



# 2015 Practice Group of the Year

## Sports

Big wins for the Houston Astros and Chicago Cubs and an inside role at one of the big daily fantasy sports operators are among the achievements that landed Kirkland & Ellis LLP a spot among *Law360*'s Sports Groups of the Year.

The sports work handled by Kirkland & Ellis spans a wide range of practice areas, and the firm chooses to field these matters with attorneys from different practice groups rather than having a dedicated sports group, according to Andrew Kassof, an attorney in the firm's litigation department who works with sports clients.

"Our view on it is that the issues that arise with our sports-related clients are the same sort of issues that our more mainstream corporate or industrial clients face day in and day out," Kassof told *Law360*.

Kassof said that while many of the legal issues that arise are the same, it's important to look at the client and understand their business and their needs when working on sports matters, just as he does with clients in other industries. In sports, he said, often times the biggest consideration may not be a legal issue at all.

"Sometimes when you're dealing with sports disputes or issues, or very public figures, you have to appreciate that the public perception may be paramount. And that may need to drive some of the decision-making," Kassof said. "You need to understand what the business needs are."

Kassof was part of the Kirkland team that represented Major League Baseball's Chicago Cubs in a public dispute earlier this year. A pair of businesses that overlook Wrigley Field sued the team over a stadium revamp that included signage that blocks their views of the ballfield.

The claims were dismissed with prejudice in September, after an

Illinois federal court found that the Cubs had not broken a license agreement with the rooftops and that they were exempt from antitrust laws.

Another big baseball victory for the firm was a win for the Houston Astros in a dispute with Comcast Corp. over a regional sports network. That work started with a disagreement over the terms of a contract and eventually morphed into a bankruptcy and restructuring case, according to Paul Basta, a restructuring partner that worked on the matter.

"The expertise that we were able to bring to the table was really a restructuring expertise in the sports context," Basta told *Law360*. "It was

"... the issues that arise with our sports-related clients are the same sort of issues that our more mainstream corporate or industrial clients face day in and day out ..."

pretty much a commercial dispute, but it happened to arise in an interesting field.”

The Astros wanted to sign a carriage agreement that ensured its fans outside of the immediate Houston area would be able to see their games, but they also needed that deal to be lucrative, so the team could invest in players and compete.

“The position of the Astros going in was that they wanted an economic arrangement on the network that was going to be viable and successful for the long term, so that they could know what they were doing, and so that they could build their team around a predictable and understandable revenue stream,” Basta said.

When an agreement couldn’t be reached, Comcast forced the network into bankruptcy, then opposed a reorganization plan devised by the Astros, AT&T Corp. and DirecTV LLC. Comcast continued to fight the network over a \$100 million loan after the plan was confirmed, but a Texas federal judge sided with the Astros back in August after an appeal.

Basta said the outcome for the Astros was good, as the network relaunched with new owners, carrying the team’s games and providing it licensing

“It’s really up to us to define how we can be substantive, productive and constructive in the process.”

payments. But the issue was important to others as well.

“It was extremely important to the team, to the league, to the fans, and to the city that all of this get solved,” Basta said.

Kirkland’s work for daily fantasy sports operator FanDuel Inc. showed a different side of the firm’s sports practice. Michael Garcia, a former U.S. attorney who leads the government, regulatory and internal investigations practice at Kirkland, was named chairman of an advisory board tasked with anticipating issues that may arise as FanDuel expands and its nascent industry evolves.

Garcia has tapped former U.S. Secretary of Homeland Security Tom Ridge, former Dallas Mavericks President and CEO Terdema Ussery, former MLB Executive Vice President Tim Brosnan and UBS AG Global Head of Compliance Colin Bell to serve with him on the board.

He said the group is currently examining the company to better understand it, and is also looking to

define a distinct role for itself, since advisory boards like this are fairly unprecedented.

“We are still in the process of learning about how the company functions, what the issues are and how they’re dealing with the current issues,” Garcia said. “Part of this is defining the role of the board. It’s really up to us to define how we can be substantive, productive and constructive in the process.”

REPRINTED WITH PERMISSION FROM THE JANUARY 20, 2016 EDITION OF *LAW360*  
© 2016 PORTFOLIO MEDIA INC. ALL RIGHTS RESERVED. FURTHER DUPLICATION WITHOUT PERMISSION IS PROHIBITED