

A House Divided: A Legal and Practical Discussion on the Changing Landscape of College Athletics

THURSDAY, OCTOBER 17, 2024

Join *Temple Law Review* for our 2024 annual symposium, “A House Divided: A Legal and Practical Discussion on the Changing Landscape of College Athletics” on October 17, 2024. This year’s symposium will bring together legal and business scholars, sports agents, athletes, and policy makers to discuss recent changes in the world of sports law.

College athletics has reached a fever pitch in recent years and carries the potential to impact many facets of the legal profession including employment law, intellectual property law, contract law, and antitrust law. The current changes may affect athletes at not only collegiate levels, but high school and professional levels as well.

Settlement discussions in *House v. NCAA* have driven one of the greatest movements in sports law. In *House*, a class of former college athletes alleged antitrust violations against the Power Five conferences and the NCAA. The settlement could reach billions of dollars and would be a significant step towards revenue sharing between schools and athletes. *Temple Law Review* is proud to have Steve Berman, co-lead counsel for the plaintiffs in *House*, as the symposium keynote speaker.

Join panels of leading scholars and professionals to discuss:

- The broader impacts of the *House* settlement discussions;
- The recognition of college athletes as employees and its impact;
- The intricacies of representing athletes, with particular focus on the practical side of lawyering; and
- The academic and legal issues surrounding name, image, and likeness deals and intellectual property.

CLE is available for in-person attendees.

PANELISTS’ BIOGRAPHIES

Panel 1: Impacts of the *House*

- **Marc Edelman**
- Marc Edelman is a tenured law professor at the Zicklin School of Business, Baruch College, City University of New York. Edelman often publishes on sports law and is regularly cited in

works discussing the application of antitrust and labor laws to college sports. As the founder of Edelman Law, Edelman has provided legal counseling and expert witness services to the sports industries. He has worked with a MLB team, the Arena Football League Players Union, and several fantasy sports companies. Edelman is a *magna cum laude* graduate of the University of Pennsylvania's Wharton School and a *cum laude* graduate of Michigan Law School. He has significant experience in both the transaction and litigation aspects of sports law.

- **Jason Belzer**
- Jason Belzer is Founder of Student Athlete NIL (SANIL), an agency of record that specializes in assisting brands, universities, and student-athletes navigate the new era of name, image, and likeness (NIL). SANIL manages more than 50 NIL collectives at universities across the country and hosts the annual NIL Summit at the College Football Hall of Fame in Atlanta. Jason is also founder and President of GAME, Inc., an agency that specializes in the career management and marketing of coaches and the creation of collegiate sporting events. The firm has negotiated more than \$100 million in contracts to date. Moreover, he is co-founder of AthleticDirectorU (ADU), a transformative digital media and professional development platform for college athletic administrators and coaches. ADU is the # 1 consumed original content publication in the college sports industry. Belzer graduated from Rutgers University, earning degrees in Sport Management and Political Science. He went on to receive his MBA from the University of Illinois and a J.D. from Rutgers University School of Law and is a licensed attorney in New York and New Jersey.
- **Steve Berman, Keynote Speaker**
- Steve Berman represents athletes, consumers, and others in complex litigation and has secured total settlements valued at more than \$316 billion since founding Hagens Berman Sobol Shapiro LLP. Berman was inspired to build a law firm that fought for the rights of those most in need. Berman's innovative and tenacious spirit has earned him numerous historic legal victories, including many in the realm of sports litigation. In a milestone settlement for college athletes' rights to compensation for the use of their NIL and payment for athletic services, Berman secured a proposed settlement worth \$2.7 billion in past damages and up to \$20 billion in future payments that will revolutionize NCAA sports. Berman also served as trial counsel in *Alston v. NCAA*. The Supreme Court upheld the trial verdict in a 9-0 ruling, cementing a \$208 million settlement and changing NCAA grants-in-aid scholarship policies. Hagens Berman's class actions also transformed NCAA concussions procedures. The firm pioneered litigation against US Soccer, ending heading for soccer's youngest players, helping prevent concussions. Berman's history of supporting athletes spans decades, including the first lawsuit bringing college athletes the right to receive payment in a \$70 million settlement with the NCAA and Electronic Arts. Berman is considered one of the nation's most successful class action attorneys and has been praised for securing tangible benefits through law. His trial experience has earned him significant recognition and led *The National Law Journal* to repeatedly name Hagens Berman one of the top 10 plaintiffs' firms in the country.
- **Darren Heitner**
- Darren Heitner is the Founder of Heitner Legal, P.L.L.C., an adjunct professor of Sports Law at the University of Florida Levin College of Law, an adjunct professor of NIL at the University of Miami School of Law, and a certified arbitrator with the American Arbitration Association. He is the author of many books published by the American Bar Association—such as *How To Play the Game: What Every Sports Attorney Needs To Know*—as well as numerous articles in *Forbes* and *Above the Law*. Heitner has been referred to as one of the foremost experts on name, image, and likeness by *The Wall Street Journal*, *USA TODAY*, and *On3*. He is known as a power player in NIL deals by *Action Network*, “a founding father of college athletes earning rights,” and a top sports trademark attorney by *Sportico*. Heitner

