

Sports & Betting Group Of The Year: Jenner & Block

By Mike Curley

Law360 (February 11, 2020, 3:15 PM EST) -- Ushering in the launch of the FOX Bet sports wagering platform, securing a win for FanDuel in a case over the use of former NCAA athletes' names and statistics in the Indiana Supreme Court and chopping a three-year ban on fantasy sports leagues operating in Illinois are among the accomplishments that earned Jenner & Block a spot as one of Law360's Sports and Betting Groups of the Year.

The group, which comprises about 40 lawyers working in all five of the firm's offices, including London, owes much of its success to the firm's knowledge of the sports industry and how to deal with the intersection between sports and the media industry, Carissa Coze, leader of the sports and betting practice, told Law360.

Putting together FOX Bet was a great deal, she said, adding that the team-up between FOX Sports and The Stars Group created a first-of-its-kind partnership, with a media conglomerate and a poker and casino-game operator joining forces.

"Putting together this partnership was a really exciting opportunity, a really great thing to work on, given all the complexity of the deal and to be working on something just emerging in the industry," she said.

The newness of the deal, combined with how recently the Supreme Court had overturned the Professional and Amateur Sports Protection Act, made the transaction a challenge, said Coze, who led the FOX deal. There was no clear regulatory landscape, with each state working out its own sports betting laws, she added.

"It's not a single-issue industry at this point," she said. "It's regulatory on the state basis in terms of what the state laws are and are going to be. But then you also have this federal overlay, so we needed to bring in our anti-money laundering group and our investigations group, and people along those lines as well."



Jenner & Block's historical knowledge helped the group put together the deal, she said, as the firm has represented Fox in a number of other deals, so it understood what the company looked for in its joint ventures. In addition, she said, the firm was able to pull in attorneys from other practice groups, such as compliance, licensing and defense, to fill in the gaps.

The firm has had other success navigating the nascent betting laws, particularly in Illinois, she said. The state's proposed legislation had originally included a three-year ban on fantasy sites FanDuel and DraftKings entering the market, which FanDuel contested in court as unconstitutional.

The firm was able to get that cut down to 18 months, with a provision that allowed the sites to partner with other casinos in the meantime, so they would not be completely shut out of the market, Coze said. She said she believes other states will take influence from Illinois's decision.

"It gave us the opportunity to really be in the legislative process and to show that it's such an emerging situation with respect to legislation and legalization of sports betting," she said. "The fact that we could help our clients in influencing that legislation in terms of making sure that their interests and needs were heard was a great opportunity for us."

The firm also had success representing FanDuel in Indiana, where it faced a suit from former NCAA athletes who claimed their publicity rights under state law were violated by FanDuel and its co-defendant DraftKings' using their names and performance statistics in deciding fantasy contests.

The Jenner & Block team was able to get a unanimous decision in the state's Supreme Court ruling that the names and statistics were publicly available information, and therefore could be used for commercial purposes, Coze said.

The decision is important for the sports industry, she added, as the issue of names and likenesses is common with not just sports promotion, but video games and betting.

"That was another example of where Jenner was able to bring the experience in the sports industry, and really understanding athletes and statistics and historically how those have been treated, and combining that with our more general content-media practice, which has been really strong in rights and publicity, and our very strong appellate and litigation practices in order to continue that case all the way through the Indiana Supreme Court," she said.

Coze said she expects the group to keep growing, particularly with the sports betting scene being a new and novel area of law for many attorneys. As the firm handles more cases and deals, she said, she expects the practice group to grow.

She added, however, that she doesn't expect it to separate from the larger media and entertainment group of which it's currently a part, as the firm's practice of having attorneys move fluidly from case to case is one of its strengths.

“Sports and sports betting is more of an industry, and so it draws from so many different practices,” she said. “Being able to get the best lawyers in their fields and put them together to address these issues is what’s really fun, but also successful.”

--Editing by Peter Rozovsky.