

Daniel Wallach Will be Participating as a Panelist at the Fifth Annual Sports & Entertainment Law Symposium

January 12, 2015

By: Daniel L. Wallach

Becker & Poliakoff shareholder [Daniel Wallach](#) will be participating as a panelist at the Fifth Annual Sports & Entertainment Law Symposium, sponsored by Duke University School of Law. This one-day conference, which will be held on January 16, 2015, offers panel discussions covering a wide range of hot topics in the world of sports and entertainment law. Dan will be on two panels: one addressing the personal conduct policies of sports leagues in light of recent events (e.g., Ray Rice, Adrian Peterson, Jameis Winston) and the other examining the legality of daily fantasy sports. For more information about the symposium, including how to register, click [here](#).

Schedule of Events

8:30 Registration Breakfast - 3rd Floor Lobby, Duke Law School

9:00-10:00: *Financing and Development of Professional Athletic Venues:*

Understanding the legal issues and economic tradeoffs between the public and private sectors when determining how and when to build a new stadium are key to all sports development and growth strategies. Given the sky-rocketing cost of team operations, the need to build new revenue generating venues can motivate a team's desire to relocate if local authorities are reluctant to subsidize construction costs or facilitate stadium development. New stadium construction involves many legal issues—real estate, tax, public zoning, permitting and environmental impact—all of which must be vetted, debated and resolved before a new facility can be built. This Interdisciplinary panel will discuss the complexities of facility development as well as highlight the potential economic benefits and problems that can emerge throughout the process.

- Mark Conrad, *Director, Sports Business Program, Fordham Gabelli School of*

Business

- Victor Matheson, *Professor of Economics, College of the Holy Cross*
- Irwin Raji, *Co-Chair Sports Industry Team, Foley Lardner*

10:00-11:00: *Royalties in the Modern Music Industry*

The Royalties Panel will address how the online and digital world has changed the way music is licensed, particularly how this change has affected songwriter, composer, and music publisher fees, and back-end royalties associated with music projects.

- Jennifer Jenkins, *Duke Law* (moderator)
- Coe W. Ramsey, *Brooks Pierce*
- Sean Peace, *CEO & Co-founder of Royalty Exchange*
- Robert Monath, *Robert Monath Law*
- David Oxenford, *Wilkinson Barker Knauer*

11:00-12:00: *Misappropriation of College Athletes' Rights*

This Misappropriation of College Athletes' Rights panel will discuss the publicity rights of student athletes and the recent tension with the NCAA, publishers, and other parties regarding the use of athletes' name, image, or likeness.

- Gabe Feldman, *Director, Sports Law Program, Tulane University Law School*
- Robert Carey, *Hagens Berman Sobol Shapiro, LLP*
- Stuart Paynter, *The Paynter Law Firm*
- Mark Conrad, *Director, Sports Business Program, Fordham Gabelli School of Business*

12:00-1:00: Lunch - Provided by Q Shack

1:00-2:00: *The Importance of Personal Conduct Policies for Schools, Teams, and Leagues*

In 2014 the NFL faced significant controversy regarding its handling of a number of highly publicized cases, including Ray Rice and Adrian Peterson. Criticism of the NFL often focused on the importance of fair and sensible personal conduct policies and procedures to protect the league, and its teams and members; the powers of the commissioner; violations of the CBA and violations of due process. This panel will focus on the importance of personal conduct policies and procedures for both professional and collegiate athletic organizations.

- Paul Haagen, *Professor, Duke Law* (moderator)
- Scott Andresen, *Andresen & Associates*
- Daniel Wallach, *Becker & Poliakoff*
- John Hogan, *The Law Offices of John V. Hogan*
- Todd Clark, *Professor, North Carolina Central School of Law School*

2:00-3:00: *Impacts of the Supreme Court's Aereo Decision*

A significant cord-cutting trend has been developing among television consumers, as audiences are increasingly viewing live or time-shifted television exclusively through the Internet rather than cable. Aereo offered just such a service, allowing customers to watch free, over-the-air broadcasts through their website. Specifically, customers accessed Aereo's website to choose their desired programming — Aereo then tuned antennas to the relevant stations, and captured and retransmitted the signal to their customers. The Supreme Court ruled against Aereo — the services provided were too similar to that of a cable system.

This holding amounted to a clear victory for broadcasters; *Aereo's* impact on technology and innovation is more unclear. Which technologies are now infringing because they are also similar to a cable service? The court declined to discuss cloud storage and network DVR, yet they are increasingly ubiquitous in the lifestyles of the average media consumer. Join our panelists as they discuss the impact of the *Aereo* decision and where they see the future of media entertainment and technology heading.

- Julia Ambrose, *Brooks Pierce*
- John Kivus, *Wood Jackson*
- Harry Cole, *Fletcher Heald & Hildreth*
- Brandon Huffman, *Stevens Martin*

3:00-4:00: *The Line Between Fantasy Sports and Gambling*

In 2014, an estimated 41 million people played fantasy sports in North America. The recent growth of daily fantasy sports websites, such as FanDuel, has led to large financial investments from venture capital firms and partnerships with professional leagues and teams. Yet the leagues are currently fighting to prevent the legalization of sports betting in New Jersey, as they have in other states. This panel will discuss what separates fantasy sports from gambling and what the difference means for sports leagues.

- Daniel Wallach, *Becker & Poliakoff*
- Robert Raiola, *O'Connor Davies, LLP*
- Gabe Feldman, *Director, Sports Law Program, Tulane University Law School*

4:30 Reception: *Duke Law Star Commons Mezzanine*