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3-3-2023

## Name, Image, Likeness: The Evolution of College Athletics

Cardozo Arts & Entertainment Law Journal

Cardozo FAME Center

Cardozo Sports Law Society

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Cardozo Arts & Entertainment Law Journal

Presents:

# NAME, IMAGE, LIKENESS:

## The Evolution of College Athletics

March 3, 2023 | Jacob Burns Moot Court Room | Cardozo

10:00 AM - 10:30 AM **ARRIVAL and BREAKFAST**

10:30 AM - 10:35 AM **INTRODUCTORY REMARKS**

**Ira S. Dizengoff** '92, Chair, Cardozo School of Law Board of Overseers & Partner, Akin Gump LLP

10:35 AM - 11:00 AM **KEYNOTE ADDRESS**

**Andrew Zimbalist**, Robert A. Woods Professor of Economics, Smith College

11:15 AM - 12:45 PM **PANEL 1: RACE, GENDER & EQUITY**

**Len Elmore**, Senior Lecturer, Columbia University, Knight Commission for Intercollegiate Athletics, & Former NBA Player

**Jo Potuto**, Richard H. Larson Professor of Constitutional Law Emeritus, Nebraska College of Law

**Kassandra Ramsey**, Founder, The Law Office of Kassandra Ramsey PLLC

*Moderator:* **Felix Wu**, Professor of Law, Cardozo School of Law & Faculty Director, Cardozo Data Law Initiative

12:45 PM - 1:45 PM **LUNCH BREAK**

1:45 PM - 3:15 PM **PANEL 2: REGULATIONS & OTHER CONGRESSIONAL CONCERNS**

**Sam C. Ehrlich**, Assistant Professor, Boise State University

**Dan Lust**, Sports Law Professor, New York Law School & Host, Conduct Detrimental: The Sports Law Podcast

**Matt Mitten**, Professor of Law, Marquette University Law & Executive Director, National Sports Law Institute

**John T. Wolohan**, Professor, David B. Falk College of Sport and Human Dynamics, Syracuse University

**Andrew Zimbalist**, Robert A. Woods Professor of Economics, Smith College

*Moderator:* **Maureen Weston**, Professor of Law, Pepperdine University Caruso School of Law & Academic Director, Institute for Entertainment, Media & Culture

3:15 PM - 4:30 PM **COCKTAIL HOUR**

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Arts & Entertainment Law Journal



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# ANDREW ZIMBALIST



Andrew Zimbalist is the Robert A. Woods Professor of Economics at Smith College, where he has been in the Economics Department since 1974. He received his B.A. from the University of Wisconsin, Madison, and his M.A. and Ph.D. from Harvard University. He has consulted in Cuba and Latin America for the United Nations Development Program, the U.S. Agency for International Development, and numerous companies, and has consulted in the sports industry for players' associations, cities, companies, and leagues. He has published twenty-eight books and several dozen articles which have appeared in *The New York Times*, *The Washington Post*, and *The Wall Street Journal*, among others. He has appeared on numerous national radio and television talk shows discussing both international economics and the economics of sports. PBS' *Wall Street Week with Fortune* introduced him as the country's leading sports economist. Bob Costas called him "a perpetual source of insight on the economics and administration of modern sports."



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# Len Elmore



Len Elmore is a former collegiate basketball All American at The University of Maryland at College Park, a ten-year professional basketball player with the American Basketball Association and National Basketball Association, an attorney and a 31-year sports television announcer, having worked with ESPN, CBS Sports and Fox Sports/FS1. Upon conclusion of his professional basketball career in 1984, Elmore received his law degree from Harvard Law School in 1987 as the first NBA player to graduate from that institution.

Len has served as a prosecutor in Kings County (Brooklyn), New York, as Of Counsel and Senior Counsel with several noted law firms, the principal in a sports management company and a private sector business leader. Currently, Len is Senior Lecturer in the Columbia University Sports Management Program where he was awarded the 2019 Dean's Excellence Award. He presently serves as a director on the public company board of 1800Flowers.com. He is a commissioner on the Knight Commission for Intercollegiate Athletics, where he chairs the Racial Equity Task Force.



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# Jo Potuto



Jo Potuto is the Richard H. Larson Professor of Constitutional Law Emeritus at Nebraska College of Law. In 2003, she received the Nebraska Alumni Outstanding Faculty Award. She has been a visiting professor at several the law schools including Cardozo. She has authored three books and numerous articles focused on issues in criminal procedure, federal jurisdiction, and intercollegiate athletics.

Professor Potuto is also the Faculty Athletics Representative (FAR) for the University of Nebraska-Lincoln. She represents the University on NCAA committees and is a member of the governance groups of the Big Ten Conference. She is the sole faculty athletics representative serving on the NCAA Interpretations Committee. She served three terms on the NCAA Division I Committee on Infractions.