was honored with the University of Florida's 40 Under 40 Award, the University of Florida Levin College of Law's Outstanding Young Alumnus Award, and named the best lawyer in Fort Lauderdale by Fort Lauderdale Magazine. In 2023, Heitner Legal was the only law firm named to Sports Business Journal's first list of NIL Power Players. Heitner's sports clients have included Professional Football Hall of Famer Terrell Owens, Heisman Trophy winner Johnny Manziel, University of Florida Athletic Hall of Famer Fred Taylor, and athletes including Antonio Brown, JuJu Smith-Schuster, Tyreek Hill, Xavien Howard, Jamal Adams, Nick Chubb, Mac Jones, Shane Bieber, Manny Ramirez, Anna Kournikova, Draymond Green, Terry Rozier, Haley and Hanna Cavinder, and Rick Pitino.

Panel 2: Employing the College Athlete

- **Jennifer Abruzzo**
- The General Counsel, appointed by the President to a 4-year term, is independent from the Board and is responsible for the investigation and prosecution of unfair labor practice cases and for the general supervision of the NLRB field offices in the processing of cases. On July 22, 2021, Jennifer A. Abruzzo began serving as General Counsel for the National Labor Relations Board. Ms. Abruzzo had previously worked for the NLRB for over two decades, including as Field Attorney, Supervisory Field Attorney, Deputy Regional Attorney, Deputy Assistant General Counsel, Deputy General Counsel, and Acting General Counsel. Immediately prior to her appointment as General Counsel, Ms. Abruzzo served as Special Counsel for Strategic Initiatives for the Communications Workers of America.
- **Paul McDonald**
- Paul McDonald is the managing partner of P L McDonald Law LLC and was lead plaintiffs' counsel for *Johnson v. NCAA*. In *Johnson*, the Third Circuit Court of Appeals created a circuit split by ruling that, under the Fair Labor Standards Act, NCAA Division I athletes may be considered employees. McDonald is a graduate of Princeton University and New York University School of Law. He has practiced at large law firms and as Senior Counsel at Kraft Foods.
- **Ellen Zavian**
- Ellen M. Zavian began her career in sports as a student at the University of Maryland where she worked in the University's intramural sports and recreation department while working at the Maryland Racetracks in the promotional department on weekends. While earning her law degree, she interned at the National Football League Players Association (NFLPA). Soon after graduation, Zavian became the first female attorney/agent in the NFL. She represented the U.S. Women's Soccer and Softball gold medalists and other extreme athletes. Zavian also held the title of Commissioner for the Central Atlantic Collegiate Conference (NCAA). Zavian has served as coordinator for the NFLPA's Native American project, is a nationally recognized journalist, and has been a court expert in licensing/sports agreements. She also created the United Breakin' Association, a global association for competitive break dancers, and was appointed to a task force dedicated to bringing break dancing to the Olympics (Youth Olympics 2018 and Paris Olympics 2024). She has served on many sports-related committees, including the D.C. Bar's Arts, Entertainment, Media Sports Section; FIFA; FIFPRO; SafeSport International; and co-created the Association of Corporate Counsel's Sports & Entertainment Committee. She currently teaches sports law, negotiations, leadership, and entrepreneurship at the George Washington University School of Business and George Washington Law School, while serving as first in-house General Counsel for USA Lacrosse.

