

AMERICAN BAR ASSOCIATION'S BUSINESS LAW SECTION'S NONPROFIT ATHLETIC ORGANIZATIONS COMMITTEE TAKES UP FOOTBALL AND LACROSSE -- IN AN HOUR!

ABA NONPROFIT ATHLETIC ORGANIZATIONS SUBCOMMITTEE
OF NONPROFIT ORGANIZATIONS COMMITTEE
SECTION of BUSINESS LAW
PRESENTS:

"A Flying Wedge? The 'Union' of Sports Law & Labor Law
in Intercollegiate and Interscholastic Athletics"

at the

ABA Section of Business Law Annual Meeting

Friday, September 9, 2016 - 2:30-3:30 P.M.

Marriott Hotel Copley Plaza

Boston, MA

Clarendon Room 3rdFloor

Panelists:

Donald Collins, Esq., San Francisco, CA. Commissioner, San Francisco Section of the California Interscholastic Federation.

Nicole Horberg Decter, Esq., Boston, MA., partner, Segal Roitman, LLP

Donald P. Tutson, Jr. Esq, Stamford, CT. Outside General Counsel, Eastern College Athletic Conference.

Moderator & Chair: Alan Goldberger, Esq.,
Florham Park, NJ.

Law Offices of Alan S. Goldberger.

On March 26, 2014 a National Labor Relations Board Regional Director ordered a union-representation election granting a petition to organize Northwestern University Football players receiving athletic scholarships as employees of the school - entitled to organize for the purpose of engaging in collective bargaining.

About 16 months later - and 400 miles east, another NLRB Regional Director ruled that a group of high school lacrosse officials - members of an organization consisting of about 140 referees in western Pennsylvania were statutory employees of the Pennsylvania Interscholastic Athletic Association, the governing body for high school sports and a constituent member of the National Federation of State High School Associations.

After the mandated union representation election, last July the NLRB granted review of the Regional Director's decision on the issue of whether lacrosse officials are employees or independent contractors. That review is still pending. As to the college football players' matter, on August 17, 2015, the full NLRB, hearing Northwestern University's challenge to the finding that most of its football players were University employees, reversed the Regional Director's finding and announced that the Board will decline to assert jurisdiction.

Although these cases are not the first forays into the law on the question of whether college student-athletes or game officials are employees entitled to union representation and the other benefits of the NLRA, the past few years have witnessed some rather unusual departures from traditionally-held notions of the legal status of participants in sports.

To sort all this out, join our panel of attorneys for a special insight into these cases - and on how future union efforts, in both the interscholastic and intercollegiate sports settings might alter the landscape around the ever-widening intersection of sports and the law.

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