much pasta at a graduation ceremony where they were coming back the next year, and they didn’t want the players to be ineligible, so they said, “We’re self-reporting that they ate too much pasta and that they’re going to pay us back \$3.83 a piece.” And the players went on Twitter and said, “Well, we ate more pasta; we’ll contribute five dollars to charity instead so that’s good.” And then the NCAA said, “We don’t have any rules that technically deal with the portions of pasta that are served, but we are very glad the University of Oklahoma takes seriously its self-reporting practices.” The fact that anybody is even talking about this is nuts. It’s crazy. And we want to be in a different world. Or self-reporting because someone pocket-Tweeted, pocket-texted someone else, I mean, “Oh my God I’ve committed a violation,” it makes no sense.

Andrew Brandt: Forever to be known as The Rigatoni Incident of the NCAA. Finally, where are we? You filed on Monday in New Jersey. District Court of New Jersey. What’s next?

David Feher: There’s going to be some procedural jousting, I’m sure. There’s another case that was filed in California with just a former player, and actually that one was requesting damages. Just between the cost of attendance and the full grant-in-aid, which, to me, doesn’t make all that much sense. So there will be some procedural back-and-forth. But typically, once you get through the procedural stuff, where you’re going to be, you go into discovery. And discovery means that you take depositions, you get documents. There’s been a wealth of discussion and economic studies about how the current system is broken, and we’re going to go through that. And I’m confident that the evidence will be fully supportive. By the way, under the antitrust laws, the only justifications you have are for something called competitive balance. Because in the end you can’t be anti-competitive without having it outweighed by

whatever pro-competitive benefits you're creating. And so the NCAA and the NFL in the past have said, "Well, we need these restrictions to promote competitive balance so the same team doesn't win all the time." Under the current system, the SEC won seven championships in the past eight years, there's really not much competitive balance, we've all seen what's been happening there. There have been arguments that, "Oh, amateurism needs to be in place so that fans will keep on watching," and I've said earlier, that just doesn't make any sense at all, there's no economic evidence for it.

But beyond that, this is price-fixing and an economic boycott, which the law has always said is just so wrong that it can be condemned on a per se basis or in the blink of an eye. And so the NCAA and the people who are saying this should be done – like I said, fewer and fewer every day – they're going to have an incredible uphill battle because the law fundamentally is four-square against these kinds of restraints on markets. And so they're going to need to come up with something I think just doesn't exist. I think they're trying to defend the indefensible, and I think there's going to need to be change. And we have every hope and a firm conviction that we can push this in a better direction. We've done this before and we hope to do it again.

Andrew Brandt: Thank you, David. David Feher.

Panel 3 – Super Agents

Andrew Brandt: One thing I want to mention – when Jeff and I started planning a symposium for this year, to follow-up what we thought was a tremendous event last year, when Jeff and I started planning this event, we talked about doing something inside the agent world. And we looked at each other and said, do you think we could get these three guys? You think we could get Tom Condon, think we can get Arn Tellem, you think we could get Leigh Steinberg? And we kind of looked at each other and said, if anyone can, we should. And here they are.

Jeff Moorad: And we also talked about whether we could get Jay-Z, and then we said, "Nah, nevermind."

Andrew Brandt: We failed you there. Jeff is going to be up here with me. First, an introduction. Next to Jeff, in my years of doing football contracts with the Green Bay Packers, there was no more formidable opponent than Tom Condon. The head of CAA Football, he is as respected as any agent in the business. Clients

obviously include Peyton and Eli Manning, Drew Brees, Matthew Stafford, Sam Bradford, the list goes on and on.

In the middle, Leigh Steinberg. Leigh Steinberg was an inspiration for me, and I think everyone like me, to be an agent. He was the agent when I was growing up. I went to Stanford and I waited one day outside his house in Berkeley just to see him, and he never showed up. But here he is, we have Leigh Steinberg.

And to my immediate right, Arn Tellem, the vice-chairman at Wasserman Media Group. One of the best and most-respected agents in all of the business. Clients include Russell Westbrook, Jason Collins, and Derek Rose. Let's give a warm welcome.

Where to begin? Tom, I'll start with you. You've seen the agent business from the player point of view, strong union point of view, being a counsel and consigliere to Gene Upshaw, the head of the NFL Players Union for twenty-five years, and now as an agent representing clients of all ages, of all positions, and now with CAA. How has it changed, what challenges do you have now that maybe you didn't have in the past, and where do you see it going?

Tom Condon: Some of the changes have been the explosion in popularity and significance of the National Football League. When I started the business twenty-five years ago, the athletes were just that – athletes. The compensation was such that I think most Americans could relate to them. And since that time, as I try to follow the trends, it seemed to me that certainly dealing with the quarterbacks and some of the high-profile skill position athletes, that there wasn't any question that they were more than just athletes, they were celebrities. And so after fifteen years with ING, which was terrific because they allowed me the opportunity to have the funding for our training programs and the marketing, the next step was CAA, the number one talent agency in the country. So I thought if the players are truly celebrities, if we continue to move in that direction, then we ought to have the number one talent agency representing them.

