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TRIBUTE

2019 MASTER OF THE GAME: DEAN EMERITUS FRANK C. DEGUIRE

The National Sports Law Institute's Master of the Game Award honors an individual who has made significant contributions to the sports industry and who exemplifies the highest level of professionalism in his or her field. The 2019 Master of the Game Award was given in honor of Dean Emeritus Frank C. DeGuire, for his contributions to the development of the National Sports Law Institute (NSLI) and Sports Law Program at Marquette University Law School.

Past recipients of the award include Val Ackerman, BIG EAST Commissioner (2016); Martin J. Greenberg, founder, National Sports Law Institute (2014); David Howman, Director General, World Anti-Doping Agency (2012); the family of Joe and Bernice Tierney (2009); Michael Conley, Executive Director, World Sport Chicago, and CEO, MAC Management Group (2007); Dr. Cedric Dempsey, former Executive Director, National Collegiate Athletic Association (2004); Donna de Varona, women's rights advocate and dual Olympic Gold Medalist 1964 (2003); Tommy G. Thompson, former Secretary of Health and Human Services and former Governor of the State of Wisconsin (2001); Allan H. "Bud" Selig, Commissioner Emeritus of Major League Baseball, and Distinguished Lecturer in Sports Law and Policy (2000); Bob Harlan, Chairman Emeritus, Green Bay Packers (1997); Hank Aaron, MLB Hall of Fame member and executive with the Atlanta Braves (1995); Bart Starr, NFL Hall of Fame member and former Green Bay Packer (1994); and Al McGuire, former head men's basketball coach at Marquette University (1992).

The following remarks were given in tribute to Dean Emeritus Frank C. DeGuire during the presentation of the 2019 Master of the Game Award as part of the NSLI's 30th anniversary conference "30 Years of Sports Law" held in Eckstein Hall on Friday, October 18, 2019. The award was presented by Professor Paul Anderson, the Director of the Sports Law Program and National Sports Law Institute at Marquette University Law School.

REMARKS OF PAUL M. ANDERSON¹

On Tuesday, June 13, 1988, Marquette University Law School Dean Frank DeGuire sent a note to Marquette's Vice President for Academic Affairs. The subject of this note was the "Proposed Sports Law Curriculum and Center for the Study of Sports Law."² The letter notified him that the law school's faculty had approved a report of its Curriculum Committee recommending "the establishment of both a Sports Law Curriculum and Center for the Study of Sports" Law at Marquette University Law School. As DeGuire stated in the letter, this decision was in response to an ABA inspection report that suggested the law school "identify a niche in legal education. . . which might be helpful in increasing national recognition, the attraction of greater resources, and assisting in recruiting qualified students," among other things.³ Our focus remains the same today.

About eight months later, on Wednesday, February 15, 1989, Dean DeGuire led a press conference announcing the creation of the National Sports Law Institute, with the invaluable support of the Green Bay Packers, Milwaukee Brewers, Bucks, Admirals, and Wave.⁴ At the same time a press release noted that the Institute

will seek to educate competent professionals . . . offer . . . a complete curriculum of courses necessary to receive a thorough understanding of this complex and growing field . . . host national and international seminars, workshops and conferences . . . and . . . attract the finest law students throughout the country who are interested in the study of sports law. . .⁵

As we celebrate the 30th anniversary of our creation at this conference celebrating 30 Years of Sports Law (give or take about 100 days), I believe we have done our best to meet all of these goals, and as we celebrate thirty years, we also remember our past.

The Master of the Game Award honors an individual who has made significant contributions to the sports industry and who exemplifies the highest level

¹ Marquette University Law School class of 1995. Director, Sports Law Program and National Sports Law Institute, Adjunct Professor of Law, Marquette University Law School, Founder and Chair, Sports Law Alumni Association.

² Letter from Frank C. DeGuire, Dean, Marquette University Law School, to Dr. David R. Buckholdt, Vice President for Academic Affairs, Marquette University (June 13, 1988) (on file with Nat'l Sports Law Inst.).

³ *Id.*

⁴ MU Establishes Nat'l Sports Law Inst., Marquette Univ. News & Views, Vol. 15, No. 12, Feb. 24, 1989, at 1.

