



From the SLG Chair

By Timothy Liam Epstein


The accomplishments and endeavors of this group are a microcosm of the work being done—and the opportunities to be had—within the Commercial Litigation SLGs.



Recent Activities are a Hit, with More on Deck



■ Timothy Liam Epstein is a partner in SmithAmundsen's Chicago office. His current practice focuses primarily on construction, commercial, and large loss claims. Mr. Epstein has also developed a sports law practice focusing on the litigation needs of players, coaches, teams and schools, and serves as chair of the firm's Sports Law Practice Group.



The Blackhawks and Lakers brought trophies to Chicago and L.A., LeBron went to Miami, the World Cup came to a humming conclusion (vuvuzelas anyone?), and baseball moved into the second half of the season with a long-since

seen National League win at the All Star Game. The Sports Law Special Litigation Group (SLG) similarly enjoyed some recent noteworthy accomplishments. Successful meetings of SLG members at DRI's Commercial Litigation and Young Lawyers Seminars in New York City and Miami, respectively, along with a gathering of members at this year's Sports Lawyers Association Annual Meeting in Phoenix, were followed-up with an article in the DRI Commercial Litigation Committee's newsletter, *The Business Suit*, and a subsequent DRI webcast on the U.S. Supreme Court's landmark 9-0 decision in the *American Needle v. National Football League, et al.*, case. American Needle manufactured and sold hats for the National Football League until the NFL signed an exclusive, 10-year licensing agreement with Reebok, which prompted American Needle to file suit against the NFL under the Sherman Act, alleging that the licensing agreement with Reebok was an unlawful restraint on trade and thus a violation of Section 1 of the Sherman Act in that each of the 32 NFL teams had conspired to freeze it and other competitors out of the market for NFL merchandise. Ultimately, the U.S. Supreme Court denied the NFL's contention that it

and its constituent teams are a single entity and thus are incapable of conspiring within Section 1's meaning. Look to the Sports Law SLG for future analysis of *American Needle* as the case returns to the Northern District of Illinois on remand.

This month, the breadth of the Sports Law SLG's diversity in practice comes through with William A. Staar's *For The Defense* article on the growing trend of litigation related to concussions on the athletic field. Mr. Staar begins by discussing the science behind brain injuries, then analyzing some of the factors that potentially worsen such injuries and how various sports leagues and manufacturers have tried to mitigate and prevent these injuries, concluding with applicability to the defense practitioner.

We look forward to gathering at DRI's Annual Meeting in San Diego, which will feature a brief presentation on Morality Clauses in Sports Contracts (Participation and Sponsorship) in our Commercial Litigation breakout. Please contact either Mr. Staar, DRI's Sports Law SLG Vice Chair (WStaar@morrisonmahoney.com), or me (tepstein@salawus.com) for information on how to get involved in the Sports Law SLG.