Andrew Brandt: Do you see that more as a trend? And we have Arn from Wasserman, is that the way the business is going? Conglomeration, centralization?

Tom Condon: Well, it certainly seems so. William Morris purchasing ING, it'd be hard to believe that they don't get back into the team sport business again. And I know Wasserman obviously is expanding all the time. And it's hard for the little small operation to compete because the larger companies – CAA, IMG – have such a substantial platform.

Andrew Brandt: Arn, your comments? Coming from similar to Tom, what made you join Wasserman and how has it been, in your mind, such a change in the industry? And welcome home to Arn Tellem, he's from Penn Valley, went to Harriton High and Haverford College.

Arn Tellem: That's the most important thing about me. I've been at Wasserman, this will be my eighth year. I think right around when Tom went to CAA I went to Wasserman. And it's been a wonderful experience for me. The companies like CAA, Wasserman, give us tremendous resources to compete, and to do it globally. One of the big changes in my practice from when I first started in the 1980s representing athletes is that most of my athletes were from, up until about 2000 or 2001, from the United States. Today, roughly a third of the clients that I represent are from outside the United States. So to be able to reach those clients and have a global sports practice you need tremendous resources and backing, and good people working with you to take care of those athletes. So that's been a huge change, and Wasserman has given me the platform.

The second aspect for me, I wanted to have a say and have my voice heard. And with Casey in particular, I've found a partner who would give me that ability. I didn't want to go to too large a company where I was just a cog in the wheel of a big machine. So as I look for the various options of who to partner with, I thought Wasserman was the perfect fit. It was large, it had tremendous resources, but I would have equity, I would have a stake in the company, my voice would be heard. And at the end of the day representing athletes, it's still an individual relationship – they're looking to Tom, or Leigh, or myself or whoever it may be, and that personal relationship still is the 99% of why an athlete is with a company. The resources are all great and we need them to help service, but they're looking at one or two individuals in particular to make sure that their serviced well and taken care of.

Andrew Brandt: Leigh, you've gone from solo agent, to being acquired, to partners with a guy named Jeff Moorad, and you've had experiences in all types of verticalization of agency work. Comments on where it's been and where it's going?

Leigh Steinberg: Well, first off, hello. I just want to say I'm so proud of the fellow who was my partner for twenty years and a spectacular partner he was. If agency has three parts, one would be recruiting, second would be contract negotiation, and the third would be client maintenance. He was a superstar in each of those

areas. And we'd probably still be together, but my partner wanted to run a baseball team. That was his ultimate aspiration. That was Jeff Moorad.

First of all, the NFL is two-to-one the most popular sport in this country. The third-rated show many weeks was "Football In America, which is a pre-game show, which out-rated 87 other forms on Neilson Entertainment. I think the trend today is to take athletic representation and use it as a catalyst for marketing – marketing teams, leagues, corporations, any high profile individual. And then we've moved to the concept of the studio. Not four walls, but virtually those sports-themed motion pictures, television, video games, works on concussion, on projects. And it's actually the equity in those that makes a difference. Jeff and I put something together called Athlete Direct, which put athletes up on the Internet, which put athletes up on the net for the very first time back in the early 90s, when you still had to access it by AOL. You've got mail! And we put X amount of money into the project, and got X amount of money out of the project. So it's those multiples in a number of different areas that I think is where we're going.

A new helmet that does more than just protect against a skull fracture, sports-themed movies and television, new apps. I sit on the board of something called Desk Site, so if you're living in Philadelphia but you know, you grew up in Atlanta, and you want to follow the Falcons, you can get 30 hours of high-def highlights, background, more than if you were in Atlanta. And it allows you to demographically segregate female subscribers from male subscribers, because if 45% of the viewers last year for the NFL were women, I don't know a whole lot of them that are buying the Ram hard truck that they advertise, or high calorie beer. So you can get a return on investment. So I think that's where we're going.

Jeff Moorad: Well, thank you all for those answers. I'm interested in kind of a different theme, and probably because of my own career path, having spent twenty years in the agency, then moving over to ownership and club executive. I'm curious – all three of you have had the kinds of careers that we all kind of dream of in the representation business. You've all been trailblazers – would you ever consider doing what I did? Arn – you were part of an effort with Steve Cohen attempting to buy the LA Dodgers, and whether true or not there were rumors that you were going to become the club president, which I thought would have been a great result. Tom, Leigh – any aspirations? Have you ever wanted to become a general manager? Have you ever wanted to become a CEO

of a team? Ownership in a league or a club? Does that inspire any of you?

Tom Condon: I think that my relationship with the National Football League has been contentious enough over the years. Not only with my agency work, but also through the Players Association. I don't think I'll get any invites. I did have an interesting situation – I had a guy call that was the advisor to the owner of one of the NFL teams, and he told me they're getting rid of the entire organization – new head coach, new general manager, everything. He said, "We'd like you to contact the coach that we decided on and help him with his staff." I said ok. And he said, "Before you hang up, remember, no old guys. We don't want anyone over fifty." And I thought, "Well, I'm sixty-one."

