

**Marc Edelman**  
Professor of Law (w/ tenure)  
Baruch College, Zicklin School of Business  
City University of New York  
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### **Faculty Appointments**

**Zicklin School of Business, Baruch College, City University of New York: New York, NY**  
Professor of Law (w/tenure) (August 2016 – Present)  
Associate Professor of Law (August 2013 – August 2016)

I am a tenured, full Professor of Law, teaching in the areas of Contracts, Sports Law, Online Gaming/Fantasy Sports, Antitrust and Intellectual Property. I am also a member of the Zicklin School Executive Committee, the Law Department Executive Committee, the Law Department Curriculum Committee, and the Law Department Hiring Committee. From August 2016 – May 2020, I served as Baruch College’s Faculty Athletic Representative to the National Collegiate Athletic Association, reporting directly to the Baruch College president. All course teaching evaluations are 4.5/5.0 or higher.

**University of Canberra: Canberra, Australia**  
Fulbright U.S. Scholar (Spring 2021)

I have been awarded a Fulbright U.S. Scholarship to visit the University of Canberra in spring 2021 and pursue comparative legal research on athlete rights in the United States and Australia.

**Fordham University School of Law: New York, NY**  
Adjunct Professor of Law (2010 – Present)

I teach an annual (or biannual), doctrinal course on Law & Professional Sports to a group of up to 40 J.D. and L.L.M. students. Substantive topics covered in the course include the internal structure of professional sports leagues, contract law, antitrust law, labor law, intellectual property law, right of publicity law, and gaming law. I also informally advise the Sports and Entertainment Society on matters pertaining to their annual conference. All course teaching evaluations are 4.5/5.0 or higher.

**The Wharton School, University of Pennsylvania: Philadelphia, PA**  
Lecturer (Fall 2019)

In fall 2019, I taught Sports Law (LGST-228) at the University of Pennsylvania's Wharton School and informally advised Wharton School students who are interested in careers in sports law and gaming law. Average teaching evaluation score for “quality of professor” is 3.68/4.00 and for “quality of course” is 3.53/4.00.

**Southwestern University of Finance and Economics: Chengdu, China**  
Visiting Professor (Spring 2018, Spring 2019)

As part of a joint program with the Baruch College, Zicklin School of Business, I taught two sections of introductory business law (primarily contracts) in English to Chinese business students.

**Dwayne O. Andreas School of Law: Orlando, FL**

Associate Professor of Law (August 2012 – 2013)

Assistant Professor of Law (August 2009 – 2012)

I spent four years as a tenure-track doctrinal faculty member at the Dwayne O. Andreas School of Law, where I taught causes in Contracts, Property, Antitrust, Intellectual Property, Sports Law, and Fantasy Sports Law. In 2013, I was voted by the students as Professor of the Year and earned the Dean's Award for my doctrinal scholarship. Additionally, I chaired the law school's Scholarship Committee, served on the Academic Programs and Mission Effectiveness committees and served as faculty advisor to the Sports Law Association, Jewish Law Students Association and Black Law Students Association. All course teaching evaluations are 4.5/5.0 or higher.

**Rutgers University School of Law: Camden, NJ**

Visiting Assistant Professor of Law (August 2008 – July 2009)

From 2008-2009, I served as a Visiting Professor of Law at Rutgers School of Law-Camden, during which time I taught doctrinal courses in Property and Sports Law. In the Summer of 2010, I returned to Rutgers School of Law-Camden as a Summer Visiting Professor to again teach a course on Sports Law. All course teaching evaluations are 4.5/5.0 or higher.

**Law Practice Experience**

**Edelman Law: New York, NY**

Principal (2008 – Present)

I provide legal consulting and expert witness services for companies based in the sports, entertainment, and gaming industries, with a focus on antitrust, gaming and intellectual property matters.

**Dewey Ballantine LLP: New York, NY**

Associate, Sports/Entertainment Practice Groups (2006 – 2008)

I advised clients in the professional sports industry on a wide range of litigation matters. In addition, I drafted, negotiated and reviewed contracts for a major packaged goods company and advised the law firm on matters pertaining to internal privacy laws.

