

Marquette Sports Law Review

Volume 3
Issue 2 *Spring*

Article 7

Spring 1993

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Repository Citation

Kathleen Heitzman, *Book Review: An Athlete's Guide to Agents, 3rd Edition*, 3 Marq. Sports L. J. 237 (1993)

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BOOK REVIEW

AN ATHLETE'S GUIDE TO AGENTS, 3RD EDITION

Robert Ruxin

[Boston/London: Jones and Bartlett Publishers 1993]

xvi + 192 pp.

ISBN 0-86720-779-5 \$14.95

Author Robert Ruxin is the vice-president and general counsel of Kazmaier Associates, Inc., a firm that invests in and manages sports marketing and sports product manufacturing and marketing businesses. Mr. Ruxin graduated from Harvard Law School and serves as vice-president of the Sport Lawyers Association.

This book is an informative tool for any current or aspiring professional athlete. It is also an entertaining look at some of the history of sports agency any sports enthusiast would enjoy. The book presents a number of valuable insights for unsophisticated and unwary potential and/or current professional athletes.

Unfortunately, this book may have arrived too late (if they have not already read it). Any star player, like an Emmitt Smith or a Rick Mirer, will undoubtedly have an agent already; they were probably approached by dozens. Current professional athletes, even position players, already have signed contracts, thus diminishing their need for an agent. Moreover, a position player is less likely to be able to attract endorsement deals, another area where agents are useful.

Further, current professional athletes without an agent are likely making at, or marginally above, the minimum salary in their respective sport. This leaves little for investments, another service agents perform for their clients. Mr. Ruxin points to these factors in deciding whether you need an agent. He notes that if you are not a star player and unable to command an above minimum salary contract, it is not worth paying an agent's fee of three to ten percent. If the agent can get you a contract for above the minimum salary, is it enough over the minimum to pay the agent's fee and still come out ahead?

Another major theme of the book is involvement with your agent. Mr. Ruxin strongly urges against a blanket issue of trust to your agent. He especially discourages giving your agent the power of attorney. Kareem Abdul-Jabbar gave his agent, Thomas Collins, complete control over his affairs, including his power of attorney, and twelve years later he was suing

Mr. Collins for that trust to the tune of fifty-nine million dollars. For athletes who have agents already, this book could serve as a warning. Even for athletes with the most honest agents, it doesn't hurt to be informed. In fact, it is in your best interest to be involved; at a minimum it prevents misunderstandings, and in the worst case scenario it could prevent fraud and embezzlement.

Mr. Ruxin has put together a very useful book for student athletes. Not only does it warn against agent abuses, but it starts off with a section of what the NCAA allows and forbids. Throughout the book, he reminds the reader that any kind of agreement, oral or written, present or post-dated, will threaten your NCAA eligibility. Mr. Ruxin is not ignorant to the plight of the poor college student-athlete and how an agent's promises can make the student forget that the agent is breaking the rules and asking the athlete to do the same. However, he presents the trade-off in a logical, common sense manner. He tells the student-athlete to weigh the money the agent is offering versus the loss of collegiate eligibility. It also means the loss of the athlete's education. But more importantly, Mr. Ruxin asks the student: why should any student athlete trust an agent to be honest and forthright with them when they broke the rules by approaching the athlete in the first place?

This book contains twenty relatively short and readable chapters. The chapters are separated into nine sections that make it easy to use as a reference to answer questions. For more detailed rules, there are references to additional sources. The chapters start with a history of sports agents, noting that before free agency and the rise in salaries, agents were hardly used or needed. The reasoning is simple. First, salaries were too low to justify giving anyone else a cut. Secondly, the agent could hardly make a difference because all the bargaining power resided on the owner's side. This is not the case anymore.

As chapter three describes, agents can do more than just negotiate contracts. A lot of agents function as personal managers, performing such services as investment advising, tax planning, referrals to doctors, arranging endorsements, and public relations. Mr. Ruxin describes how one becomes an agent and whether you, as an athlete, need an agent. Additionally, because the standard player contracts of the NBA, MLB, NFL and NHL deal with hours, benefits, etc. . . there's nothing left for the agent to negotiate.

Part Two is entitled "Matchmaking — Athlete Meets Agent" and includes chapters on finding an agent, making the selection, and whether to turn pro early. Mr. Ruxin recommends identifying your needs, and finding the agent and/or career path that matches those needs.

"Agent Contracts and Fees" is the title of Part Three, which is a useful section for a current professional athlete and future professional athletes. If nothing else, a current professional athlete could read this section and see if their agent is doing a good job.

Parts Four and Five are cautionary, warning athletes to beware of agents' other interests (such as another client who may or may not be competing for a spot on your team, or even your position); and agents that have clients or interests aligned with management or owners. It also discusses when and if an athlete should change agents, and how to do so.

Part Six, entitled "Regulation", is brief, as is the subject it covers. The reader will soon find that the leagues do not regulate agents themselves. This was left to the players' unions, who did not exactly jump on the bandwagon to protect their members. Players' unions regulate sports agents through agent registration programs. The NFLPA began the first one in 1983 and the NHLPA just began a voluntary registration program for agents in 1991. The NCAA also had a voluntary registration program for about five years, terminating it in 1989 because of lack of participation. This section is a little disheartening because there are broad assertions and prohibitions, but it seems that there is little enforcement.

"Preserving the Wealth" and "Marketing Fame" are the titles of Parts Seven and Eight respectively. Rather than how-to's, these sections are further cautions to athletes in their relationships of trust with professional sports agents.

Part Nine, the final section, is devoted to the special considerations of athletes in individual sports. Because athletes in individual sports do not have a team picking up the tab on such things as equipment, travel, coaching, and entry fees, management of the athlete is all the more important.

The author ends with a conclusion entitled "The Athlete's Responsibility", which is a reiteration of a recurrent theme throughout the book. In asserting that the ultimate responsibility resides with the athlete, Mr. Ruxin recommends that the athlete work with the agent, rather than blindly trusting him. At the end of the book, there are some helpful appendices that illustrate previous chapters. The appendices include a glossary, a description of the professional drafts, salary information, sample representations contracts, uniform player contracts, the *Collins v. NBPA* case, charts on player regulation schemes, and a directory of sports leagues and organizations.

Mr. Ruxin has authored a well-written book that speaks to a variety of audiences. It is full of anecdotes that are illustrative of tactics to beware of, and, in some cases, failed attempts by athletes themselves to circumvent the rules.

In a relatively brief work, Mr. Ruxin gives a rather detailed commentary on the industry of Sports Agency that is both informative and useful. From high school athlete to current pro, retired pro, or even armchair athlete, Mr. Ruxin's book will be enjoyed.