

## Book Review: The Business of Sports Agents

Ryan M. Rodenberg

Follow this and additional works at: <http://scholarship.law.marquette.edu/sportslaw>



Part of the [Entertainment and Sports Law Commons](#)

---

### Repository Citation

Ryan M. Rodenberg, *Book Review: The Business of Sports Agents*, 14 Marq. Sports L. Rev. 635 (2004)

Available at: <http://scholarship.law.marquette.edu/sportslaw/vol14/iss2/15>

This Book Review is brought to you for free and open access by the Journals at Marquette Law Scholarly Commons. For more information, please contact [megan.obrien@marquette.edu](mailto:megan.obrien@marquette.edu).

## BOOK REVIEW

### THE BUSINESS OF SPORTS AGENTS

Kenneth C. Shropshire and Timothy Davis

[Philadelphia, PA: University of Pennsylvania Press, 2003]

206 Pages. [\$29.95 U.S.]

ISBN: 0-8122-3682-3

*The Business of Sports Agents*, by University of Pennsylvania Professor Kenneth L. Shropshire and Professor Timothy Davis of Wake Forest University, addresses a multitude of agent-related issues that are prevalent in professional and amateur sports. But, in contrast to a purely informational book, Professors Shropshire and Davis identify specific problems and offer concrete solutions. The issues discussed are wide-ranging and particularly relevant in today's sports landscape: criminal acts by agents, conflicts of interest, ethics, lawyer versus non-attorney agents, and agent turf wars, among others.

The table of contents of the book is revealing. The background section sets forth the historical and legal foundations of the sports agent business, then moves to a brief summary of "the business" and how it has evolved through consolidation. The second section details numerous problems inherent in the business of sports agents. Remedies to the problems are outlined in the third section.

The book's preface explains that *The Business of Sports Agents* "is an outgrowth of a book originally published by Shropshire in 1990" and the current book reflects the evolution of business and legal aspects that impact sports agents. The preface concludes with an insightful discussion on the difference between the phrases "athlete agent" and "sports agent," concluding that the former is a more accurate description of the position, but the latter "has developed as probably the most commonly recognized and accepted label." Noteworthy scandals involving such athlete/sports agents are detailed in the introduction, which serves as an effective segue to the substantive portion of the book that follows.

The first three chapters comprise the book's first section, and opens with the (in)famous Charles C. "Cash and Carry" Pyle. The historical background then moves to Bob Woolf and Martin Blackman (described as the "modern fathers" of the sports agent industry for team sports), Mike Trope, Leigh Steinberg, Mark McCormack (IMG), and the group of four who founded ProServ (Frank Craighill, Lee Fentress, Donald Dell, and Ray Benton).

Chapter Two's focus on the business itself is an accurate and illuminating view on such topics as the scope of an agent's services, hiring a lawyer instead of an agent, and the evolution of "full-service" firms such as Octagon, SFX Sports Group, and IMG. The authors did their homework and included a number of quotes, providing insightful first-person commentary from industry leaders, which is appreciated by the reader. Consolidation in the business, as evidenced by the high number of acquisitions and mergers in the past ten years is also discussed. Most notable here is "the synergy between sports and entertainment" exemplified by a number of prominent athletes who have signed representation agreements with modeling and acting firms.

*The Business of Sports Agents* presents a laundry list of problems in its second section, setting the stage for a number of solutions posited by the authors later. Discussing the competition between agents over prospective clients, specific details are provided regarding direct cash payments to the athletes, facilitating "romantic liaisons" for athletes with models and prostitutes, arranging for shopping sprees at sporting goods stores, and using "runners" to befriend prospects prior to the expiration of an athlete's college eligibility. Just as revealing is the authors' frank discussion of racial and gender issues in the world of sports agents. Perhaps unsurprisingly, the primary source of legal problems in the agent-athlete relationship are concerned with money, specifically, the mismanagement of client funds.

Various conflict of interest issues are the focus of Chapter Six. The authors provide a number of scenarios and query the reader whether the fact patterns amount to a conflict of interest. For example, if an agent represents two or more players on the same NBA basketball team, is there a conflict of interest given that each team in the NBA has a salary cap limiting the amount of money the team may spend on player salaries? In setting forth such concrete examples, Professors Shropshire and Davis effectively communicate the scope of this potential problem and test the reader to come up with his or her own conclusions. Chapter Seven moves into a discussion of ethics, explaining that "[t]he intersection of the legal profession and the agent profession is often an uneasy fit." While a number of hair-splitting ethical dilemmas are set forth, the most notable is whether non-attorney agents and licensed lawyers acting outside of their home jurisdiction are engaged in the unauthorized practice of law. The ensuing discussion on the unauthorized practice of law issue is quite detailed, but non-lawyer readers of the book may find it difficult to follow.

The third, and final, section of the book offers solutions to the aforementioned problems. The authors make an important distinction between private regulations (i.e. NCAA, player's associations) and public regulations in the form of federal and/or state laws. The book correctly points out that federal intervention is relatively rare, with state statutes the norm. Primarily



because of the lack of enforcement in many states, the authors conclude that “[t]he impact of these statutes has been varied.” Other complications, such as jurisdiction, vagueness, and commerce clause issues blunt the effectiveness of state statutes designed to regulate the activities of sports agents. The Uniform Athlete Agents Act, which was being promulgated and subsequently adopted by some state legislatures at the time the book was being published is also discussed. The authors conclude that “[f]ederal legislation might be the preferred approach to regulating the athlete agent,” but concede that “such legislation will probably never occur.”

The coverage provided to each of the discrete issues in *The Business of Sports Agents* is complete, and those working in, or interested in, the sports industry will appreciate the specific examples Professors Shropshire and Davis use to highlight and illustrate their points. The only major deficiency is the exclusive emphasis on the major U.S. team sports (football, hockey, basketball, and baseball) and the lack of treatment extended to important international aspects of the sports agent business and individual sports such as golf and tennis. That notwithstanding, *The Business of Sports Agents* is an informative and thought-provoking read that I would recommend to sports agents, lawyers, and others drawn to the myriad of issues facing sports agents today.

RYAN M. RODENBERG  
Assistant General Counsel at Octagon  
McLean, Virginia.