



NYU LAW

**SPORTS LAW ASSOCIATION**

*Sponsored by NYU Law Journal of Law & Business*

**11th Annual Sports Law Colloquium**

**Friday, March 4, 2022 | 9:30 AM - 1:30 PM**

**Web Conference: <https://nyu.zoom.us/j/97729668810>**

**In-Person Networking Happy Hour: 5:00 PM - 7:00 PM at The Malt House (206 Thompson St.)**

**(1) The Future of Name, Image, & Likeness Policy for College Athletes (9:30 - 10:30am)**

*Sponsored by Winston & Strawn LLP*

**David Feher** (Co-Chair, Sports Practice, *Winston & Strawn LLP*)

**Darren Heitner** (Trademark Attorney and NIL Agent, *Heitner Legal PLLC*)

**Dan Lust** (Attorney, *Geragos & Geragos, APC*; Professor of Sports Law, *New York Law School*)

**Michael McCann** (Director of Sports & Entertainment Law Institute, *UNH School of Law*)

Moderated by **Professor Daniel G. Kelly** (Professor, *Tisch Institute for Global Sport*)

**(2) The Future of Blockchain & Cryptocurrency in the Sports World (10:30 - 11:30am)**

*Sponsored by Skadden, Arps, Slate, Meagher & Flom LLP*

**Steve Krause** (VP, Head of Commercial Legal, *Dapper Labs*)

**Ilyssa London** (Counsel, *Autograph.io*)

**Jonathan Padilla** (CEO & Co-Founder, *Snickerdoodle Labs*)

**Carly Weiss** (Counsel, *AEG*)

Moderated by **Professor Max Raskin** (Professor of “Digital Currency, Blockchains, and the Future of Financial Services” course, *NYU Law*)

**(3) The Rise of Legalized Sports Gambling (11:30am - 12:30pm)**

*Sponsored by Latham & Watkins LLP*

**Frank DiGiacomo** (Partner, Gaming Industry Group, *Duane Morris LLP*)

**Marc Edelman** (Sports, Gaming & Antitrust Attorney, *Edelman Law*)

**Carolyn Renzin** (Chief Risk and Compliance Officer, *FanDuel*)

**Dan Wallach** (Sports Wagering and Gaming Attorney, *Wallach Legal LLC*)

Moderated by **Michelle Cohen** (Partner, *Ifrah Law*)

**(4) Navigating Labor Disputes & CBA Negotiations (12:30 - 1:30pm)**

*Sponsored by Winston & Strawn LLP*

**Kirk Berger** (Associate Counsel, *NBA Players' Association*)

**Charles Grantham** (Former Executive Director, *NBA Players' Association*)

**Jeff Kessler** (Co-Executive Chairman, *Winston & Strawn LLP*)

**Pamela Wheeler** (Chief Diversity & Inclusion Officer, *NFP*; Former Executive Director, *WNBA*)

**Don Zavelo** (General Counsel, *NHL Players' Association*)

Moderated by **Stan Van Gundy** (Former NBA Coach)

## **Panel Descriptions:**

### **(1) The Future of Name, Image, & Likeness Policy for College Athletes**

- *This panel explores the rapidly-changing legislative landscape surrounding the rights of college athletes to profit off of their Name, Image & Likeness (NIL) rights. Last summer, the Supreme Court unanimously ruled against the NCAA in a case that held that NCAA restrictions on “education-related benefits” for college athletes violated antitrust law. Following the decision, the NCAA introduced a new policy that allowed student-athletes to receive compensation in exchange for use of their NIL rights. This panel will analyze the legal issues surrounding the explosion of NIL deals, how the NCAA and universities can adequately monitor the dispersion of NIL opportunities, the landscape of antitrust and labor law in sports, and what the future could hold for NIL policy for high school athletes.*

### **(2) The Future of Blockchain & Cryptocurrency in the Sports World**

- *This panel explores the introduction of blockchain technology and cryptocurrency to the world of sports. As blockchain has become more widely adopted, sports leagues, teams and athletes alike have begun to utilize this technology to create new commercial ventures in sports, such as Non-Fungible Tokens (NFTs). The myriad of uses for this technology ranges from the creation of digital collectibles to fan voting rights on team decisions. This panel will dive into the legal issues surrounding blockchain technology in sports such as tax considerations, international commercial applications, securities regulation, and more.*

### **(3) The Rise of Legalized Sports Gambling**

- *This panel explores the meteoric rise of legalized sports gambling across the country. It has been more than three years since the Supreme Court struck down a 1992 federal ban on sports betting in *Murphy v. NCAA*. Since then, more than two dozen states have legalized sports gambling. Most recently, in January 2022, New York State approved mobile and online sports betting, already tallying a handle of \$1.6 billion in that month alone, shattering previous U.S. highs. This panel will touch on some of the novel considerations arising from the legalization of sports gambling, such as tax rates, foul play, and sports betting’s legislative impact, while showcasing perspectives from the different angles of the fast-evolving sports betting industry.*