Leigh Steinberg: It's interesting because in the entertainment field, you quite commonly have entertainment agents who become heads of studios, so that goes back and forth. It hasn't happened as much in sports.

Jeff Moorad: Indeed. The grandfather of Arn's partner, Lou Wasserman, a perfect example.

Leigh Steinberg: So there was a time, you may recall, when the owner of the Seattle Seahawks was moving down to Los Angeles, and asked me if I'd run his team. And I said, well, just to run one team was not as exciting as having the freedom, free range, with whatever I thought was interesting. I said, would you buy the California Angels? They were then not the Los Angeles Angels of Anaheim. I said, if you bought those two teams, would you allow me to build out a regional television network. So something like that has more [of the] scope and interest[that] I was interested in. Because your reaction generally was that being an agent gave you a whole lot of skills in being an owner. That you understood talent, you understood chemistry. But I think I'll keep my day job.

Arn Tellem: The Dodgers were a unique opportunity, and was something I was happy to be involved with, at least the pursuit of the Dodgers. I learned a lot from it. It was really the attraction of that team that was such a unique moment for that historic franchise to be available, and we thought we had a real shot. It was hard to do it, but I'm glad I did. But I don't see those opportunities happening down the road. But it was shortly after that I invested in a foreign basketball team. So now I am part owner of the Hapoel Jerusalem basketball club, which is, I'm proud to say, in the Israeli League, and we're in the Israeli playoffs, and we're one win away from making the Final Four in Eurocup, which would be a historic

thing for this team, and that's given me a lot of pleasure. Because it's a country I love, and it's a city, Jerusalem, that has incredible meaning to me and my family. And to be able to make a difference in a country I love through sports is something that's very meaningful to me. And I'm not going to say there might not be other opportunities down the road, I don't know where life may lead, but this has satisfied to some extent my urge of making a difference in a different way. And doing it actually helps my business in some ways, being able to see and be out there. It's amazing how many American players are playing in Israel. For example, there's roughly five Americans on our team.

Andrew Brandt: Any of them clients?

Arn Tellem: No clients yet. We actually had a player from the University of Pennsylvania, Zach Rosen, who started the season on our team, backup point guard, and he then moved on to another team. And one of the funny signs at the first game, there was a Hasidic rabbi holding up a sign, "We are the Rosen people," which I got a big kick out of. Only in Israel.

But it is amazing – because everyone thinks of the NBA and sports – to me the two most global sports – the NFL clearly in the United States is by far the behemoth and most successful sport – but when you leave the United States, obviously soccer is truly the most global sport, and basketball, of all the traditional American sports, is gaining in popularity. And I think it's, to me, the second most global sport. And in some places like China it may have surpassed soccer. And in parts of Europe, clearly soccer may be 1 through 10 as far as popularity, but basketball is really gaining traffic. And I think as we go forward, given the demographics of basketball, I think it's really going to continue to grow faster than the other American sports abroad. And it's really, for me, having that interest in the team – being able to see it and be part of it and shape its growth – is something that I really enjoy.

Andrew Brandt: Tom, we mentioned Jay-Z kind of in levity, but obviously it's a factor in your business now. A couple things: Do you see it as a big formidable challenge now that he's in the business and signing up star players? And I believe you have some kind of loose relationship there. And along those lines, with CAA so much in entertainment, representing Tom Hanks, Tom Cruise, movies, directors, producers – is that part of your pitch? Is the whole merging of entertainment and sports really what you're selling now?

Tom Condon: It's a good part of it. It depends certainly on the player. At the corporate level, Jay-Z and Roc Nation have done a deal with CAA Sports, and it's been pretty good so far. We're still ironing out the communication part of it, but nevertheless he's certainly a tremendously recognized figure, and respected in the business community as well as the music industry. They have players that are routinely now just calling them for help either in marketing or in some of their other areas. So they're another resource for us.

Andrew Brandt: So a contract like Victor Cruz['s] – you negotiate the contract, Jay-Z is handling the marketing, [that's it]?

Tom Condon: Yes, Victor wanted to have the Nation – well, no, he has IMG as his marketing agent. And we did the contract negotiation. He just happened to be a close friend of Jay-Z. At least that's my understanding of it.

Andrew Brandt: Leigh, what do you think of that world? You've seen the merging of entertainment and sports. Is it that attractive to young people?

Leigh Steinberg: It's all entertainment. It's all entertainment. So this merging of sports and entertainment has been coming for some time. And I think the real interest is, ultimately, to own a piece of a syndicated television show, a runaway hit sports movie, a bundling for endorsements. The actual business of football representation, at the rookie level, is dramatically changed. The agent has a responsibility to pay for training, and with a 3% fee cap and an inability to really do much with a rookie contract, it becomes a much more problematic business. Carrying those players until the second contract. I think this merger – we've had rappers before who've come into the field – to the extent Jay-Z can relate and bring out the best in young people, I say more power to him. That's always been a thing – there's 32 picks in the first round in football, there's many picks in every sport, there's certainly enough athletes for a whole lot of points of view – our point of view was always the athlete as role model. Retracing their roots, making a difference at the high school level by setting up a scholarship fund, collegiate level by doing something similar, and at the pro level by doing programs – well, Warrick Dunn just put the 131st single mother into the first home she'll ever own by making down payments and having Home Depot outfit it. So it's to stimulate that in athletes. It's to try to make a meaningful difference in the world. So we have a sporting green alliance, where we've taken sustainable technology – wind, solar, recycling, resurfacing, and water – to sta-