Panel 3: Representation of College Athletes

- **Daniel Lust**
- Dan Lust is counsel at Moritt Hock & Hamroff LLP and an adjunct at both New York Law School and Pace Law School. Lust works in both the transactional and litigation arenas, focusing on sports and entertainment law. He works with athletes, agents, and entertainers on complex commercial transactions. Additionally, Lust hosts a weekly podcast, “Conduct Detrimental: THE Sports Law Podcast,” which has over 500,000 lifetime downloads. His podcast has been cited in the *New York Times* and *Washington Post*. Lust has also spoken on many platforms including ESPN, Fox Sports, and USA Today. Additionally, he is the co-author of the “College Sports Law in a Nutshell” series. Lust earned his law degree from Fordham University School of Law. His accolades include honors in Super Lawyers (2019–2024) and Best Lawyers in America (2024).
- **Brooke Donabedian**
- Brooke Donabedian is a graduate student at Temple University and is one of the most highly decorated gymnasts in Temple Women’s Gymnastics history. Donabedian is the first-ever Temple gymnast to be selected three times to NCAA Regionals. Recognized for her consistent solid performances and artistry, Brooke was ranked second in the EAGL and in the top 100 nationally with a 9.895 National Qualifying Score. She was an AAI nominee (recognizing the most outstanding female college gymnasts in the country), an All-EAGL First Team selection on beam and floor, and All-EAGL Scholastic Team in 2024. Donabedian tied Temple’s record high score on floor of 9.950 twice and was the event champion on floor five times in 2023. In 2022, Brooke was awarded the Arthur Ashe, Jr. Sports Scholarship Award First Team. Brooke has executed NIL partnerships with key supporters of women’s athletics, including Sprouts Farmers Market, Brooks Running, Next Generation America, and more. This past summer, Brooke graduated with a bachelor’s degree in Sports Management from Temple’s School of Sport, Tourism and Hospitality. She is returning for a fifth season on the women’s gymnastics team and is pursuing a Master of Science in Communications Management.
- **AJ Rudowitz**
- AJ Rudowitz has been a member of Duane Morris’s Trial Practice Group since 2017. Prior to entering law school, AJ was a collegiate basketball player at Stonehill College. While a student at Temple University, Beasley School of Law, Rudowitz served as both an Articles Editor for *Temple Law Review* and as a judicial intern for the Honorable Juan Sánchez of the U.S. District Court for the Eastern District of Pennsylvania. Rudowitz then played professional basketball in Germany for four years. He has significant experience in conducting internal investigations for higher education institutions and other organizations. Rudowitz has represented companies and individuals in adverse actions with state and federal governments, including administrative, civil, and criminal matters with numerous agencies. Rudowitz has utilized his background as a former collegiate and professional basketball player to successfully represent various stakeholders in the industry, including professional athletes and coaches, NIL agencies, universities, and athletes.
- **Karen Weaver**
- Karen Weaver, Ed.D., is a distinguished authority on college sports and higher education, particularly where it intersects with management, media, finance, and policy. With extensive practical experience as both a NCAA Division I and Division III head coach and athletics administrator, Dr. Weaver’s scholarship investigates a variety of college athletics topics, ranging from the perspectives of university presidents and trustees to the intricacies of athletic conference organization, higher education governance, and sports finance. She

focuses on mid-major institutions and FBS Division I programs, scrutinizing matters such as public finance, facility debt policies, and student fees. Dr. Weaver writes and teaches about how senior leaders in higher education can understand the role that college athletics will play as it evolves into a very different governance and financial model. Her new book, *College Presidents and College Athletics: Money, Power, Politics*, will be published by Johns Hopkins University Press in early 2025. Since 2020, she has written over 130 articles for Forbes on the intersection of higher education and college athletics. Many have received editorial distinction on Forbes SportsMoney pages. Dr. Weaver also hosts the podcast, *Trustees and Presidents: Managing Intercollegiate Athletics*. Her guests have included trustees; presidents; state policy experts; media, technology, and education writers and scholars; attorneys; and legal scholars, all focused on the current state of affairs in college athletics. She uses the podcast as part of her graduate course curriculum. The second edition of her textbook, *Sport Finance: Where the Money Comes from and Where the Money Goes*, will be published by Kendall Hunt Publishers in 2025.