**Skadden, Arps, Slate, Meagher & Flom LLP: New York, NY**

Associate, Antitrust Practice Group (Summer 2002; 2003 – 2006)

I advised clients on antitrust matters related to litigation and mergers/acquisitions. My clients included companies in the professional sports, casino, biomedical, pharmaceutical, health insurance, cement and candy/confectionery industries.

**General Law Review Articles**

1. *A Short Treatise on Sports Gambling and the Law: How America Regulates its Most Lucrative Vice*, \_\_ UNIVERSITY OF WISCONSIN LAW REVIEW \_\_ (2020) (coauthored with John Holden) (forthcoming).
2. *College Football in the Time of COVID-19*, \_\_ UNIVERSITY OF WISCONSIN LAW REVIEW FORWARD \_\_ (2020) (coauthored with Thomas A. Baker & John Holden) (forthcoming) (solicited manuscript).

3. *The #E-Too Movement: Fighting Back Against Sexual Harassment in Electronic Sports*, 52 ARIZONA STATE LAW JOURNAL 1 (2020) (coauthored with Thomas A. Baker & John Holden).
4. *A Short Treatise on Esports and the Law: How America Regulates its Next National Pastime*, 2020 UNIVERSITY OF ILLINOIS LAW REVIEW 509 (2020) (coauthored with John Holden & Thomas A. Baker).
5. *Regulatory Categorization and Arbitrage: How Daily Fantasy Sports Companies Navigated Regulatory Categories Before and After Legalized Gambling*, 57 AMERICAN BUSINESS LAW JOURNAL 113 (2020) (coauthored with John Holden & Christopher McLeod).
6. *Vaulted into Victims: Preventing Further Sexual Abuse in U.S. Olympic Sports through Unionization and Improved Governance*, 61 ARIZONA L. REV. 463 (2019) (coauthored with Jennifer Pacella).
7. *College Athletics: The Chink in the Seventh Circuit’s “Law and Economics” Armor*, 117 MICHIGAN L. REV. ONLINE 90 (2019) (coauthored with Michael Carrier).
8. *Regulating Sports Gambling in the Aftermath of Murphy v. National Collegiate Athletic Association*, 26 GEORGE MASON L. REV. 313 (2018).
9. *Debunking the NCAA’s Myth that Amateurism Conforms with Antitrust Law: A Legal and Statistical Analysis*, 85 UNIVERSITY OF TENNESSEE LAW REVIEW 661 (2018) (coauthored with Thomas A. Baker & Nick Wantanabe).
10. *Standing to Kneel: Analyzing NFL Players’ Freedom to Protest during the Playing of the U.S. National Anthem*, 86 FORDHAM LAW REVIEW ONLINE 1 (2018) (solicited manuscript).
11. *The Future of Sexual Harassment Policies at U.S. Colleges: From Repeal of the 2011 DOE-OCR Guidelines to Launch of the #MeToo Movement on Social Media*, 12 WAKE FOREST LAW REVIEW ONLINE 12 (2018).
12. *Exploring Gender Minorities’ Bathroom Rights under the Donald Trump Presidency*, 56 UNIVERSITY OF LOUISVILLE LAW REVIEW 381 (2018).
13. *From Student-Athletes to Employee-Athletes: Why a ‘Pay for Play’ Model of College Sports Would Not Necessarily Make Educational Scholarships Taxable*, 58 BOSTON COLLEGE L. REV. 1137 (2017).
14. *The Future of College Athletes Players Unions: Lessons Learned from Northwestern University and Potential Next Steps in the College Athletes Rights Movement*, 38 CARDOZO L. REV. 1627 (2017).
15. *Regulating Fantasy Sports*, 92 INDIANA LAW JOURNAL 653 (2017) (cited by Illinois Supreme Court in *Dew-Becker v. Wu*).
16. *A Prelude to Jenkins v. NCAA: Amateurism, Antitrust Law, and the Role of Consumer Demand in a Proper Rule of Reason Analysis*, 78 LOUISIANA L. REV. 227 (2017) (solicited article).