dium, arena, and practice fields, to drop carbon emissions and energy costs, and transform them into educational platforms, so the millions of fans that come to the games can see a waterless urinal, can see a solar panel, and think about how to integrate that into their homes and businesses. And you can have green superheroes fighting for the environment, and Saturday morning cartoon shows, and comic books, and green sponsors. But the whole concept of the profile of these players triggers imitative behavior. So when I had Lennox Lewis cut a public service announcement that said “Real men don’t hit women,” it could do more to influence rebellious adolescents’ attitudes towards domestic violence than 100 authority figures ever could. So I also think that bundling effect gives power, and we can change the world not through preaching, but by having athletes send out good messages.

Andrew Brandt: Arn, how does Wasserman leverage – how do you leverage – Wasserman’s involvement in so many areas with your basketball practice?

Arn Tellem: Well, we have partners throughout the world, so that’s the first thing. We have great resources – people resources – first and foremost. So for basketball we have partners in Spain, Belgrade, Lithuania, Africa, and South America. So that gives me tremendous reach, so I’m not doing it all myself. And clearly we have other departments beyond just representation: corporate consulting, marketing, research, public relations, legal. It’s just a huge advantage to be able to draw upon talented people all over that can help me in different areas to either find an athlete, access an athlete, or help me secure a potential deal. Not only with a team, but whether it’s in marketing or corporate sponsorship. So it’s a huge – I think Warren Buffet said the key to success is getting other people to work for you, so it’s not just one person, and obviously he’s done that very well. I’m trying to do that in my own way.

And I would say, just on the other point, Dean Smith gave me very valuable advice when I was starting out as an agent. I asked him the question how is it, when your closest competitor, Coach Krzyzewski at Duke, is right down the road, what do you think about when you go to recruit athletes, when you go out there competing for athletes, and just trying to maintain a top program? And he said, “Arn, I don’t want to worry about anybody else, I’m just going to run what we do here. I’m going to do it our way, and I know we’ll be successful continuing to do it our way.” So regarding Jay-Z and all the other things that happen in this industry, I think they key to success for all three of us is that all three of us continue to

run our playbook, our offense, and I think all three of us believe inside that if we do it our way, we'll be successful more often than not, no matter who the competition is. So it doesn't matter who is out there.

Leigh Steinberg: So Arn, the way I always look at that, is if you have a certain amount of time to talk to an athlete or someone else, and you talk about your program, and how it relates to him, it's so much more valuable than talking about other agents. Or to put it in a slightly different way: when I was married, I did not want my wife to marry me because I convinced her that all men were S-H-I-T-S.

Jeff Moorad: I have a question along a little different line. It's about players associations. Between the three of you, you've been deeply involved with the NFLPA, the MLBPA, and the NBAPA. I have my own perspective on this, but I'm curious to know your views on the unions in each of the sports. Tom, obviously, you've been in a leadership role in the NFLPA over the years. Think of it this way – agents only exist because the unions allow them to. Without the ability to individually negotiate contracts, agent business wouldn't exist. So what are your relationships with the unions? How have they changed over the years? Are you surprised the unions have allowed the mega-agency growth and evolution that's occurred as opposed to controlling more individual agents that represent a few players? Interested in that line of thinking from each of you.

Tom Condon: Of course, my relationship with the NFL Players Association – I served in some elected capacity there, and then as an employee, for some lengthy period of time, most of my NFL career. I've often wondered about the Major League Baseball Players Association – they seem to have a great deal of strength and the unity to – at one time they stayed out for an entire year. The NFL Players Association, we have 1,700 players, our average age probably 25 years old. Most of our players come from some difficult socio-economic background. And they compete with 32 billionaires who are all sophisticated businessmen. And things haven't gone so well with us over that period of time. I think we've had great efforts, we've had people – Ed Garvey, Gene Upshaw, and De Smith – who are committed, they're smart, they're tough, they're hardworking, but the odds are so stacked against them.

My rookie year, 1974, players went on strike during the preseason. Failure. Again in 1982, fifty-seven day strike. At the time, it was the longest in the history of professional sports. Again,

not much in return. In 1987, a strike again, which failed. Ninety-three, win the lawsuit, the settlement is the new collective bargaining agreement and free agency, and then of course we just had the lockout here three years ago. And it didn't go well for the players again. So it seems to me we've had some success in the courts, and not so much in organized efforts.

Jeff Moorad: Leigh?

Leigh Steinberg: I think that the agents have an easier task in dealing one-on-one with owners than when it comes to collective bargaining and the owners form a circle and speak with one voice. The essence of being able to be a union is the ability to win a strike because it's that power that allows a rough sense of equity in bargaining positions. Don't confuse football players with the advance guard of the Bolshevik Workers' Party. Ok? These are not the great strikers of the twentieth century. They get paid over 17 weeks, short playing careers. So when they had the [19]87 strike, Joe Montana, Tony Dorsett, Howie Long, the biggest players in the game crossed the picket line. And if you don't have that power, it's sort of tough to do it. The players in football have been very successful in court.

