

Marc Edelman

Professor of Law (w/ tenure)
Baruch College, Zicklin School of Business
City University of New York
Cell: (516) 729-4383
Email: Marc@MarcEdelman.com

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)

Scholarship:

- My primary line of research focuses on the use of antitrust law, labor law, gaming law and intellectual property law to regulate employee and consumer concerns in the commercial sports industry. Some more specific topics include: (a) navigating the contours of labor, antitrust and intellectual property law within the commercial sports marketplace; (b) addressing legal and ethical issues related to applying antitrust/labor laws to college sports; and (c) analyzing how to regulate online gaming and fantasy sports marketplaces. I also write on (d) topics pertaining to student rights in higher education law.
- At present, I have published more than 30 full-length, traditional law review articles, including recent articles in *Boston College Law Review*, *Cardozo Law Review*, *Florida Law Review*, *Indiana Law Journal*, *Illinois Law Review*, and *Washington & Lee Law Review*. These articles have been cited in Supreme Court briefs, numerous textbooks, and in over 300 different law review articles.
- I have presented my research at upwards of 100 academic conferences and symposia, including conferences in Iceland and China, as well as before leading professional organizations around the world (full list available upon request).
- I am currently ranked No. 538 on Social Science Research Network with 33,629 total downloads (last visited, May 4, 2018).

Teaching:

- I regularly teach courses in Antitrust Law, Contracts, Gaming Law, Sports Law, Intellectual Property, and Property Law (all course teaching evaluations are 4.5/5.0 or higher).
- I was the recipient of the Zicklin School Teaching Excellence Award (2015).
- I taught in Spring 2018 at the Southwestern University of Finance and Economics (“SWUFE”) in Chengdu, China as part of a joint degree program between SWUFE and Baruch College.

Service:

- Faculty Athletic Representative to NCAA, Baruch College (2016 – Present)
- Chair: Law Department Research & Scholarship Committee (2014 – Present); Law Department Student Awards Committee (2013 – Present)
- Member: Zicklin School Executive Committee (2018 – Present); Department of Law Executive Committee (2015 – Present); Department of Law Curriculum Committee (2015 – Present); Department of Law Recruitment and Hiring Committee (2017 – Present)

Fordham University School of Law: New York, NY

Adjunct Professor of Law (2010 – Present)

- I have taught an annual course on Law & Professional Sports for eight consecutive academic years, including, most recently, in the fall of 2017.
- All course teaching evaluations were 4.5 / 5.0 or higher.

Dwayne O. Andreas School of Law: Orlando, FL

Associate Professor of Law (August 2012 – 2013)

Assistant Professor of Law (August 2009 – 2012)

- I received a Dean's Award for Scholarship for the 2012-13 academic year.
- I was voted Professor of the Year by the Student Body for 2012-13 academic year.
- All course teaching evaluations were 4.5 /5.0 or higher.
- Served on numerous service committees, including our Academic Programs Committee and Scholarship Advancement Committee.

Rutgers University School of Law: Camden, NJ

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

- All course teaching evaluations were 4.5 /5.0 or higher.

Law Practice Experience

Dewey Ballantine LLP: New York, NY

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

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

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

Law Review Articles

1. 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)
2. 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).
3. 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) (*journal ranked No. 26 overall, W&L Rankings*)
4. 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) (*journal ranked No. 27 overall, W&L Rankings*)
5. Regulating Fantasy Sports, 92 IND. L. J. 653 (2017) (*journal ranked No. 24 overall, W&L Rankings*)
6. From Meerkat to Periscope: Does Intellectual Property Law Prohibit the Live Streaming of Commercial Sporting Events, 39 COLUMBIA JOURNAL OF LAW & THE ARTS 469 (2016).
7. 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) (*journal ranked No. 28 overall, W&L Rankings*)

8. 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).
9. 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) (*journal ranked No. 41 overall, W&L Rankings*).
10. The NCAA's 'Death Penalty' Sanction: Reasonable Self-Governance or an Illegal Group Boycott in Disguise? 18 LEWIS & CLARK LAW REVIEW 385 (2014) (*journal ranked No. 43 overall, W&L Rankings*).
11. 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).
12. 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).
13. 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).
14. Closing the 'Free Speech' Loophole: Protecting College Athletes' Publicity Rights in Commercial Video Games, 65 FLORIDA LAW REVIEW 553 (2013) (*journal ranked No. 30 overall, W&L Rankings*).
15. 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).
16. 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).
17. 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).
18. 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).
19. 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).
20. 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).
21. Antitrust and 'Free Movement' Risks of Expanding American Professional Sports Leagues into Europe, 29 NORTHWESTERN JOURNAL OF INTERNATIONAL LAW & BUSINESS 403 (2009) (coauthored).
22. 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).