She is one of two members of the DI Infractions Committee who worked on an NCAA project to make the NCAA enforcement/infractions processes more accessible to media representatives. Professor Potuto represented the Big 12 Conference on the Division I Management Council and also served on the NCAA Men's Gymnastics Championship Committee and the Region 5 Postgraduate Scholarship Committee. In 2002 she was named Outstanding Faculty Athletics Representative by the All-American Football Foundation. She is a regular presenter on panels including at the National Association of Collegiate Athletic Directors, NCAA Regional Rules Seminars, and the Knight Commission on Intercollegiate Athletics. She is on the editorial board of the Journal of NCAA Compliance. She earned her J.D. from the Rutgers University Law College where she was Editor-in-Chief of the Rutgers Law Review.



## NAME, IMAGE, LIKENESS:

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# Kassandra Ramsey



Kassandra Ramsey is the founder of The Law Office of Kassandra Ramsey, P.L.L.C. She is a sports and entertainment attorney, writer, and college athletes' rights advocate. She has written extensively on college athletes' name, image, and likeness (NIL) rights. Her writings have been featured on the Unafraid Show. She has authored two e-books aimed at assisting current and prospective college athletes prepare for and get the most out of their NIL opportunities. She wrote a speech in favor of college athletes' NIL rights for a former college athlete and NFL player who testified before the United States Senate. She assists entrepreneurs, athletes, entertainers, and social media influencers in navigating the ins and outs of creating and running a business and protecting their brands.

Kassandra also serves as the Sports Law Chair for the District of Columbia Bar's Arts, Media, Entertainment, and Sports Law Community. She has been featured as a guest speaker on SiriusXM Mad Dog Sports Radio show, Night Cap, as well as several podcasts to discuss NIL rights. She has also appeared on Higher Education Today for a panel discussion on college athletes' rights and NIL. She volunteers with Washington Area Lawyers for the Arts and Maryland Volunteer Lawyers for the Arts.

She graduated summa cum laude from Virginia State University with a Bachelor of Arts in Political Science and a minor in Philosophy. She received her J.D from Howard University School of Law.



## NAME, IMAGE, LIKENESS:

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# Sam Ehrlich



Sam Ehrlich is an assistant professor of legal studies with the Department of Management at the Boise State University College of Business of Economics. His research examines legal aspects of the sports industry, specifically focusing on issues in athlete fairness in collective bargaining and employment, the unique application of antitrust law to sports, risk management and tort liability for sport event managers, and legal issues in athlete representation. Sam teaches courses in the legal environment of business and business ethics.

He has published articles in several law journals including the Hofstra Law Review, the Texas Review of Entertainment and Sports Law, and the Jeffrey S. Moorad Sports Law Journal (Villanova Law School). Prior to entering academia, Sam practiced as a legal consultant to sports agents and as a Baseball Operations Associate and Immigration Attorney for World Sports Agency/International Law Group. He earned his J.D. from Thomas Jefferson School of Law and his Ph.D. from Ph.D., Florida State University, Sport Management.

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# Dan Lust



Dan Lust is a Sports Law Professor at New York Law School and Fordham Law School. He also hosts a popular podcast called “Conduct Detrimental: THE Sports Law Podcast” which has been cited by the New York Times and ESPN, among other outlets, for its in-depth coverage of complex topics including name, image, & likeness in college sports and antitrust litigation.

Mr. Lust helped establish the “NIL Pro Bono Project” at New York Law School. The project has assembled a strong network of NIL professionals throughout the country to help on a pro bono basis to provide free representation to those in need and is at the cutting-edge of all updates in the space.

He is also an associate at Morritt, Hock and Hamroff. His practice focuses on representing athletes and other entertainers in connection with their business transactions which include endorsement and sponsorship deals as well as complex business ventures. Mr. Lust began his professional career working for the New York Giants in their Public Relations Department. He received his J.D. for Fordham Law in 2013.

He was named a “Rising Star” by Super Lawyers each year from 2019 through 2022. He has made appearances on television and radio programs across the country and is regularly quoted on Sports Law issues in national media including ESPN, Fox Sports, USA Today, CBS Sports, and Court TV, among others.



## NAME, IMAGE, LIKENESS:

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# Matthew Mitten



Matthew Mitten is a Professor of Law and the Executive Director of the National Sports Law Institute and the LL.M. in Sports Law program for foreign lawyers at Marquette University Law School in Milwaukee, Wisconsin. He served as the Law School's Associate Dean for Academic Affairs from July 2002 to June 2004. He has authored several law school textbooks, and published articles in several of the nation's leading law reviews.

He is an arbitrator for the Court of Arbitration for Sport (Lausanne, Switzerland) (serving on the ad hoc Division for the XXI Winter Olympic Games in Sochi, Russia and the American Arbitration Association's commercial, consumer, doping and Olympic sports arbitration panels as well as the UFC and the Ladies Professional Golfers Association anti-doping panels.

He is a member of the Sports Lawyers Association (SLA) Board of Directors and the Advisory Board for the Sports & Society Initiative of The Ohio State University College of Arts and Sciences. He served on the inaugural Board of Directors of the Forum for the Scholarly Study of Intercollegiate Athletics at the invitation of former NCAA president Myles Brand.