Now in baseball, because they can sustain a strike, and part of it is because it's a long season, the players are around each other, they pass the heritage down to the younger players, they can do a little bit better. There's an inherent conflict between the charge of unions, which is to do the best for the most members, and some of our practices which have been superstars. Because the superstars want freedom; basically, the more freedom, the better. And if you're not that, what you want is, you care about minimums and all those things. The union will give up rules that protect superstars because they want to do the best for the whole.

So in football they finally took what's a more rational approach, which is they took the money from the rookies, where Tom and I put our kids through school, and they gave it to the veterans and to benefits. So that's probably what a union should be doing. They should be worrying about veteran players who made it. So that was a switch.

But just one more thing, Jeff. I think the problem with agency has been this: that it's seen as a battle of labor versus management. The real battle, if you're representing football players, is the NFL against the NBA against Major League Baseball, Home Box Office, Walt Disney World, and every other form of discretionary entertainment spending. We're not putting food on the table and we're not

providing transportation. This is a discretionary entertainment purchase. So if you really want to help your players, you have to help build the brand. You have to avoid acrimonious contract negotiations that push fans away, or collective bargaining that does the same thing. The NFL, since 1987, has had uninterrupted play. And that's part of why it's gone the way it's gone, which is, by two to one the most popular sport in the country.

Jeff Moorad: Arn, you've been around Don Fehr, Gene Orza, Michael Weiner, God rest his soul, for many years on the baseball side. You've also been involved with the NBAPA over the years. Views, perspectives on those unions?

Arn Tellem: There's a world of difference. To me, there's only one successful union, and that's the baseball union. And I think Leigh hit on it why they're so successful. First it starts with, they've had tremendous leadership, starting with Marvin Miller, and Don and Mike, and now Tony Clark, who I think will be just as effective in a different way and style, but just as effective. They've had tremendous leadership.

The baseball players have bought into truly acting collectively; knowing that ultimately, if you can act collectively, there is greater power that way. And there's a history – they buy into it from the time they come in – of sacrifice for the next generation. And no union does a better job of educating the players, than the baseball union, of what's at stake.

In basketball, they really haven't had an effective leader since Larry Fleischer stepped down, which was in like 1987 or 1988. And they've had, tragically, poor leadership. And so it starts there. But the players have to take ownership too, and recognize that it can't all be blamed on the leadership. So it's on their shoulders as well. And they're going through a search now, and the criteria really for this search I think is not clear. I think the players are confused about what type of candidate would be best for this job. But it starts with, you need a leader who can motivate and inspire the players to understand what's at stake here. And you have to tell them the truth. I don't think they've really been told the truth, as far as the economics and what [are] really the issues and how it affects them, for many years now. So you need that.

And the second thing is, you need someone to understand that 99% of this job is about one issue: collective bargaining. All these other things – there's this message that's been out there among the players that it's about growing the pie, we should be working together with the league to grow the pie. That's a false premise. The

league is growing the pie – it’s ticket sales, it’s media – the league is growing the pie. It’s about the players getting their fair share of the pie. It’s not about them helping the league to grow the pie. So they don’t really seem to understand that’s not really the issue. And that’s through collective bargaining.

All of their rights come from that one agreement. It’s not to say that there aren’t areas where the players and the league can’t cooperate together when it’s in their mutual interest. They should. And it’s not to say that the union shouldn’t try to become more economically self-sufficient. It should. But their charge and the essence of why they exist is all about collective bargaining. And they fail there. They have failed there over the last – they have lost – they don’t have free agency. The union’s purpose is to protect the weak. That’s higher minimum salaries. It’s not to put caps on stars like LeBron James and Kobe Bryant and cap their individual salaries. So when a union starts to do those kinds of things and becomes a tool of the league, so the league can basically eliminate free agency and eliminate the top players from making what their potential is, it really has failed in its mission.

And now is their chance to hopefully get it right, and they shouldn’t rush. They should take their time and find the right leader. It shouldn’t be what it has been in the past: a popularity contest. It should be about getting the most effective leader who can run this union, who’s going to educate the players, fight for them, be their advocate, and motivate them and inspire them to act collectively. And that’s what it’s about.

Andrew Brandt: Moving from the collective to the individual, Tom, you’ve been involved with so many big time football negotiations. One that just interested me so much, two years ago, people still can’t believe this, there was a free agent on the market named Peyton Manning. Indianapolis Colts released Peyton Manning. He was a free agent. That must have been an agent’s dream: probably ten, twelve, [or] fifteen teams knocking on your door, begging for the opportunity. Take us inside that in whatever way you can.

