

Sports Group Of The Year: Gibson Dunn

By Ryan Boysen

Law360 (February 20, 2019, 4:22 PM EST) -- Gibson Dunn & Crutcher LLP's sports law practice group covered a lot of ground last year, locking down two multimillion-dollar stadium deals, helping NFL players fight back against various league decisions and clearing the way for legal sports betting with the U.S. Supreme Court's decision in *Murphy v. NCAA*, all of which earned the firm a spot among Law360's Practice Groups of the Year.

Gibson Dunn's sports law practice group is relatively small compared to the rest of the firm — the group accounts for about 90 of the firm's 1,372 attorneys. Nonetheless, the group regularly takes on some of the most pressing cases and developments in sports, from its continued representation of Nike on its sponsorships of elite athletes to the Supreme Court's *Murphy* decision, which completely redefined the sports betting landscape in the U.S.

Partner Maurice Suh, who's a co-chair of the group, said it owes much of its success to its broad, interdisciplinary approach to sports law.

"The matters our group has taken on over the past year really covered a broad range of issues and specialties, from litigation, to deals, to everything in between," Suh said. "In almost all of the cases I've dealt with, that multidisciplinary approach was a game changer, because our clients need to know we can handle every aspect of a case or project."

The *Murphy* decision is a perfect example of that cross-disciplinary approach. The case began nearly six years ago, when former New Jersey Gov. Chris Christie approached the firm about trying to get federal restrictions on sports gambling overturned.

While that was always the goal, partner Matthew D. McGill, who worked on the case since its inception, said the legal arguments in the case actually had very little to do with either sports or gambling per se. The Gibson Dunn team's arguments focused instead on the Tenth Amendment's "anti-commandeering principle," which prohibits the federal government from coercing state or local governments to act against their will.

Because there were only a grand total of two decisions touching on that arcane constitutional issue, McGill and the rest of his team had to also lean heavily on more general arguments about "federalism and the



rights of the states to govern themselves, and what type of federal government our founders created when they wrote the Constitution," McGill said.

"Really the case itself was not about sports betting, but we looked at the problem and then we used every tool in the tool shed to achieve the policy outcome Gov. Christie had advanced for so long," McGill said. "In this case, the tools that worked were ancient principles of federalism."

McGill, who works out of Gibson Dunn's Washington, D.C., office, said he worked the case for all six years with other partners around the country, nearly all of whom also specialize in areas other than just sports law.

On the other side of the spectrum, attorneys from the sports group helped to lock down two major development projects for new sports arenas last year: the \$1 billion Belmont Park project, which will include a new arena for the New York Islanders, and a planned new stadium for the Oakland Athletics.

Officials for the A's have refused to put a dollar amount on the project just yet, but the San Francisco Business Times reports it's almost certainly more than half a billion. The firm helped to pass a new state law signed in September that will expedite review for the project under California's Environmental Quality Act.

Gibson Dunn is also advising the Golden State Warriors on their ongoing effort to build a new arena, and the firm is working with the Oak View Group on a redevelopment of the historic Key Arena in Seattle, Washington, as well.

Gibson Dunn scored another major win in October, when it successfully shut down SureShot Golf Ventures' antitrust suit against golf gear maker Topgolf International in the Fifth Circuit. Gibson Dunn argued that SureShot, which was created to compete with Topgolf, had put forth claims that were grounded more in speculation than actual injury, meaning it didn't have standing, and the appeals court agreed.

SureShot has recently petitioned the Supreme Court to weigh in on the matter.

Gibson Dunn's work over the last year hasn't been all flashy new stadium deals and Supreme Court rulings, however. The firm has also taken on important cases for individual athletes, like Dallas Cowboys star running back Ezekiel Elliott.

Elliott was suspended by the league for six games over accusations of domestic violence, but that happened only after he had already been cleared of any wrongdoing by both a local police investigation and an internal investigation by an NFL private eye.

Elliott ended up taking his case to the Second Circuit before finally deciding to drop it, but partner Andrew Tulumello, who handled the case alongside a team from Winston & Strawn, said the firm's work for Elliott was nonetheless important and impactful.

"This was one of a series of recent cases in which players who've been hit with suspensions have challenged Roger Goodell's new personal conduct policies," Tulumello said. "Even though we didn't win that case outright, we were able to put a spotlight on the arbitrariness of the decision and how it was made, and set ourselves up for the next collective bargaining agreement, which this sort of thing is going to be an important issue."

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