Panel 4: Name, Image, and Likeness

- **Mason Ashe**
- Mason Ashe is an experienced sports and entertainment attorney, brand strategist, board member, and adjunct professor. He is Founder and CEO of Ashe Sports & Entertainment Consulting based in Washington, D.C. Throughout 30 years in the sports and entertainment industries, Ashe's clients have included companies, investors, nonprofits, colleges, sports leagues, agencies, professional and amateur athletes, coaches, physicians, trainers, entertainers, promoters, media anchors, networks, content creators, and wealth advisors. Ashe recently served as Of Counsel at Blank Rome in D.C. for 3 years. Ashe has designed curricula and lectured on sports law for the benefit of all levels of students and executives. He is an adjunct professor of sports law at Howard University Law School, and The Wharton School at University of Pennsylvania where he received an Excellence in Teaching Award in 2022 and 2023. Ashe received the Sports Lawyer of the Year Award from the National Bar Association (July 2015); was listed on "101 Most Influential Minorities in Sports" by Sports Illustrated (2003 and 2004); and was a board member of the Black Entertainment & Sports Lawyers Association ("BESLA"). Ashe is a member of the Board of Advisors for sports analytics startup, Cerebro Sports; Chairman of the Washington Jazz Arts Institute (WJAI); and a Trustee for Hamilton College. He earned a B.A. in Psychology from Hamilton College, a J.D. from the University at Buffalo School of Law, and an honorary Doctor of Humane Letters from Hamilton College.
- **Jodi Balsam**
- Jodi Balsam is Professor of Clinical Law and the Director of Externship Programs at Brooklyn Law School and teaches sports law at New York University School of Law. She has also taught at the New York Law School and Bucerius Law School in Hamburg, Germany. Balsam is a nationally recognized expert on sports law as the co-author of the leading casebook, *Sports and the Law*. She serves on the editorial boards of Law360's *Sports and Betting*, *Journal of Legal Aspects of Sport*, and *LawInSport*. Balsam further demonstrated her expertise as an arbitrator on the NCAA's Independent Resolution Panel. Balsam was the NFL's Counsel for Operations and Litigation where she managed litigation and drafted and negotiated contracts. Balsam earned her law degree from New York University School

of Law and clerked at the U.S. Court of Appeals for the Second Circuit and the U.S. District Court for the Southern District of New York.

- **Kristy Lee Bannon**

- Kristy Bannon was promoted to Executive Senior Associate Athletics Director for Compliance and Student Affairs in August 2022. In her role, she oversees all aspects of the department's compliance efforts with conference and NCAA rules and regulations. She works to educate coaches, administrators and student-athletes in regard to new rules and regulations as well as the processing of NCAA and conference waivers on behalf of student-athletes. She also oversees all student-athlete welfare and life skill development programming which includes the Student-Athlete Advisory Committee (SAAC) and the Student-Athlete Affairs Program. Also, as the varsity sport administrator for women's gymnastics and women's lacrosse, she continues to serve as the liaison with the University's Student Affairs Office. The Wilkes-Barre, Pa. native started her career at Temple as the department's graduate extern while pursuing a master's degree in sport and recreation administration. She is a 2008 graduate of Rosemont College with a bachelor's degree in history and earned her master's degree in sports administration from Temple University in May 2010.

- **Duncan Lloyd**

- A lifelong Philadelphian, Duncan M. Lloyd, Esq., is the President of DML Ltd., an agency that represents professional basketball players in the NCAA, NBA, G League, and the best, most prestigious international leagues. A former litigator in both the private and public sector, Duncan is proud to return to his first *Temple Law Review* Symposium since serving as its Symposium Editor for Volume 82 (2009–10).