

## Sports Group Of The Year: Akin Gump

By **Darcy Reddan**

*Law360, New York (February 2, 2018, 4:07 PM EST)* -- Advising the NFL in multiple legal matters such as the lawsuit over the suspension of Dallas Cowboys running back Ezekiel Elliott and representing the San Francisco 49ers in employment disputes has helped land Akin Gump Strauss Hauer & Feld LLP among Law360's Sports Practice Groups of the Year.

The firm's sports practice comprises approximately 47 lawyers, with 13 partners in four offices in Washington, D.C., New York, San Francisco and Los Angeles. Throughout the past year, the firm has represented the National Football League in class action suits brought by former players over injuries related to painkiller usage, advised the San Francisco 49ers and the league in separate contract disputes, and also provided pro bono tax advice to the Washington Nationals Youth Baseball Academy.

"The relationship with the league is not just focused on these labor arbitrations, but there is a great deal of value that we provide to the league and to teams because we have a very good understanding of where the various sports law issues intersect with traditional labor law and other aspects of employment law," Akin Gump partner Nate Oleson said in an interview with Law360.

The most high-profile work the firm took on this past year was the NFL's standoff with the National Football League Players Association over the suspension of Elliott. In August, Elliott was suspended for six games for violating the league's personal conduct policy due to allegations of domestic violence.

The NFLPA had argued a labor arbitration over the suspension was fundamentally unfair since the arbitrator denied the union an opportunity to cross-examine Elliott's accuser despite purported questions about the credibility of her allegations, as well as an opportunity to question NFL Commissioner Roger Goodell himself.

Elliott ultimately dropped his appeal after the Second Circuit lifted a temporary stay of a district judge's decision in November, which had allowed Elliott to stay on the field.

Partner Stacey Eisenstein told Law360 that while the firm gets recognized for matters like Elliott's, that isn't where the work stops.



“A lot of it is advising the league and the teams on arbitration, contract disputes, contract interpretation and various employment and discrimination matters,” she said.

One of the largest matters that is handled by the firm’s sports practice is the representation of the NFL in two ongoing suits alleging that players were encouraged to abuse pain medication in order to play through injuries.

Both suits have resulted in the plaintiffs appealing the court’s ruling to the Ninth Circuit. The class in Richard Dent et al v. NFL requested an appeal after the lower court ruled that the claims were barred by federal labor laws and are awaiting ruling. The class in Evans et al v. Arizona Cardinals Football Club LLC et al. appealed to the Ninth Circuit in August after a court ruled that state workers compensation laws negated their allegations.

While the firm represents the league in class action suits, it also advises both the league and certain teams on player grievance matters.

Akin Gump serves as lead counsel to the league in an ongoing dispute with Philadelphia Eagles offensive tackle Lane Johnson over a 10-game suspension for performance-enhancing drug use. In July, the suit was transferred to the Southern District of New York.

The firm is also currently representing the San Francisco 49ers in an attempt to enforce an arbitration award that requires former linebacker Aldon Smith to repay a portion of his signing bonus because he was suspended under the NFL’s substance abuse policy.

The firm also provided pro bono tax advice to the Washington Nationals Youth Baseball Academy, which helps the area’s underserved communities, and helped raise \$500,000 through an annual charity softball event to help fund the efforts.

While the firm operates outreach programs like this, it stays focused on litigation. Oleson and Eisenstein said that the long history working with the league is a testament to the firm’s abilities and sets it apart from other firms.

Oleson credits the more than two-decade relationship with the NFL to the firm’s track record while representing the league, saying “we’ve been its primary counsel on a large number disciplinary hearings and arbitration type hearings, running from the first signing bonus cases where Barry Sanders retired abruptly and the [Detroit] Lions sought to get the signing bonus back from him.”

In 2000, the firm represented the Lions in the legal battle over the \$11 million signing bonus that became a point of contention when Sanders retired with four years remaining on his contract.

Oleson said that the firm sets itself apart from others thanks to the experience working on these matters because they “have institutional knowledge to know how these issues are going to play out as a variety of legal regimes intersect.”

--Editing by Emily Kokoll.