

Sports Group Of The Year: Gibson Dunn

By **Matthew Guarnaccia**

Law360, New York (February 6, 2018, 2:26 PM EST) -- Gibson Dunn & Crutcher LLP's sports practice set itself apart from the pack in 2017 by taking on some of the biggest sports cases, including a challenge to the federal sports wagering law, while simultaneously helping clients secure a major broadcasting deal and an Olympic bid, earning a spot as one of Law360's Practice Groups of the Year.

Between its extensive litigation and transactional work, Gibson Dunn's sports practice does it all, taking on matters involving major sports leagues and organizations in the U.S. and beyond, including the National Basketball Association, the National Football League and the International Olympic Committee. With 84 members across the U.S. and Europe, the group prides itself on operating a wide-reaching practice, never having to specialize in one particular area.

Gibson Dunn's sports group co-chair, Richard Birns, said he believes the key to the group's success is the fact that its attorneys have a great understanding of issues beyond the sports realm, which helps them when serving their sports-focused clients.

"We are universally strong across every category that you touch upon when it's a sports matter, whether it's a corporate matter or litigation matter," Birns said.

One of the most notable cases Gibson Dunn worked on in 2017 involves New Jersey's ongoing challenge to the federal sports gambling ban at the U.S. Supreme Court. Gibson Dunn represented New Jersey and then-Gov. Chris Christie in the case against the NCAA and the four major U.S. professional sports leagues over the constitutionality of the 1992 Professional and Amateur Sports Protection Act.

On behalf of New Jersey and Christie, Gibson Dunn penned the certiorari petition that ultimately led the justices to take up the case in July, contending that PASPA constitutes a violation of states' rights. The Supreme Court has not made a decision in the case yet, but the justices appeared to be open to the idea of overturning the ban when the court held oral arguments in December.

Gibson Dunn was also in the middle of a dispute that clarified a major area of the law with respect to sports agents, agencies, and their relationship with collective bargaining agreements.



The firm represented agency Independent Sports & Entertainment in a disagreement with basketball agent and former employee Daniel Fegan. The agency accused Fegan in California state court of stealing clients away after his firing, and initially won a temporary restraining order to stop him from breaching a noncompete clause.

Fegan then removed the case to federal court on the grounds that the disagreement involved federal labor law that governed the NBA's collective bargaining agreement. The removal preempted the state court injunction and barred the federal court from providing any relief, Fegan contended.

On behalf of ISE, Gibson Dunn successfully argued that the dispute involved a noncompete rooted in an agreement under state law — not the CBA — sending the case back to state court. The case is currently in arbitration.

Gibson Dunn was also successful in defending ISE and CEO Hank Ratner from a \$30 million countersuit by Fegan in California state court. The judge in August granted a bid by ISE and Ratner to compel arbitration and awarded attorneys' fees.

In addition to providing a great win for Gibson Dunn's clients, the decision provided guidance on what types of disputes could be resolved through the courts by rejecting Fegan's assertion that matters like this should be handled through the players' unions.

"We managed to get a really clear definition that when there is an agency-agent dispute, even if it involves NBA player contracts, that court — that arbitration — can handle that and it wouldn't be handled exclusively by the player's association, said partner James P. Fogelman, who represented ISE and Ratner.

In addition to these cases, Gibson Dunn's sports team handles a variety of other dispute resolution matters, including U.S. Anti-Doping Agency proceedings and professional sports arbitration cases, among others.

On the transactional side, Gibson Dunn is no stranger to the spotlight, taking part in some highly impactful deals in 2017.

For example, the firm's sports practice was instrumental in bringing the Summer Olympics back to Los Angeles for an unprecedented third time, as the IOC announced in September that the city would host the games in 2028. Representing the committee responsible for the effort, Gibson Dunn continues to provide advice on various aspects of the venture, including media, advertising, and film and music licensing.

In addition, the firm represented Bruin Sports Capital in a deal to expand NFL Game Pass — a service featuring NFL games and other programming — into Europe. The partnership and licensing agreement allowed Bruin Sports to host and deliver the content to European fans through a subscription-based service.

As the group presses on into 2018, it seeks to use the close relationships between its attorneys in order to be even more successful.

"We have a great synergy," Maurice Suh, co-chair of the sports group, said. "When you're talking about

a national or international practice that covers wide range of clients and topics, that dynamic really makes a difference for the client. And I think that's generally true of the firm as a whole, but I think it is specifically so for the sports law practice."

--Editing by Emily Kokoll.

All Content © 2003-2018, Portfolio Media, Inc.