⁵ Press Release, Nat'l Sports Law Inst. (Feb. 15, 1989) (on file with Nat'l Sports Law Inst.).

of professionalism in his or her field. We have only given this award thirteen times over the past thirty years, but the fourteenth winner of the award is truly a deserving recipient: Dean Emeritus Frank DeGuire. Dean DeGuire was instrumental in the creation of the Institute, and what became the Sports Law Program. He was also my law school Dean, and though he was intimidating back then, he was the one who pointed me to the old Institute, back on 17th street, and connected me with Marty Greenberg during my first semester of law school. Without him, I would not be standing before you today. Thank you Dean DeGuire for what you have done for me, and for this Institute.

REMARKS OF PROFESSOR MARTIN J. GREENBERG⁶

Frank C. DeGuire graduated from Marquette University Law School in 1960. He started his career as a practicing lawyer, later as the President, CEO, and Chairman of the Board of Pabst Brewery (at the time the third largest brewery in the US) and concluded his career as a professor and Dean of the Marquette University Law School. Frank also served on the Marquette University Board of Trustees and was named the 1978 Distinguished Marquette Alumni of the Year. Frank is a legal legend in the area of corporate and business law and is well known for his writings and teachings on the subjects.

I had the great honor and privilege of admiring Frank while in his position as Dean of the Marquette University Law School. Frank's office door was always open, and his mind was also receptive to new and creative ideas.

After attending a sports law seminar in Florida, I had a dream and a potential opportunity for Marquette University Law School to distinguish itself in an up and coming area of the law - Sports Law. From a law school perspective, Frank was certain that with the proper infrastructure, Sports Law could become an academic specialty field that would be pursued among law school students throughout the United States. Frank also saw a chance to attract highly qualified students from outside Milwaukee and Wisconsin. Frank's eyes lit up with excitement when I presented the idea for a Sports Law specialty and the creation of a National Sports Law Institute ("NSLI"). Frank foresaw the NSLI "as a leading educational and research institute for the study of legal, ethical, and business issues affecting amateur and professional sports from both an academic and practical perspective." More importantly, Frank, as the Dean of a Catholic Jesuit university, was committed to the NSLI "searching for the truth, discovering and sharing knowledge, fostering professional excellence, developing leaders, and serving those in the [growing] sports industry." To receive Frank's

⁶ Marquette University Law School class of 1971. Managing Member, Law Office of Martin J. Greenberg, LLC, and Adjunct Professor of Law, Founder and Director, National Sports Law Institute, 1989-1997, member, Sports Law Alumni Association and NSLI Board of Advisors.

endorsement, support, and enthusiasm was a dream come true for me. The idea also had the backing of Frank's colleagues, Associate Dean Charles Mentkowski, Professor James Ghiardi, and Father DiUlio, President of Marquette University.

Fortunately, the law school had an incomparable leader that could get this done and wanted it to be done. Frank was an academic practitioner. He commanded respect at every stop, was totally dedicated to the ideals of Marquette University, and had the unique ability to raise the monies necessary to put the NSLI on solid financial ground.

The faculty at first expressed some concerns that a sports law institute might take away funds and resources from existing programing. The only way the NSLI could be established was through fundraising and it was only Frank, with his special pedestal of respect and presence, who could accomplish this goal. With ease, Frank convinced the likes of Bud Selig of the Milwaukee Brewers, The Honorable Robert J. Parins and Bob Harlan of the Green Bay Packers, Herb Kohl of the Milwaukee Bucks, William Schmus of Miller Brewery, the Milwaukee Admirals, and later Jane Pettit, to invest in this worthwhile program. As a result, on February 15, 1989 under the leadership of Dean Frank DeGuire, a press conference was held at Marquette University Law School announcing the establishment of the National Sports Law Institute.