17. Navigating the Legal Risks of Daily Fantasy Sports: A Detailed Primer in Federal and State Gambling Law, 2016 UNIVERSITY OF ILLINOIS LAW REVIEW 117 (2016).
18. From “Too Small to Notice” to “Too Big to Fail”: The Rapid Growth of Daily Fantasy Sports and DFS Efforts to Change Illinois Gambling Law, 66 DEPAUL L. REV. 1 (2016) (solicited article).
19. How Antitrust Law Could Reform College Football: Section 1 of the Sherman Act and the Hope for Tangible Change, 68 RUTGERS L. REV. 809 (2016) (keynote address, solicited article)
20. The Legal Status of Fantasy Sports in a Changing Business Environment, 42 NORTHERN KENTUCKY LAW REVIEW 443 (2015) (speech, symposium edition, solicited article).
21. In Defense of Sports Antitrust Law: A Response to Law Review Articles Calling for the Administrative Regulation of Commercial Sports 72 WASHINGTON & LEE LAW REVIEW ONLINE 210 (2015).
22. The District Court Decision in *O’Bannon v. National Collegiate Athletic Association*: A Small Step Forward for College Athlete Rights, and a Gateway for Far Grander Change, 71 WASHINGTON & LEE LAW REVIEW 2319 (2014).
23. The NCAA’s ‘Death Penalty’ Sanction: Reasonable Self-Governance or an Illegal Group Boycott in Disguise? 18 LEWIS & CLARK LAW REVIEW 385 (2014).
24. The Future of Amateurism after Antitrust Scrutiny: Why a Win for the Plaintiffs in the *NCAA Student-Athlete Name & Likeness Licensing Litigation* Will Not Lead to the Demise of College Sports, 92 OREGON LAW REVIEW 1019 (2014) (symposium edition).
25. A Short Treatise on Amateurism and Antitrust Law: Why the NCAA’s ‘No Pay’ Rules Violate Section One of the Sherman Act, 64 CASE WESTERN RESERVE LAW REVIEW 61 (2013).
26. Closing the ‘Free Speech’ Loophole: Protecting College Athletes’ Publicity Rights in Commercial Video Games, 65 FLORIDA LAW REVIEW 553 (2013).
27. Does the NBA Still Have Market Power? Exploring the Antitrust Implications of an Increasingly Global Market for Men’s Basketball Player Labor, 41 RUTGERS LAW JOURNAL 549 (2010).
28. Collectively Bargained Age/Education Requirements: A Source of Antitrust Risk for Sports Club-Owners or Labor Risk for Players Unions? 114 PENN STATE LAW REVIEW 341 (2010) (coauthored with Joseph Wacker).
29. Are Commissioner Suspensions Really any Different from Illegal Group Boycotts? Analyzing Whether the NFL Personal Conduct Policy Illegally Restrains Trade, 58 CATHOLIC UNIVERSITY LAW REVIEW 631 (2009).

30. Moving Past Collusion in Major League Baseball: Healing Old Wounds and Preventing New Ones, 54 WAYNE LAW REVIEW 601 (2008).
31. How to Prevent High School Hazing: A Legal, Ethical and Social Primer, 81 NORTH DAKOTA LAW REVIEW 309 (2005).
32. Addressing the High School Hazing Problem: Why Lawmakers Need to Impose a Duty to Act on School Personnel, 25 PACE LAW REVIEW 15 (2004).