### **(4) Navigating Labor Disputes & CBA Negotiations**

- *This panel explores the difficulty of navigating labor disputes and collective bargaining agreement (CBA) negotiations between sports leagues and their player unions. In 2020, the NFL and NFLPA agreed on a ten-year CBA, next year the NBA and NBPA will have the opportunity to opt-out of their current agreement, and currently, the MLB lockout enters its 4th month. This panel will provide different perspectives on key issues underlying labor disputes, such as labor law, escrow considerations, and the impact of broadcast deals on the financial terms of the negotiated CBA.*

**Friday, March 4th**, NYU Law's Sports Law Association will be hosting its **11th Annual Sports Law Colloquium** from 9:30am to 1:30pm. The flagship event has hosted industry leaders such as NBA Commissioner Adam Silver (University of Chicago Law '88), President of the New York Yankees, Randy Levine (Hofstra University School of Law '80), and NYU Law's own Gary Bettman, Commissioner of the NHL ('77).

This year's Colloquium will feature four panels exploring some of the most pressing legal issues in sports. This article will preview the panels and distinguished panelists. [Click here to register for the Colloquium.](#) **Registration will close at 11:59 PM (ET) Thursday, March 3rd.**

*This event is seeking approval for New York State CLE credit. If approved, it will be appropriate for both experienced and newly admitted attorneys.*

**Panel 1: The Future of Name, Image & Likeness Policy for College Athletes [9:30 - 10:30am]**

**Dr. Daniel Kelly** (moderator) joined NYU's School of Professional Studies in 2019 as the Academic Director of Graduate Programs and Clinical Assistant Professor for the Preston Robert Tisch Institute for Global Sport. Dr. Kelly has consulted on strategic leadership and global business initiatives with international sports organizations based in Spain, Argentina, Qatar, and elsewhere. He has also organized recruiting events with various professional teams, such as the New York Mets, Boston Celtics, and many more.

**David Feher** (panelist) is a Partner at Winston Strawn and the Co-Chair of the firm's Sports Law Practice. Mr. Feher is one of the leading sports lawyers in the country, with extensive experience in complex sports matters. He has served as outside counsel for the NFL Players Association and NBA Players Association for many years. Mr. Feher played a key role in Winston Strawn's win in *NCAA v. Alston*, a case in which the U.S. Supreme Court unanimously ruled that NCAA rules limiting education-related benefits were a horizontal restraint in violation of antitrust laws. The decision helped pave the way for the NCAA to change its rules, thus allowing college athletes to profit from use of their name, image and likeness rights. Mr. Feher is a graduate of Duke University School of Law.

**Darren Heitner** (panelist) is the founder of Heitner Legal (a law practice which specializes in intellectual property law) and a professor of Sports Law at the University of Florida. Heitner has filed numerous trademarks for professional athletes, including Dallas Cowboys linebacker Micah Parsons and New England Patriots quarterback Mac Jones. Heitner also represents numerous college athletes in monetizing their NIL rights, including Miami Hurricanes quarterback Tyler Van Dyke, Florida Gators quarterback Anthony Richardson, and the Cavinder Twins. Heitner is a graduate of the University of Florida Levin College of Law.

**Dan Lust** (panelist) is an attorney at Geragos & Geragos and the Professor of Sports Law at New York Law school. Mr. Lust is a thought leader in all issues at the intersection of Sports & Law, and he hosts Conduct Detrimental, the #1 Sports Law podcast. He frequently weighs in on the most pressing issues in sports law and hosted an NIL debate between NCAA NIL pundits Darren Heitner and Darren Rovell. Before arriving at Geragos & Geragos, Mr. Lust worked for the New York Giants and SFX Baseball, one of the premier baseball agencies in the country. He is a graduate of Fordham University School of Law.

**Michael McCann** (panelist) is the Director of the Sports and Entertainment Law Institute at the University of New Hampshire School of Law. Mr. McCann also serves as a legal analyst and writer for Sportico. Mr. McCann testified as an expert witness before the U.S. Senate in a Commerce Committee hearing centered on NIL reforms. At UNH Law, he created the first NIL course offered in law schools. He has served as counsel in a case involving an Ohio State University football player deemed ineligible for the NFL Draft due to his age. Before joining Sportico, Mr. McCann was a legal analyst and writer for Sports Illustrated. He earned his J.D. from the University of Virginia School of Law and an LL.M from Harvard Law School.

