

## Readers remind selves, others to stay positive

*Editor's note: The following comments were posted on sportsbusinessjournal.com in response to a story in the March 30-April 5, 2009, issue of SportsBusiness Journal. The story, "Dealing with the emotions of losing a job," focused on how Jeff Siegel, former senior vice president of advanced media sales and marketing at ESPN, is dealing with the loss of his job. Comments are edited for length and clarity.*

I just passed the two-month mark and I can totally relate to Jeff's story. There are good days where I am meeting with people or connecting via all the social networks (LinkedIn, Facebook, Twitter) and then there are bad days where I feel who the heck else can I contact or how many times can I follow up with someone without becoming a nag!

The most important thing that I have to remember and remind myself of every day is to stay positive. This economy is like nothing I have ever seen. Just two nights ago I had dinner with two friends and one was just laid off three days prior and the other was talking about all her busy projects she was working on, which we thought sounded great. Today, I received a text from her that she was just laid off! The moral of this story — you never know in today's climate what can happen.

All of us have great networks and I truly believe we'll land on our feet again, but in the meantime take each day as a gift. I've just started to volunteer and it has really helped to put things into perspective.

Best of luck and keep the faith!

**Maureen Kelly**  
Atlanta

As someone trying to enter the sports industry, I understand Jeff's story of trying to land a position in the industry. All of us here at Bentley have experienced the effects the downturn in the economy has caused on graduating students this year.

I have had great experiences interning in the sports industry and have contacts in the Boston area, but I have had to recently take a volunteer position with a sports team until a paid position comes along. I think those that never give up and keep plugging away in all areas will end up being successful through these economic times.

Good luck to all in their own job search!

**Chad Burkart**  
Waltham, Mass.

### LET US HEAR FROM YOU

Street & Smith's SportsBusiness Journal welcomes letters from readers on any topic that is making headlines in the world of sports business.

Letters must be signed and must include the writer's city and state. Please include a daytime telephone number for verification purposes only. All letters are subject to standard editing for style, grammar and length.

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## Retirees look for new start at NFLPA



**CY SMITH**

*Editor's note: The author represented the estate of former Pittsburgh Steelers player and hall of famer Mike Webster in the first successful lawsuit against the NFL's pension plan.*

Last month, NFL players meeting in Hawaii took a historic step by electing only the third executive director in the history of their union, Washington lawyer and prosecutor DeMaurice Smith. Now, the question looms as to whether the NFL's union is ready to make a historic admission that it has, at best, ignored — and at worst, ripped off — its retired players.

Just as we, as fans, often quickly lose interest in once-favorite players who no longer suit up for Sunday games, the NFL Players Association focuses almost exclusively on salaries and benefits for current players. The result has been increasing legal and legislative focus on the treatment of past players.

Last year, a federal jury in California awarded a group of retired players more than \$28 million, including punitive damages, after finding that the NFLPA and its licensing arm, Players Inc., had cheated retirees out of revenue from video games and memorabilia. The best evidence at trial was a series of e-mails between union officials and video-game producers outlining the scheme. Lawsuits against the NFL's pension plan (half the plan's board is appointed by the union) have

revealed the shockingly small number of hobbled retirees who receive disability pensions. Hearings before the U.S. House and Senate have cast a harsh light on the whole range of retiree benefits and the union's unwillingness to level the playing field for retired players.

The jury's verdict, along with judgments, settlements and congressional investigations, were not just bad luck. The union's decisions were made at the top, by its long-time executive director. Although he was a giant, both on and off the field, and left a rich legacy to the NFLPA, Gene Upshaw left no doubt about where the union's loyalties lay. In 2007, after losing a multimillion-dollar pension case to the estate of ex-Steelers great Mike Webster, Upshaw announced that given the opportunity, the pension plan would make the same decision again. In 2006, Upshaw responded to criticism of the plan's handling of disability claims by saying, "The bottom line is I don't work for [former players]. They don't hire me and they can't fire me ... They can complain about me all day long. But the active players have the vote. That's who pays my salary."

As a legal matter, Upshaw was correct that the union represents current players only, not retirees. But the average career in the NFL is less than four years, which means that as a practical matter, every NFL player is just one hit, one tackle, one concussion away from retirement. Unlike virtually every other unionized industry (including other professional sports), the NFL cannot

be divided neatly into new hires, those in mid-career, and those on the verge of retirement. The next play could be the last play, because of injury, slowing skills or salary cap concerns.

In a different work force, where a fifth or a quarter of employees know they will retire in the next five to 10 years, there is a natural constituency for treating retirees fairly — today's employee knows he will be retired when he reaches 60 or 65. In pro football, by contrast, players join the league at age 22 or 23, assume they are invincible, and then leave the game, usually involuntarily, in only a few years.

While coverage of the new executive director has focused on the next round of negotiations with owners, the issue that should be front and center for the NFLPA is its commitment to retired NFL players, who number 13,000 and dwarf the approximately 1,700 current players. The ranks of these ex-players, and their needs for pension, health, disability benefits, will only continue to grow. Beyond the need to change specific policies, the union needs a new mind-set, a new willingness to engage retired players on their own terms and to treat them as stakeholders. And as with any organization, change begins at the top.

It's not easy to follow a legend. But with DeMaurice Smith's new beginning, he has the chance to turn the page for the union and to provide new respect to the retired players who built the league.

*Cy Smith is a partner in the law firm Zuckerman Spaeder LLP.*