Frank, through his executive and corporate business experience, was quick to pick up the relationship between the law and the sports industry. An industry that is loved by most, watched by millions, and generates revenues both in the venues and on the TV that are mind-boggling. Frank understood that the industry was sports, but all the basic fields of law had application to the proposed Marquette University Law School specialty. Sports Law is nothing more than the application of general principles of law to the sports industry that includes professional, amateur, and recreational sports. This year marks the thirtieth anniversary of a dream and the hard work Frank put into making that dream a reality. Today, as such it is just and right that this year's Master of Game Award be presented to Frank DeGuire, for his vision, his tenacity, and without whom the NSLI would have never succeeded.

REMARKS OF PROFESSOR JAMES T. GRAY⁷*The Learner and Teacher*

Dean Frank DeGuire loves to learn. He loves to teach. He lives what he loves.

Dean DeGuire's learning and teaching philosophy encapsulates the "trans-disciplinary knowledge" mindset. For 30 years, this critical thinking attitude has encouraged those who study sports law at Marquette University to engage in an organic process that occurs from within – inside a topic and surrounded by a group of people who are willing to forfeit the comfort of their individual disciplines and expertise in order to discover something worthwhile. This succinctly encapsulates the National Sports Law Institute's exploration of sports law theory and practice as articulated within its Mission Statement.

Given the foregoing, Dean DeGuire applied his trans-disciplinary convictions during the formation of the National Sports Law Institute 30 years ago. At that time, Marquette possessed an excellent law school filled with dedicated professors and striving students. Times were good. Tuition was reasonable. Jobs were available. To be a "Marquette Lawyer" meant one served their clients effectively, retained a great sense of ethics, and willingly engaged in ongoing improvement of self and that of community. Nonetheless, Dean DeGuire asked: Should there be something more? His response was an emphatic: YES. What was it? Marquette University Law School could experience "Distinction" in the form of Sports Law Education.

Pursuit of Distinction

Distinction requires continued deviation from the norm. At Marquette University, distinction was further guided by its core values of "Excellence," "Faith," "Leadership" and "Service." While there is a high level of satisfaction in achieving distinction, there is equally a great deal of PAIN invested. During 1989 and 1990 Dean DeGuire met resistance. Financial sustainability of the NSLI was always lurking. Timely delivery of a credible forward-looking sports law curricula was yet another. If both were not attained within a reasonable period during the late 1980s our Law School's "sports law dream" would have abruptly vanished. As we celebrate the thirtieth anniversary of the National Sports Law Institute please be mindful that during its inception, and public

⁷ Marquette University Law School class of 1990. Associate Professor, and Sport & Recreation Management Program Director, Marian University; Assistant Director, National Sports Law Institute 1990-1997; member, Sports Law Alumni Association and NSLI Board of Advisors.

introduction, there was never any guarantee that, first, it would ever come to fruition, and, second, thrive in the way it has continually enjoyed.

Sports law distinction has flourished at the NSLI because Dean DeGuire embarked on a path toward achievement of his goals while those staunch members of the status quo variety refused to engage. In this regard, Dean DeGuire embodied Marquette's "Guiding Value" connected with "a spirit of interdisciplinary curiosity, research, innovation, entrepreneurship and application to change and improve ourselves, our community, and our world." One reaches distinction by selecting a path which is, simultaneously, risky and laborious. It is, in sum, a direction that is simply not immediately appealing to others. In other words, Dean DeGuire would ask via deed and inquiry: What do you stand for? Do you believe in anything worthwhile? Are you willing to sacrifice in order establish a legacy in the service of others?

The Sports Law Dream Becomes Marquette Reality

What did Dean DeGuire accomplish to become "MASTER OF THE GAME?" What follows is a partial list:

- Imagined the National Sports Law Institute of Marquette University Law School. Then, visualized its reality.
- Raised Five Hundred Thousand Dollars from the Packers, Admirals, Brewers, Bucks, and Miller Brewing Company. In sum, Dean DeGuire performed a miracle where fiscally conservative Milwaukee and Wisconsin invested in the dream, along with the promise, of sports law education.
- Encouraged the hosting of internationally recognized sports law conferences to unleash hope for others and of self.
- Fostered the publication of outstanding works to serve the sports industry and guide future academic inquiry.

Most importantly, however, Dean Frank DeGuire inspired all within the Marquette University Law School community to willingly embrace life-long learning and to engage as servant leaders within the communities they reside. I am among them.