Tom Condon: Since the inception of free agency in ’93, there has never been an elite quarterback who’s come onto the free agency market, and without having been substantially injured. So Drew Brees had thirteen studs in his shoulder, in his throwing arm of course, had to sign the contract with his left arm, left hand. And so Peyton with the four neck surgeries comes on the market and twelve teams are interested in his services. It was interesting how many. Some of it I can’t say, but eleven of the twelve went to their

starting quarterback and told him, “We’re going to at least investigate the Peyton Manning thing.” One of the teams did not, [and the] player found out on his own, and it ended up being quite an ordeal. But nevertheless, Peyton is a wonderful guy. It was not an agent’s dream from the standpoint of, he told me he was going to cut it down to four teams, [and] I said, “Ok great, we’ll take the four and look at the four of them and see what each of them wants to pay and that’s what we’ll do.” And he said, “Why would we do that?” And I said, “Well, that’s the definition of free agency.” He said, “That’s not how we’re doing this. I’m going to decide on what team I want to go to, and that’s where we’ll go.” And then four days later he called up and said, “I’ve decided on the Denver Broncos.” I said, “Ok, well, listen. I’ll work with the team.” And he said, “You call the Broncos and tell them I’m coming, I’m calling the other three teams to tell them I’ve decided to go in a different direction.” I said, “Ok.”

Andrew Brandt: That’s quite a negotiation.

Tom Condon: So we get through that, I said, “Gosh, Peyton. Do you know the media scrutiny and hype over you coming to Denver will be so overwhelming that they’ll have to give you all the money that you want?” And he said, “We’re not doing that either.” I said, “Well, it’ll take us about two weeks.” And he says, “I scheduled a press conference with the Broncos for tomorrow morning. But before you go, who’s the highest paid player in the League?” I said, “Right now, Tom Brady’s average is \$18 million a year.” He said, “Ok, I do not want to be the highest paid player in the League. There is too much focus and scrutiny on money. I want it to be focused on the football.” I said, “Ok.” So by the time we finish with the Broncos, they open at a higher number than 18. And we end up at 19.4, and so I called Peyton back and said “Buddy, we’re at 19.4. And we’re done.” And he said, “19.4?” “Yes.” He said, “Didn’t you tell me Tom Brady was at \$18 million?” And I said, “Yes.” He said, “Didn’t I tell you I wanted to make less than Tom Brady?” And before I got a chance to say yes, he said, “Well, you just couldn’t help yourself or what?” I mean, literally, I was a bystander for the negotiation.

Andrew Brandt: That’s the player that had the most leverage in the history of football.

Tom Condon: Most leverage in the history of football. So he said that’s it, called the Broncos, and finished the deal. And I said, “Ok,” hung up the phone, and called his wife. And I said, “I just

want you to know, he's giving away the money." And she said, "Let me handle this." And so we finished with the 19.4.

Andrew Brandt: Leigh, a similar experience? I mean, you go way back with Steve Young, Troy Aikman, such trendsetters in the market.

Leigh Steinberg: I started in 1975 with the very first player in the draft, Steve Bartkowski, and he had done an interview where he said, "I love football so much I'd play for the Falcons for free!" Probably our greatest free agency ever was Warren Moon, who was up in Canada, and had played six years there. So we timed his contract so we would have the USFL, the Canadian Football League, and the NFL all bidding against each other. There was no free agency then, so this was revolutionary. Here you have a player at the prime of his career, at the most critical position, who was handsome, well-spoken, perfect leader for a team, and had six years of experience. John Elway had made a million dollars a year the year before, so we just kept saying he was a million-dollar-quarterback, Warren was, and in those situations whose reality is going to prevail?

You don't have arbitration. You don't have a judge. You have no one. Whose concept of what's relevant to compensation will prevail? But when you have that much leverage it really doesn't matter. Jeff used to say in our negotiations, "Don't confuse me with all these arguments. It's about the numbers." And really, at a certain level, there we go. So three different leagues, we took a tour across the country, went city by city. We get to Houston and Bud Adams tells Warren he's going to give him an oil well. We get to New Orleans and we're out on a boat and John Mecom says, "That building can be yours!" So it got pretty crazy, and he narrowed it down to two teams: Seattle, where he lived, and Houston. Houston did a contract that was 80% bonus, and Seattle's was reverse, so he became the highest paid player and went on to make the Hall of Fame and the rest of it.

The only crazier one I had was Steve Young. So when Steve Young comes out of college, it's the battle between the USFL and the NFL. And we start negotiating, and it's easy because Steve doesn't want to go to the USFL, he wants to go to the NFL. But they convince him that they've got John Hadl, who used to coach Elway. They've got great tutors, great staff, all the rest of it. So it was easy, I just kept saying, "No, no, no." So we started at seven in the morning, went all night, and I kept calling him and he kept saying "No." So eventually they get up to a figure of \$42 million.

Now it's hard to believe, but that was front page news around the country, and he went ahead and signed: [he] agreed. But then we got up to meet with the owner to sign the contract, and there was a big delay because we were working on language. Well, the owner was progressively imbibing more and more – it was his birthday – so he was angrier and angrier, [and] so at one point he walks into the room and says, “What are you arguing about?” And I said, “Guarantees.”

