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## Foreword

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# SYMPOSIUM: PERSPECTIVES FROM SPORTS LAW ALUMNI

## FOREWORD

### INTRODUCTION

After Marquette University Law School's faculty endorsed a curricular focus on sports law in June of 1988,<sup>1</sup> the creation of the National Sports Law Institute of Marquette University Law School was announced publicly on February 15, 1989.<sup>2</sup> The Institute was formed when several Marquette University Law School alums, including Professor Martin J. Greenberg, class of 1971, and Associate Dean Charles Mentkowski, class of 1948, convinced Dean Emeritus Frank DeGuire, class of 1960, and the law school faculty, that a focus on "a niche in legal education. . . which might be helpful in increasing national recognition, the attraction of greater resources, and assisting in recruiting qualified students."<sup>3</sup>

By 1997, after brainstorming with fellow alum Professor William Miller, class of 1996, I decided that we needed to recognize the continued support of our alumni and created what was initially known as the NSLI Alumni Board, and now is known as the Sports Law Alumni Association.<sup>4</sup> By 2000, what was merely a few classes in sports law, grew into a full Sports Law Program with the creation of the Sports Law Certificate given to students who complete certain requirements by the time they graduate.<sup>5</sup> Our alumni remain a vital and active part of the Sports Law Program, from judging competitions, coaching

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1. 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.)

2. 4 MU Establishes Nat'l Sports Law Inst., Marquette Univ. News & Views, Vol. 15, No. 12, Feb. 24, 1989, at 1.

3. Letter from Frank C. DeGuire, *supra* note 1.

4. Sports Law Alumni Association: If You Build It They Will Come, Marquette Lawyer, Summer/Fall 2002, at 12.

5. *Sports Law Certificate Requirements*, <https://law.marquette.edu/national-sports-law-institute/sports-law-certificate-requirements> (last visited January 11, 2022).

competition teams, hosting student interns, speaking at events, mentoring students, teaching several courses, and supporting scholarship funds for current students. Including 425 members as of January 2022, the Sports Law Alumni Association continues to be a place where our sports law alumni can come to support the students within the Sports Law Program.

The idea for this Symposium issue came from discussions during a celebration of the 30<sup>th</sup> anniversary of the creation of the National Sports Law Institute on Friday, April 12, 2019.<sup>6</sup> Although we have published several symposium issues over the years, we have never published an issue including articles written by members of our Sports Law Alumni Association. Announced during our 30<sup>th</sup> anniversary conference on Friday, October 19, 2019, alumni were invited to submit articles to this symposium in early 2020.

Of course, in March of 2020 the world shut down during the initial parts of the Covid-19 pandemic. Thankfully, our alumni authors were steadfast in their commitment to publish interesting and timely articles in this symposium issue. Thanks to the hard work of the current editorial board led by Editor-in-Chief Quinn Stigers, you have the fall 2021 Symposium before you, including articles from the following alumni listed in the order they appear herein -

- Professor Martin Greenberg (L'71), our founder and initial Director, and still a member of our sports law faculty, and Attorney Michael Galvin (L'17), now a Tax Associate at Ernst & Young, LLP, discuss opportunity zones and their impact on sports facility financing,
- Professor James Gray (L'90), the first Assistant Director the National Sports Law Institute and now Professor and Sport & Recreation Management Program Director, Marian University provides and interesting analysis of the potential use of brain chips or whole brain emulation as a possible way to save football,
- Professor Kerri Cebula (L'06), now Associate Professor of Sports Management, at Kutztown University of Pennsylvania writes about trade secret protection for race car engines,
- Dr. Sarah Brown (L'14), now Clinical Assistant Professor at Southern Methodist University, and Dr. Katie Brown, from Texas Tech University, analyze the use of wearable technology in college athletics,
- Attorney Karla Nettleton (L'17), a Tax Attorney, Reinhart Boerner

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6. National Sports Law Institute 30th Anniversary Meeting and Picture, <https://law.marquette.edu/sports-law-institute/national-sports-law-institute-30th-anniversary-meeting-and-picture> (last visited Jan, 11, 2022).

Van Deuren, provides a summary of the Excess Compensation Excise Tax and current IRS guidance and its impact on collegiate athletics,

- Professor Lauren McCoy (L'09), Sports Management Program Director at Winthrop University, analyzes the evolution of the deliberate indifferent standard under Title IX,
- Aaron Hernandez (L'13), Director, of the Allan Bud Selig Sports Law and Business Program, Sandra Day O'Connor College of Law, Arizona State University, calls on the NCAA to combat the sexual assault problem within college athletics,
- Attorney Olivia McQuade (L'21), head of civil litigation at JB, Entreprises, SC Law & Strategy, analyzes constitutional claims brought against high school transgender policies,
- Attorney Jeremy Heacox (L'12), judicial law clerk for a magistrate judge at the United States District Court for the Eastern District of Wisconsin, revisits Wisconsin's race-based mascot law, something he wrote about originally in 2021,
- Professor Mark Dodds (L'05), from the Sport Management Department, SUNY Cortland, along with Professor Barb Osborne from the University of North Carolina study ways to use the law to combat sports corruption, and
- Dr. Genni Birren (L'04), Associate Professor and Graduate Coordinator, Sport Management and Sport Law, SUNY Cortland, analyzes the new Rodchenkov Anti-Doping Act.

Overall, these alumni provide interesting and novel perspectives on cutting edge issues within the sports industry. In many ways they also demonstrate the skills they developed from and bring to the Sports Law Program at Marquette University Law School. I thank all of them for their contributions, expertise, and continuing support of the Sports Law Program at Marquette University Law School.

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