### **Specialty Law Review Articles**

33. The NCAA's Agent Certification Program: A Critical and Legal Analysis, 11 HARVARD SPORTS & ENT. L. J. 155 (2020) (coauthored with Richard Karcher).
34. The NCAA, Fair Pay to Play, Antitrust Scrutiny, and the Need for Institutional Reform, \_\_\_ WAKE FOREST BUSINESS & INTELLECTUAL PROPERTY LAW JOURNAL\_\_\_ (2020).
35. Chartering the Future of Intercollegiate athletics at the City University of New York – A Legal Ethical and Financial Case Study, \_\_\_ VIRGINIA SPORTS & ENTERTAINMENT LAW Journal \_\_\_ (2020).
36. Redesigning U.S. Intercollegiate Athletics to Better Conform with UNESCO's Best Practices in Student Affairs, 29 JOURNAL OF LEGAL ASPECTS OF SPORT 186 (2019).
37. Assessing the Department of Education's Proposed 2018 Revisions to its Regulations under Title IX of the Education Amendments Act, 9 WAKE FOREST JOURNAL OF LAW & POLICY 155 (2019).
38. Lack of Integrity? Rebutting the Myth that U.S. Commercial Sports Leagues Have An Intellectual Property Right to Sports Gambling Proceeds, 15 N.Y.U. J. OF L. & BUS. 1 (2018).
39. From Meerkat to Periscope: Does Intellectual Property Law Prohibit the Live Steaming of Commercial Sporting Events, 39 COLUMBIA JOURNAL OF LAW & THE ARTS 469 (2016).
40. A Sure Bet: The Legal Status of Daily Fantasy Sports, 5 PACE INT. PROP., SPORTS & ENT. L. J. 1 (2016) (keynote address, solicited article).
41. Bleeding by the Numbers: Rush Versus Cobbett, *The Pharos (Alpha Omega Alpha Honor Medical Society)* 10 (2014) (coauthored with Andrew Shuman, MD & Joseph Fins).
42. Disarming the Trojan Horse of the UAAA and SPARTA: How America Should Reform its Sports Agent Laws to Conform with True Agency Principles, 4 HARVARD JOURNAL OF SPORTS & ENTERTAINMENT LAW 145 (2013).
43. How Young American Athletes Can Best Challenge A Bureaucracy that Prevents Them from Earning a Living, 9 DEPAUL JOURNAL OF SPORTS LAW & CONTEMPORARY PROBLEMS 135 (2013) (speech, solicited article).

44. A Short Treatise on Fantasy Sports and the Law: How America Regulates its New National Pastime, 3 HARVARD JOURNAL OF SPORTS & ENTERTAINMENT LAW 1 (2012) (lead article).
45. Economic Realities and Legal Issues of Professional Athletes, 8 DEPAUL JOURNAL OF SPORTS LAW & CONTEMPORARY PROBLEMS 133 (2012) (speech, solicited article).
46. Upon Further Review: Will the NFL's Trademark Licensing Practices Survive Full Antitrust Scrutiny? The Remand of American Needle v. Nat'l Football League, 16 STANFORD JOURNAL OF LAW, BUSINESS & FINANCE 183 (2011) (lead article).
47. A Different Look at Compliance in Professional Sports: Why the NFL Personal Conduct Policy Might Be More Illegal than the Very Conduct it Seeks to Regulate, 7 DEPAUL JOURNAL OF SPORTS LAW & CONTEMPORARY PROBLEMS 89 (2011) (speech, solicited article).
48. A Sobering Conflict: A Call for Consistency in the Messages Colleges Send about Alcohol, 20 FORDHAM INTELLECTUAL PROPERTY, MEDIA & ENTERTAINMENT LAW JOURNAL 1389 (2010) (solicited manuscript) (coauthored with David Rosenthal).
49. Antitrust and 'Free Movement' Risks of Expanding American Professional Sports Leagues into Europe, 29 NORTHWESTERN JOURNAL OF INTERNATIONAL LAW & BUSINESS 403 (2009) (coauthored with Brian Doyle).
50. Could a New Women's Professional Soccer League Survive in America? How Returning to the Traditional League Structure Might Save More than Just a Game, 19 SETON HALL JOURNAL OF SPORTS & ENTERTAINMENT LAW 283 (2009) (solicited manuscript) (coauthored with Elizabeth Masterson).
51. The House that Taxpayers Built: Exploring the Rise in Publicly Funded Baseball Stadiums from 1953 through the Present, 16 VILLANOVA SPORTS & ENTERTAINMENT LAW JOURNAL 257 (2009) (speech, solicited article).
52. Sports and the City: How to Curb Sports Teams' Demands for Free Public Stadiums, 6 RUTGERS JOURNAL OF LAW & PUBLIC POLICY 35 (2008) (solicited manuscript).
53. Analyzing the WNBA's Mandatory Age/Education Policy from a Legal and Ethical Perspective, 3 NORTHWESTERN JOURNAL OF LAW & SOCIAL POLICY 1 (2008) (coauthored with C. Keith Harrison).
54. Why the Single Entity Defense Can Never Apply to NFL Clubs: A Primer on Property Rights Theory in Professional Sports, 18 FORDHAM INTELLECTUAL PROPERTY, MEDIA & ENTERTAINMENT LAW JOURNAL 891 (2008).
55. Do Major League Baseball Clubs Risk Losing Another Collusion Grievance? 24 LOYOLA OF LOS ANGELES ENTERTAINMENT LAW JOURNAL 159 (2004).
56. How to Curb Professional Sports' Bargaining Power vis-à-vis the American City, 2 VIRGINIA SPORTS & ENTERTAINMENT LAW JOURNAL 280 (2003).