So he pulled out his wallet – he had hundred dollar bills – and said, “Here's all the freakin' guarantees you'll ever need,” and schooom. So he got frustrated. So we end up upstairs in his office, and he keeps popping Steve in the chest, “I'm giving you more money than any athlete and you won't take it.” So Steve eventually grabs his arm and says, “You do that again and I'm gonna deck you.” Well, they don't teach that in law school. And then he tried to throw a chair out the window.

So we ended up, at 3:30 in the morning, on the dark streets of San Francisco. Steve, who's a little pale Mormon kid and myself. “Now what do we do?” We're just there and we have no transportation. Eventually Jim took us.

So those deals, when you have many options, get interesting.

Andrew Brandt: Arn, if I could ask – the big story this summer, actually it was April, I believe, Jason Collins, the first openly gay athlete to come out. The big story in Sports Illustrated. You're his agent. How much involvement did you have? Did you arrange the Sports Illustrated thing? How did that work?

Jeff Moorad: You're not going to give Arn a good negotiation story to tell?

Andrew Brandt: Well, that's always welcome.

Jeff Moorad: We'll hear that too.

Arn Tellem: Actually, what I was thinking about, Jason Collins is probably the most meaningful experience I've had even though the contract wasn't large. So it started roughly a year ago when he told me he was gay. March, a year ago.

Andrew Brandt: How long was he your client before he told you that?

Arn Tellem: I've had him his whole career. I think it was the 2001 or 2002 draft.

So then we discussed how he was going to do this. So yes, I think he turned to me for advice. He followed my advice. I wasn't sure if I was giving him the right advice because the first issue was,

should we announce it during last season, and I got him to wait, so that was one thing we discussed heavily. Not only with him, but also with his family. And then at the end of the season was – how was he going to do it? And I turned – of course I’m from Philadelphia – I turned to a childhood friend at Sports Illustrated, who I’ve known since I was eight years old, so over fifty years, Franz Lidz, who’s a writer that I trust, admire, and respect, and we have a code from our old neighborhood that I knew he could keep a secret. My first conversation was: I have someone who’s going to do this, I’m not going to tell you the name, because he may change his mind, and I need you to be in Los Angeles on a certain date after the season, and we’re going to go forward.

And he cleared it with his editor. They got permission, and 48 hours before I met with Jason, his parents, his whole family to go over what we were doing. At my house, it was a very intense discussion, getting them to believe this is the right way to do it. They said, “Ok.” Franz came out, I told him who it was, and I was there for a couple of the sessions when he was going through the story. I think he wrote a beautiful piece, the two of them together. And then he read the story to his parents, which was powerful.

I think Jason’s decision, why it’s so moving to me, required immense bravery. I think he’s shown everyone how to deal with prejudice. He handled it with amazing grace and class. And the next job was getting him signed, which took a while. I always thought it would work out, though once we got into January, I started to have doubts. But we didn’t give up and Jason remained positive, and just an unbelievable client to work with. He’s like a son to me.

Fortunately, the Nets, he played there, he had strong relationship with Jason Kidd. Joe Johnson, who I represent, who played with him on the Hawks, is very close to Jason. And obviously you have mature veterans like Kevin Garnett and Paul Pierce who played with him briefly in Boston. So the circumstances were all right – they had strong leadership, great veterans, [and] a coach that liked him a lot and respected him. And it couldn’t have been a better situation. And telling him that he was getting the job probably was one of the most gratifying moments that I’ve ever had. I was away in Morocco for my sixtieth birthday with friends, and he sent me a beautiful text thanking me. And I’ll tell you in our business we don’t get very many thanks often, but it’s something I will save for the rest of my life.

So for me that's by far the moment I'm proudest of, and I'm proudest of him.

Andrew Brandt: Thanks for sharing.

Jeff Moorad: Thanks Arn, that's a great story. And I'm sorry I teased you about not telling a negotiation story. That was much better. I have one last question, and it's more about kind of about the future of the agent business. All of you practice at the highest level in your particular sports. I'm curious to know – is there a future for the smaller practices? How does somebody break into the business? You don't have to give long answers, I'm just curious to know: where do you start? We see where it ends – we see where you evolve to, but where do you start? Is there room for law students, is there room for young lawyers, is there room for MBAs in the business? You've each had your own unique path. Arn as a young partner to Steve Greenberg, Leigh as dorm counselor to Steve Bartkowski, Tom played in the NFL and became involved in the union. If you don't do any of those three, if you don't happen to have Steve Greenberg as your partner or Steve Bartkowski as a dorm counselor assignment, how do you break into this business?

Tom Condon: As you can imagine, it's getting more difficult all the time for young people. And so I think that, with as many agents as there are now registered with the NFL Players Association, we're talking about approximately 800 certified agents, 32 first round draft choices. Pretty difficult if you're just breaking in to get one of those first round draft choices to agree to have you represent them. So my advice to the young people I've spoken with before is try to get as much experience as you possibly can. Gary Roberts ran the program at Tulane Law School for a long time and was very successful. He's now at Indiana. I know a lot of students that have gone there and he's helped them greatly. The other is from internship programs, whether it's with a NFL club, the League office, the Players Association, or with any of the agents. And obviously that takes a lot of time and hard work in terms of trying to go through all of those possibilities, but nevertheless if you can build some kind of a resume like that, I think that certainly gives you a leg up.