He testified before a U.S. Congressional joint subcommittee regarding proposed federal regulation of ephedrine in August 2003 and the Knight Commission on Intercollegiate Athletics regarding alternative regulatory systems for college sports in May 2015.

He earned a B.A. in Economics from The Ohio State University and his JD, magna cum laude, from the University of Toledo College of Law. He is a member of the Order of the Coif and served as a Note & Comment Editor for the University of Toledo Law Review's editorial board. He practiced antitrust and intellectual property law as well as commercial litigation with Kilpatrick Townsend.

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## Maureen Weston



Maureen Weston is Professor of Law at Pepperdine University Caruso School of Law and Director of the Entertainment, Media & Sports Dispute Resolution Project. She received her JD from the University of Colorado, and BA in Economics/Political Science at the University of Denver. Professor Weston teaches courses on arbitration, mediation, negotiation, international dispute resolution, legal ethics, and U.S. and international sports law. She serves as Faculty Advisor to the Sports & Entertainment Law Society and Dispute Resolution Journal, and as coach for ICC Mediation Advocacy and Sports & Entertainment Law Negotiation competitions. Prior to teaching, Weston practiced law with Holme Roberts & Owen and Faegre & Benson in Colorado.

She is actively involved in programs furthering opportunities for students to gain experience in negotiation, mediation and arbitration. Her committee service includes the ABA, Law School Division, Arbitration Competition, AALS Sports Law Executive Committee, and former chair of the ABA Dispute Resolution Education Committee and Representation in Mediation Competition. She is a member on the Boards of Directors at the University of Colorado School of Law Alumni Board, the National Sports Law Institute at Marquette School of Law, Malibu Little League, and Editorial Board of Law in Sport. A frequent speaker at conferences, Weston is co-author of casebooks on sports law and arbitration and has written numerous articles in the area of Olympic and International Sports Arbitration, disability law, sports law, and dispute resolution.



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## John T Wolohan



John Wolohan is a professor of Sports Law in the David B. Falk College of Sport and Human Dynamics at Syracuse University. Professor Wolohan is one of the lead editors of the book “Law for Recreation and Sport Managers” and the author of the “Sports Law Report” a monthly article that appears in Athletic Business. Professor Wolohan has also published numerous articles and book chapters in the areas of athlete’s rights, intellectual property and antitrust issues in sport in such Journals as the Marquette Sports Law Journal, Seton Hall Journal of Sports Law, and Villanova Sports & Entertainment Law Journal among others.

In addition, Professor Wolohan has made numerous presentations in the area of sports law to such organizations as the American Bar Association, International Sports Lawyers Association, Sport and Recreation Law Association, and the United States Sport Congress, among others. He received his B.A. from the University of Massachusetts – Amherst, and his J.D. from Western New England University, School of Law.



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## Panel 1: Race, Gender & Equity

### Panelists



Len  
Elmore



Jo  
Potuto



Kassandra  
Ramsey

Moderated by **Felix Wu**,  
Professor of Law, Cardozo  
School of Law & Faculty  
Director, Cardozo Data Law  
Initiative





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## Panel 2: Regulations and Other Congressional Concerns

### Panelists



Sam C.  
Ehrlich



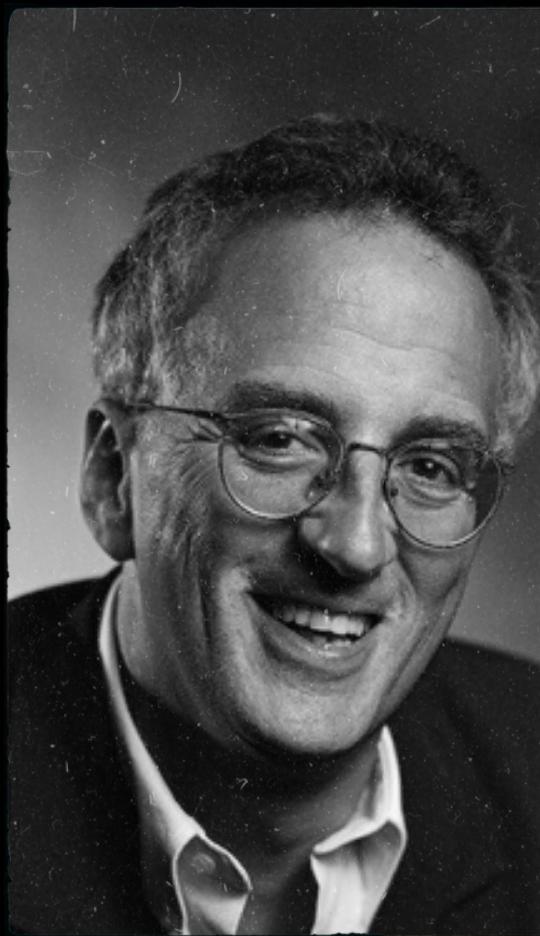
Dan  
Lust



Matt  
Mitten



John T.  
Wolohan



Andrew  
Zimbalist

Moderated by **Maureen Weston**,  
Professor of Law, Pepperdine  
University Caruso School of Law  
& Academic Director, Institute  
for Entertainment, Media &  
Culture



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