**Panel 2: The Future of Blockchain and Cryptocurrency in Sports [10:30 - 11:30am]**

**Max Raskin** (moderator) is an Adjunct Professor of Law at NYU Law and the General Counsel of QVIDTVM. He co-teaches a course for NYU Law and Business students titled: Digital Currency, Blockchains and the Future of Financial Services. Mr. Raskin has been published in several media outlets, including the Wall Street Journal, New York Times, Coindesk, and many others. He began his career as an associate at Morgan Stanley and is a graduate of New York University School of Law.

**Steve Krause** (panelist) is the Vice President and Head of Commercial Legal at Dapper Labs, the creators of NBA Top Shot, NFL All Day, UFC Strike, CryptoKitties, and the Flow Blockchain. Dapper Labs uses blockchain technology to bring NFTs and new forms of digital engagement to fans around the world. During his time at Dapper Labs, Steve created the original NFT License, which helped define what ownership means on the blockchain. While managing Dapper Labs' commercial legal team, Steve served as lead negotiator on major IP license agreements with the NBA, NBA Players Association, NFL, NFL Players Association, UFC, La Liga, Sanrio, Warner Music Group, Dr. Seuss, and many others. Steve began his career as an IP associate at Fenwick & West, and worked with numerous tech companies and startups (including GitHub and Cloudflare) prior to joining Dapper Labs. Steve is a graduate of Boston University School of Law.

**Ilyssa London** (panelist) serves as Legal Counsel at Autograph. Autograph is an NFT platform co-founded by NFL quarterback Tom Brady, and it creates unique digital collections and experiences. Autograph's star-studded roster of athletes whose NFTs one can trade include Tom Brady, Tiger Woods, Derek Jeter, Usain Bolt, and many more. Ms. London started her career as legal counsel to a media company and worked for both the Brooklyn Nets and Hulu before arriving at Autograph. She is a graduate of Brooklyn Law School.

**Jonathan Padilla** (panelist) is the CEO and Co-Founder of Snickerdoodle Labs. Mr. Padilla is also the Co-Founder of the Stanford Future of Digital Currency Initiative. Snickerdoodle Labs utilizes blockchain technology to build a data economy that protects user privacy. Snickerdoodle Labs is also creating the data layer of Web 3, which is ubiquitous across both the NFT ecosystem and blockchain as a whole. Previously, Mr. Padilla served as the head of blockchain strategy at PayPal. Padilla is a graduate of Harvard University and has Master's Degrees from University of Oxford and Tsinghua University.

**Carly Weiss** (panelist) is Legal Counsel at AEG. AEG is a sports and entertainment conglomerate that owns and operates Crypto.com arena, the NBA arena formerly known as the Staples Center. AEG and Crypto.com reached a historic, 20-year naming rights agreement, which resulted in the venue's name change and made Crypto.com the official cryptocurrency partner of the Los Angeles Lakers and Los

Angeles Kings. Ms. Weiss began her career as an associate with Schiff Hardin and then worked for Cooley. Weiss is a graduate of University of Michigan Law School.

**Panel 3: The Rise of Legalized Sports Gambling [11:30 - 12:30pm]**

**Michelle Cohen** (moderator) is a Partner at Ifrah Law, where she practices in all areas of the firm's Chambers-ranked gaming practice. She counsels clients across gaming verticals including sports betting, esports, i-gaming, and fantasy sports. Clients include sports betting operators, professional sports teams, payment processors, and media affiliates. Michelle has deep experience in sweepstakes, contests, and other promotions. As a Certified Information Privacy Professional since 2008 (CIPP-US), Michelle adds her data privacy expertise to gaming matters. Michelle practiced with Paul Hastings for over a decade and was a Hiring Partner at Thompson Hine. She is a graduate of Emory University School of Law.

**Frank DiGiacomo** (panelist) is a partner at Duane Morris and is the team lead of the firm's Gaming Industry Group. Mr. DiGiacomo practices in the areas of gaming, sports betting, igaming, entertainment and regulatory law. He represents many public and private companies in the gaming/sports betting industry. He is also the Former Chairman of the Casino Law Section of the New Jersey State Bar Association. Prior to joining Duane Morris, Mr. DiGiacomo was a partner at Wolf Block LLP. He is a graduate of Notre Dame Law School.

**Marc Edelman** (panelist) is sports, gaming & antitrust attorney. He launched Edelman Law, a sports and entertainment law boutique firm. Mr. Edelman is also a Professor of Law & Director of Sports Ethics at the Robert Zicklin Center for Corporate Integrity and an Adjunct Professor of Law at Fordham University School of Law. Mr. Edelman has worked extensively on launching gaming and fantasy sports websites. Mr. Edelman began his career as an antitrust associate at Skadden Arps. He is a graduate of the University of Michigan Law School and received a Master's in Sports Management from the University of Michigan.

