

## Legal Minds Shaping the Future of College Athletics



John Cunningham's journey into collegiate athletics started as an escape from the legal world, yet today his daily routine revolves around navigating legal complexities. Now the athletic director at the University of Cincinnati, Cunningham, who once aspired to be a trial lawyer, has spent over two decades in the evolving realm of college sports, where he initially held low-paying compliance roles.

Compliance roles, often seen as less appealing, offered valuable exposure by enabling interaction with coaches and opportunities to present to university presidents and boards on risk management issues.

### The Shifting Legal Landscape of College Sports

The dynamic nature of U.S. collegiate athletics is transforming rapidly. Expanding litigation, evolving antitrust cases, and name, image, and likeness (NIL) agreements enabling players to monetize their athletic talent have prompted industry leaders like Cunningham and Notre Dame's Peter Bevacqua to adapt. The advent of direct athlete compensation looms unless Congress acts by July 1.

### Legal Minds in Leadership

The trend of hiring athletic directors (ADs) with legal backgrounds is reshaping leadership in collegiate sports. Ohio State University faces Notre Dame—which appointed Bevacqua, a former Davis Polk & Wardwell attorney—in the College Football Playoff National Championship. Bevacqua succeeded Jack Swarbrick, a former Baker & Daniels partner (now Faegre Drinker Biddle & Reath).

Fred Glass, who also transitioned from Baker & Daniels to become Indiana University's AD, highlighted the value of legal skills in the changing landscape of collegiate sports. Negotiating to include a vice president title demonstrated the need for broader influence in academic administration.

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Legal training sharpens analytical skills vital for contract negotiations, labor matters, and anticipating regulatory shifts. Proactive thinking, such as evaluating potential future issues before they arise, enhances decision-making.

### Growing Preference for Legal Expertise

Academic institutions are increasingly seeking legal professionals for athletic leadership. A 2022 study by Arizona State University law professors revealed that eight of the 64 ADs hired since 2016 held law degrees, with legal experience gaining traction amid mounting lawsuits targeting the NCAA and member schools.

Examples of this shift include:

**Raymond Anderson**, former NFL executive and Harvard Law graduate, served as AD at Arizona State.

**Desirée Reed-Francois**, appointed AD at the University of Arizona.

**Nina King**, Duke's first Black woman AD and a Notre Dame law alum.

**Joshua Whitman**, a former Covington & Burling associate and Illinois' AD.

**Larry Williams**, ex-NFL player and Baker & Daniels alum, now at the University of San Francisco.

Jeffrey Mitchell, Ball State University's AD, credited his legal training for providing him a pivotal leadership perspective. He maintains his Mississippi Bar status despite not practicing.

### New Challenges and Strategies

John Mack's appointment as Princeton's AD in 2021 marks another notable transition. He left legal practice at Jenner & Block and Honigman Miller Schwartz and Cohn to take the helm at his alma mater. The professionalization of college athletics over the past 15 years has been unmistakable.

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Benjamin Stockman, co-leader of Venable's sports practice, acknowledged that managing collegiate athletic departments now resembles running a legal enterprise. Schools practically need a law firm to address the demands.

Andrew Brandt, Villanova University law professor and former Green Bay Packers counsel, noted the emerging need for salary cap managers in college programs. He is helping schools create positions that mirror professional sports front offices.

At Cincinnati, Cunningham's compliance roots now support his leadership as the public face of athletics. His department works closely with a designated in-house attorney, a necessity given today's legal complexities. A dedicated team of legal experts has become essential for navigating the intricate regulatory environment.