REMARKS OF PROFESSOR MATTHEW J. MITTEN⁸

I applaud and am grateful to Dean Emeritus Frank DeGuire for establishing the National Sports Law Institute, which is nationally respected and internationally recognized. Beginning in 1989, he established a solid foundation and history of strong decanal support for the NSLI and Marquette's Sports Law program, which attracts students from throughout the United States (and Canada) and is the nation's best and most comprehensive sports law curriculum. I vividly remember meeting Dean DeGuire in October 1998 when interviewing for the position of NSLI Director and being very impressed with his certainty and enthusiasm that the NSLI played an important role in furthering the Law School and Marquette University mission of educational excellence and service to society (specifically, the millions of persons and thousands of entities that are part of the local, Wisconsin, U.S., and international sports communities and industries). In my view, it is entirely fitting that the NSLI's founding dean is an accomplished sportsperson—Dean DeGuire has been an excellent golfer for several years who has shot an 18-hole score of less than his age many times. Congratulations to Dean DeGuire for receiving the NSLI's 2019 Master of the Game Award, which he so richly deserves for his foresight and leadership!

REMARKS OF DEAN JOSEPH D. KEARNEY⁹

It is a great privilege for me to help mark this occasion. Sometimes, when I address a group, it's necessary for me to do so at some length. This may be because I am the extent of the program; or because the proposition asserted is a close one and some nuance is required to make it well; or because one almost *must* go on a bit in order to persuade himself or those listening that even a particular aspect of the general proposition is true or important. Happily, none of those situations is presented here. I am the final act; my point is elegantly simple; and the case for honoring Frank DeGuire with the Master of the Game Award is overwhelming.

During my own time as dean, we have done a few things that are bold or unconventional, I think it fair to say. Yet, with respect to our academic program and the sort of students whom we attract (that is, with respect to the most important aspects of the Law School), I would not suggest that anything on my watch has been as audacious or important as Dean Frank DeGuire's declaring some thirty years ago that Marquette University Law School would create and

⁸ Professor of Law and Executive Director, National Sports Law Institute and LL.M. in Sports Law Program for Foreign Lawyers, Marquette University Law School.

⁹ Dean and Professor of Law, Marquette University Law School.

be the home to the National Sports Law Institute. At that time, we were considerably more of a local or regional institution than is the case today. There was great honor in that, but we wanted more. To be sure, even then, we had some students who came from elsewhere (even beyond Stevens Point, I'll note in a sort of nod to Dean DeGuire) and some graduates who went elsewhere, but we had not been able to claim that we were, or might be, "the National" anything. Dean DeGuire simply declared that we were going to create—that we *were* creating—the National Sports Law Institute. Without doubt, he did this after listening to and speaking with others, but he was the dean. It was on him to decide. This being a national event, I am not restricted to phrases from my adoptive city of Milwaukee. So, with apologies (and in hopes that he was not a Cubs fan), I will reach down to my hometown and invoke a famous phrase by the great architect Daniel Burnham: "Make no little plans; they have no magic to stir men's blood" Certainly, this must have been Dean DeGuire's thinking.

So that goes to the audacity. What of the importance? I will give you succinct dispositive evidence of this. We now attract one half of our students from outside Wisconsin. This is a great thing for us and the region that we primarily serve. The incidence of our attracting someone from across the country has grown even during my own time at the helm: It was true of one-third of our entering students when I took the helm in 2003. While I do not have precise statistics for 1990, I assure you that it was a lower number yet—undoubtedly not amounting to a quarter. And so much of the increase over the past three decades is directly attributable to our sports law program—to, that is, the National Sports Law Institute, part of Marquette University Law School.

Much more could be said. I have focused only on the reputation and public estimation of the Law School and on the students whom we attract. There is also the matter of what we do with these students—in particular, the matter of our curriculum in sports law. These are matters of public record, even as they get further developed from year to the next. Dean DeGuire's momentous decision three decades ago continues positively to affect Marquette Law School today. As his successor (once removed), I feel fortunate and grateful. Thank you, Dean DeGuire, and congratulations on your well-deserved recognition with the National Sports Law Institute's Master of the Game Award.