**Carolyn Renzin** (panelist) is the Chief Risk and Compliance Officer at FanDuel. She is an experienced regulatory litigator and a compliance expert. Prior to joining FanDuel, Ms. Renzin spent six years at JPMorgan Chase, most recently serving as Assistant General Counsel. Her other experiences include Managing Director at Guidepost Solutions and Partner at Stillman & Friedman. Ms. Renzin began her career as an associate with Simpson Thacher. She graduated magna cum laude from the University of Michigan Law School.

**Dan Wallach** (panelist) is the founder of Wallach Legal LLC, a law firm devoted principally to sports wagering and gaming law in the U.S. Known as "The Sports Betting Attorney," Mr. Wallach has counseled professional sports teams, sports betting operators, fantasy sports companies, sports data providers, integrity monitoring companies, casinos, racetracks, video game manufacturers, and start-ups in navigating the complexities of U.S. gambling laws and regulations. He regularly speaks with lawmakers seeking guidance in crafting sports betting legislation. Mr. Wallach is the co-founding director of the University of New Hampshire School of Law's Sports Wagering and Integrity Program. Mr. Wallach started his career at Weil, Gotshal & Manges. He is a graduate of the Maurice A. Deane School of Law at Hofstra University.

#### **Panel 4: Navigating Labor Disputes & CBA Negotiations [12:30 - 1:30pm]**

**Stan Van Gundy** (moderator) is a former NBA coach and former President of Basketball Operations for NBA teams. Van Gundy began NBA work in 1995 and has been involved with professional basketball for more than two decades in various capacities. Mr. Van Gundy's finest accomplishments include coaching the 2009 Orlando Magic to the NBA Finals, as well as twice serving as a head coach for the NBA All-Star Game. During Mr. Van Gundy's NBA career, the NBA and NBA Players' Association negotiated collective bargaining agreements in 2016, 2011, 2005, 1999, and 1996, including four lockouts. Mr. Van Gundy now serves as an NBA game analyst for TNT.

**Kirk Berger** (panelist) is an associate counsel at the National Basketball Players Association (NBPA). He has been with NBPA since 2015 and helped play an integral role in the union's negotiations with the NBA for a new collective bargaining agreement in 2016. Berger's expertise includes evaluating player contracts, salary cap considerations, and interfacing with players' agents to craft the NBPA's approach to negotiations. Prior to joining the NBPA, Mr. Berger worked in various roles in sports, such as an intern with the New Jersey (now Brooklyn) Nets, a salary cap expert for Excel Sports Management, and a front office intern with the NBA. Mr. Berger is a graduate of Cardozo School of Law.

**Charles Grantham** (Panelist) is the Director of Center for Sport Management at Seton Hall University's Stillman School of Business. Grantham has deep expertise in sports, and he formerly represented or advised NBA players including Charles Oakley, Amare Stoudemire, and Tobias Harris. Grantham began his career with the NBPA as an executive for almost two decades, then served as the Union's Vice President before being named its first Executive Director. Mr. Grantham was a consultant to the plaintiffs in the *O'Bannon v. NCAA* lawsuit. He earned his M.B.A. from The Wharton School of the University of Pennsylvania.

**Jeffrey Kessler** (panelist) is the Co-Executive Chairman of Winston & Strawn LLP. Mr. Kessler has served as lead counsel in some of the most complex sports disputes in the country. His impressive litigation background includes representing college athletes in *NCAA v. Alston* (a case decided by the Supreme Court last year), NFL quarterback Tom Brady in his litigation against the NFL during the "Deflategate" controversy, the players' unions for MLB, NFL, NHL, MLS in collective bargaining with their associated leagues (including MLBPA's ongoing negotiation with MLB to resolve the current lockout), and much more. Mr. Kessler is a graduate of Columbia Law School.

**Pamela Wheeler** (panelist) is the Chief Diversity & Inclusion Officer for NFP. Previously, she served as a consultant to the National Football League on issues of diversity, inclusion, and executive leadership development. Ms. Wheeler also previously served as Director of the Women's National Basketball Players' Association (WNBPA) for more than 15 years. She regularly lectures at Columbia University on labor and employment law topics, as well as on leadership and personnel management. She is a graduate of Boston University School of Law.

**Don Zavelo** (panelist) is the General Counsel for the National Hockey League Players' Association (NHLPA). He has been with the NHLPA since 2011, after serving over 30 years with the National Labor Relations Board (NLRB). While with the NLRB, Mr. Zavelo oversaw unfair labor practice investigations and worked on numerous high-profile sports cases. Mr. Zavelo is a graduate of the University of Kansas School of Law.

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