Leigh Steinberg: Well, needless to say, sports agency is a very hot profession. So the first thing you need to know is that the best and brightest go into entertainment, sports, and these fields. So the level of competition is much higher. And I think you and I, Jeff, have sort of created that with Jerry McGuire, and it boosted the number of people that wanted to be in the field.

The first thing you need to understand is that to compete in that setting, you need an extraordinary work ethic. So I tell young people that if you just want a BMW straight out of school, live in a nice apartment, go to every bachelor party, hang out with your friends – those are good values, but don't come into this field or you will get rolled because people will work endlessly and tirelessly.

Second of all, think through what your philosophy is. Why would you want to be involved? What value added do you have? So our philosophy is role modeling and trying to stimulate the best values in athletes.

Next, don't send a flat resume if you're trying to be an intern. We had a young man who mocked up a Sports Illustrated and it was their font, their colors, identical to an SI. Only every story was about how we had hired him and our firm had flourished. And he had himself and I on the cover announcing this. So he created a whole series of news stories – very clever. You could see creativity from that. You could see an understanding of how to use tools of propaganda and information. You could see the qualities we were looking for and we hired him. I won't tell you how that story ended.

Someone else took the book Dr. Seuss, *Oh The Places You'll Go!* and dummied it up so it became my life history, and at a certain point it intervenes with him, and we go on to happiness. And again, very creative, and we hired him.

So do that. Tom's right – intern. Internships are a real key. And then put yourself in the other person's heart and mind. The ability to see the world the way someone else sees it – and that might be whoever's administrating you or your boss – how can you make yourself irreplaceable, non-fungible, non-modular, so that the people around you, when you do that internship, cannot live without you. And that's where using your own creativity is real key. I mean honestly, when Jeff joined us, he'd been [there] just a couple months, and we were faced with a unique situation. I didn't have to give him authority – he knocked down my door for it. So that's the type of aggression level that you need. And then, believe in what you're doing, have a passion for it. So then it doesn't become work. It's your life's work. And for younger people, bring your own unique vision to it. Bring your set of values. See how you can change. See how you can make the world conform to what you would like it to be.

Arn Tellem: I think there's clearly room; I mean we're all across the 60 barrier, so hopefully there will be opportunities for

others soon, just like we started. The business we started was incredibly competitive and difficult to get an opportunity. But I think in essence it's still the same – getting to meet people and getting opportunities, and hopefully working with good people. At Wasserman, and I'm sure it's the same at CAA, we have a number of agents that work with me that are very good. There's probably, in our baseball group, 8 to 10 agents, and in our basketball group a similar amount. There are opportunities. We hire young people. Not many, but we do hire them from time to time. And their backgrounds – clearly if you're from Philadelphia at Wasserman you have a preference, so if you're from Philadelphia you have an edge. And if you have a law degree you have an edge. If you played you have an edge. So it's not just that if you played, but you have a law degree and you have a good work experience, that's a huge plus too. So we try to have a diverse group of agents and people who work in our sports practice; so people from different backgrounds. We don't want to all be the same. So we want to give opportunity and have it reflect, you know, who our clients are, and the clients we're going after to represent.

We just hired a young attorney – one of the things I'm most proud of is now I've had two people who worked for me for a long time that are now general managers that have gone over to the other side: Bob Meyers who's the general manager of the Warriors, who was with me as an intern coming out of UCLA, was with me for 18 years. And Neil O'Shea, who worked with me for six or seven years, is now the general manager of the Portland Trailblazers. And our ex-general counsel, Jason Ranne, who was being groomed to be my right-hand man, left to become the number two person at the Oklahoma City Thunder.

So the funny thing is now the leagues are coming to take some of our best and brightest. So there are opportunities and we're continually replenishing it. So we just hired a young female attorney out of Weil Gotshal, to replace Jason. And her name is Alanna Frisby, and she's terrific, and she's incredibly bright. She can write really well, but she knows very little about sports. But she has incredible personal skills and legal skills, and that in itself is a huge value. So we look for all types of people.

And I will say one other thing. I think all three of us started on our own, or had some time on our own, not just in a big company. And I do believe, it's not mandatory, but I do believe there's a huge advantage in someone's success to doing this on your own at some point. Because when you have to run a business, and develop it,

and make it succeed, you don't have the comfort of a big company behind you, you learn a lot of skills that are critical to your survival. It teaches you how to deal and make it without any support system. And that is a critical skill in life and especially in this business. I think all of us have that and that's one of the reasons we've lasted.

Leigh Steinberg: To that point, when I started, my office was my parents' card room in our family house. My secretary was me, who typed letters was me. They had a thing, for you younger people, called a typewriter. If you called me on the phone and I was already talking, there was a busy signal. And there were no recorders at that point, and we used rolls of quarters to go into phone booths and maybe hit our number. It was very different, but the point is true. One of the things you learn is low fixed overhead and high profitability. So you really do learn those skills, I agree with Arn.

Andrew Brandt: Tom Condon, Leigh Steinberg, Arn Tellem.