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Slap Shot Savare: An Interview with a Sports Law Expert



Here at WhichDraft.com we are die hard St. Louis Cardinals fans. When people ask me what happened in 1982, I say, "I had my Bar Mitzvah and the Cards won the series!" And when it comes to the Cardinals, no, we're not referring to that scurrilous football team that abandoned our home town way back in the day. I must admit, though, that it does almost bring a tear to my eye, after rooting for the football Cardinals lo those many years, that they just finally won their first playoff game since 1947 and almost won the Super Bowl. Alas, all this happened after they departed the Gateway City (home, by the way, of the most beautiful botanical gardens on earth; if you get a chance, you really must see them someday, then have a special at Amighetti's).

So we were excited when Matt Savare, an expert on sports endorsement contracts, kindly made himself available for an interview with WhichDraft.com.

Matt, tell us a bit about yourself. Where do you work and what are your practice areas?

I practice at Lowenstein Sandler, which is a nationally recognized full-service law firm with approximately 270 attorneys in Boston, New York, Palo Alto and Roseland.

At Lowenstein, my passion lies in entertainment and sports law, with a particular emphasis on endorsement deals. On the sports front, I have assisted clients in negotiating and executing over 50 endorsement and personal appearance deals for famous athletes and celebrities. I have also helped litigate several high-profile entertainment cases, do quite a bit of work on copyrights and trademarks, provide general licensing advice to the firm's media and entertainment clients (such as special effects software companies and companies in the social networking space), and counsel clients on information privacy.

I am also the Secretary of the NJ State Bar's Entertainment Sports Law Section and an active member of the ABA's Entertainment and Sports Law Forum. I frequently write and speak on various entertainment issues, including film law, product placements, and the right of publicity. My Lowenstein bio has links to most of these articles. On a personal level, I am married with three great (but loud) children, who take up most of my free time.

Tell us about one of your favorite sports experiences.

I have four that immediately come to mind. My first, by far, is my second year playing soccer when I was probably about six years old. Our team, the Kings, went undefeated, untied, and

unscored upon. We were awesome! My second favorite is the 1994 Stanley Cup Finals, when the Rangers broke the 54-year curse. I do bleed red and blue. The next two are a tie: the 1986 and 1990 Super Bowl championships for the Giants. I loved those teams, and both playoff runs were special, because I watched them both with my father, who is literally insane over the Giants.

How did you become interested in sports contracts and negotiations?

I became interested as an outgrowth of my general interest in entertainment law. I draft and negotiate endorsement and appearance deals, which collectively are often more lucrative than a player's contract to play his or her particular sport.

What are some of the typical issues negotiated when a young player starts excelling and is seeking his first huge deal?

For player contracts, most of these issues are already handled by the league's collective bargaining agreements, such as minimum and maximum salary. It also varies across the various sports. For example, in a football contract, one of the main issues is how much of a player's contract is going to be guaranteed in the event he gets injured. The duration of the contract is also heavily negotiated in some sports. For endorsement deals, the typical issues for the players are: what are they endorsing, for how long, how much are they going to be paid, what type of exclusivity arrangement is the marketer requesting, and what are the provisions of the morals clause. Given what we've recently seen with Kellogg's dropping Michael Phelps, the specific language in a morals clause is very important, and it's often one of the more heavily negotiated elements in an endorsement deal.

According to ESPN, Anquan Boldin "accused the Cardinals' management of lying to him by promising a new deal and not following through. He said at the time, and repeated later, that he would never re-sign with the Cardinals." We see these kinds of headlines all the time. Can you give us a behind the scenes idea of what may have gone wrong for this star young wide receiver and what are the possible outcomes?

Boldin is an amazing receiver, and I wish the Giants had him. I don't have inside knowledge about his situation, but more generally, I don't think it serves anyone's interest when the player openly criticizes his or her team. In my opinion, the player should not inject him or herself into the negotiation and certainly not publicly, because doing so risks alienating the front office, but more importantly, the other players. That's the last thing that a player should want to do. The agent is being paid to handle these types of situations, and the player should let the agent do his or her job. When the rhetoric gets as heated as it has in Boldin's case, a possible outcome is for each side to tone it down a bit, reconcile their differences, and sign a deal that each side can live with. Or, while it's less likely in football, the parties can part ways via a trade. Trades are obviously more common in baseball, hockey, and basketball, but as we've seen with the Stephon Marbury situation, those don't always end in trades either, especially when the player has such a lucrative deal, which no team seemingly wants to assume. It also gets very complicated with leagues' specific salary cap rules and the collective bargaining agreements.

Last but not least, who is your favorite player of all time and why?

On February 3, the Rangers retired number 9 in honor of Adam Graves. Watching the ceremony and reading all about Graves proved to me that he is probably the most deserving of being anyone's favorite player. I always admired him on and off the ice. He was the consummate team player. He would go out on the ice one shift and score an important goal, and then fight the

other team's goon on his very next shift to stick up for Messier (who really needed no protection) or Gretzky. If you ask anyone familiar with the Rangers, he was certainly not the most skilled player, but there was no one that worked harder or cared more than him. Graves was an honorable, humble, and selfless man, who volunteered more of his time than anyone I know. The other day, I spoke with a friend of Graves, and asked him: "Is Graves really as nice a guy as he's portrayed?" The answer was quick and unequivocal: "He's even nicer."

His friend went on to explain that after many games, Graves would go unannounced to children's hospitals to surprise the sick kids. It also doesn't hurt that he still holds the Rangers' record for most goals in a season!

In many ways, I like to think I share some of Graves' positive traits. When I played soccer, I was not the most skilled player. I was not blessed with speed and, for anyone who has ever seen me, you know I'm not blessed with size. Whatever I achieved on the field was through learning about the game, thinking faster than other players, and working my butt off. The same is true in my legal career. I give 100% every day and work hard for the firm and my clients. Graves did the same, night in and night out.

Thanks, Matt. Best of luck on your practice.

If you enjoy this content, add me at twitter.com/JasonAnderman, thank you.

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