57. Can Antitrust Law Save the Minnesota Twins? Why Commissioner Selig's Contraction Plan Was Never a Sure Deal, 10 SPORTS LAW JOURNAL 45 (2003).

58. Reevaluating Amateurism Standards in Men's College Basketball, 35 UNIVERSITY OF MICHIGAN JOURNAL OF LAW REFORM 861 (2002) (student note).

### **Books**

59. CAREERS IN SPORTS LAW (American Bar Association, 2014) (coauthored with Geoffrey Christopher Rapp).

### **Expert Work / Consulting**

- Provided peer review of Harvard Law School's Petrie-Flom Center for Health Law Policy, Biotechnology, and Bioethics report entitled "Comparing the Health-Related Policies and Practices of the NFL to Other Professional Sports Leagues."
- Provided specialty legal consulting services to a Major League Baseball team, the Arena Football League Players Union, a publicly traded sports book, and numerous online gaming entities.
- Served as expert witness for the following clients: Donuts.com in an IP Address dispute over the ".sport" domain; ReplyAll in a trademark dispute related to reverse confusion; a prominent online retail ticket broker in a trademark dispute with a professional sports league; and UBS in a litigation pertaining to an investment in an online gaming business.

### **Government Testimony**

- Testified as professor and technical expert before California Assembly Appropriations Committee about Senate Bill 206 ("Fair Pay to Play Act") and antitrust challenges with NCAA banning California schools for allowing athlete endorsement deals. (July 9, 2019).
- Testified as a professor expert before the Massachusetts Special Commission on Online Gaming and Daily Fantasy Sports about best practices for regulating the interactive gaming and daily fantasy sports marketplace (May 2, 2017).

### **Law School Curriculum Consulting**

- Retained by Seton Hall Law School in Newark, NJ to provide curriculum and education consulting services related to launch of Sports, Gaming and Hospitality Law program (2019-20).

### **Awards and Other Achievements**

- Awarded Fulbright U.S. Scholarship for Spring 2021 semester to study and conduct research on the comparative governance of sports at the University of Canberra in Canberra, Australia
- Awarded the Virginia Maurer Award for Best Ethics Paper by the Academy of Legal Studies in Business (August 2018 conference).
- Awarded the Distinguished Proceedings Award by the Academy of Legal Studies in Business (August 2018 conference).

- Earned the Baruch College Teaching Excellence Award (May 2015).
- Named as Professor of the Year by Entire Student Body, Barry University Dwayne O. Andreas School of Law (2012-13)
- Presented research at upwards of 100 academic conferences and symposia, including international conferences held in Chengdu, China and Reykjavik, Iceland, and law school conferences at Harvard Law School, University of Pennsylvania Law School, Duke Law School and NYU Law School.
- Cited by media on over 500 occasions, including by the *Chicago Tribune*, *San Francisco Chronicle*, *New York Times*, *Washington Post* and *Wall Street Journal* (full media list available upon request).
- Published mainstream articles in *Chicago Tribune*, *Daily News* (New York), *Forbes.com* (more than 150 publications), *Miami Herald*, *Sports Business Journal*, *U.S. News* and *Wall Street Journal Reports*.

### **Education**

#### **The University of Michigan Law School: Ann Arbor, MI**

J.D., *cum laude*, recipient of John M. Olin Student Fellowship in Law & Economics

- Recipient of John M. Olin Student Fellowship in Law & Economics
- Awarded membership to Scribe's Society (best student note on each journal)
- Recipient of Book Award, Sports Law (highest grade in course)

#### **Marx School of Public and International Affairs, Baruch College (CUNY): New York, NY**

M.S. Ed. (Higher Education Administration) 4.00 GPA

- Recipient of the Baruch College Alumni Association Graduate Award in Education (granted to the MS in education student with the highest cumulative GPA).

#### **University of Michigan School of Kinesiology: Ann Arbor, MI**

M.A (Sports Management). 8.33 GPA (A/A+ average)

#### **The Wharton School, University of Pennsylvania: Philadelphia, PA**

B.S. (Economics), *magna cum laude*