23. Moving Past Collusion in Major League Baseball: Healing Old Wounds and Preventing New Ones, 54 WAYNE LAW REVIEW 601 (2008).
24. 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).
25. Analyzing the WNBA's Mandatory Age/Education Policy from a Legal and Ethical Perspective, 3 NORTHWESTERN JOURNAL OF LAW & SOCIAL POLICY 1 (2008) (coauthored).
26. 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).
27. How to Prevent High School Hazing: A Legal, Ethical and Social Primer, 81 NORTH DAKOTA LAW REVIEW 309 (2005).
28. Addressing the High School Hazing Problem: Why Lawmakers Need to Impose a Duty to Act on School Personnel, 25 PACE LAW REVIEW 15 (2004).
29. Do Major League Baseball Clubs Risk Losing Another Collusion Grievance? 24 LOYOLA OF LOS ANGELES ENTERTAINMENT LAW JOURNAL 159 (2004).
30. How to Curb Professional Sports' Bargaining Power vis-à-vis the American City, 2 VIRGINIA SPORTS & ENTERTAINMENT LAW JOURNAL 280 (2003).
31. Can Antitrust Law Save the Minnesota Twins? Why Commissioner Selig's Contraction Plan Was Never a Sure Deal, 10 SPORTS LAW JOURNAL 45 (2003).
32. Reevaluating Amateurism Standards in Men's College Basketball, 35 UNIVERSITY OF MICHIGAN JOURNAL OF LAW REFORM 861 (2002) (student note).

Cited Symposium Speeches and Other Academic Articles

33. 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).
34. 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).
35. A Sure Bet: The Legal Status of Daily Fantasy Sports, 5 PACE INT. PROP., SPORTS & ENT. L. J. 1 (2016) (keynote address, solicited article).
36. 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)
37. The Legal Status of Fantasy Sports in a Changing Business Environment, 42 NORTHERN KENTUCKY LAW REVIEW 443 (2015) (speech, symposium edition, solicited article).
38. Bleeding by the Numbers: Rush Versus Cobbett, *The Pharos (Alpha Omega Alpha Honor Medical Society)* 10 (2014) (coauthored).

39. 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).
40. Economic Realities and Legal Issues of Professional Athletes, 8 DEPAUL JOURNAL OF SPORTS LAW & CONTEMPORARY PROBLEMS 133 (2012) (speech, solicited article).
41. 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).
42. 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).

Books

43. CAREERS IN SPORTS LAW (American Bar Association, 2014) (w/ Professor 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, and numerous online gaming entities.
- Served as expert witness for Donuts.com in IP Address dispute over the ".sport" domain.
- Served as expert witness for ReplyAll in trademark dispute related to reverse confusion.

Government Testimony

- 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).

Miscellaneous

- Cited by media on over 500 occasions, including by the *Chicago Tribune*, *San Francisco Chronicle*, *New York Times*, and *Wall Street Journal* (full media list available upon request).
- Published mainstream articles in *Forbes.com* (more than 150 publications), *Sports Law Journal*, *U.S. News* and *Wall Street Journal Reports*.
- Taught at Southwestern University of Finance of Economics in Chengdu, China: Spring 2018
- Formally trained in standup comedy at Comic Strip Live.
- Enrolled in Masters in Higher Education Administration program at Baruch College School of Public & International Affairs (completed 21/36 credits w/ 4.0 GPA, as of May 4, 2018).

Education

The University of Michigan Law School: Ann Arbor, MI

J.D., *cum laude*, 2003, recipient of John M. Olin Student Fellowship in Law & Economics

University of Michigan School of Kinesiology: Ann Arbor, MI

M.A., 8.33 GPA (A/A+ average), 2003

The Wharton School, University of Pennsylvania: Philadelphia, PA

B.S. (Economics), *magna cum laude*, 1999