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Women in the Law



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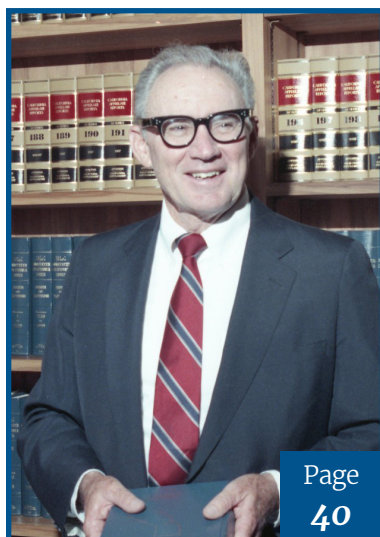
Legal Ethics in the
Age of Coronavirus

Volunteering in Robes

Practicing Law

Productively at Home

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ATHLETES VS. TIME

THE POWER OF PANDEMICS ON THE SPORTS INDUSTRY, PSYCHOLOGY, AND PHYSIOLOGY OF PERFORMANCE

By Jeremy M. Evans

The record is clear: the entire live sports industry has been upended during the current pandemic. The result of this is that athletes, broadcasters, streamers, advertisers, and fans are all feeling the financial and emotional loss of not having sports. It started with the cancellation of entertainment and media conferences like South by Southwest (SXSW), movie theaters, and business meetings. Then came the announcements of suspended seasons for American college sports for men and women, the Women's National Basketball Association (WNBA), the National Women's Soccer League (NWSL) and Spring Training and the season by Major League Baseball (MLB), Major League Soccer (MLS), the National Basketball Association (NBA), and the National Hockey League (NHL). The National Football League (NFL) followed suit with delays and a first-of-its-kind virtual NFL Draft. The XFL then canceled its inaugural season.

Financially speaking, the industry will lose billions of dollars just from television contracts and advertising.¹

The entertainment industry is no different.² The news media outlets, however, and the internet, video conferencing, gaming, and streaming are all breaking records with use and viewership numbers.³ Sports streamer DAZN, run by a former ESPN executive, has stated that they are unlikely to pay their bills. Through the CARES Act, the United States government is sending funds (by temporarily suspending the payroll tax) to individuals and offering emergency loans to businesses to survive, with incentives to those companies that do not let employees walk.

On the international stage, entertainment, media, and sports conferences and games have been suspended or canceled, including Wimbledon. Most recently, the 2020 Summer Olympics were postponed to July 2021, although for advertising, branding, and historical purposes, the Games will still be called the "Tokyo 2020." Some conference organizers and sports leagues have pivoted their businesses by going virtual via technology and platforms

and offering more, but different content. Others have gone to Esports, like NASCAR's iRacing and NBA 2K, where professional athletes compete in their sport of gaming and fans consume the live game as if watching a broadcast on television.

However, what about the psychological and physiological training of the athletes? What happens when an Olympic athlete is suddenly forced to extend training for another year before the proverbial dance? The simple answer would be that the athlete gets more time to prepare and train. True, but the athlete will also be a year older. Age matters in collegiate, Olympic, and professional sports regarding peak performance.⁴ Furthermore, there is always the potential for injury and mental toughness plays a role.

Practically speaking, the National Collegiate Athletic Association (NCAA) has extended college playing eligibility for an extra year.⁵ In the news, the MLB has extended payments to minor leaguers. Sports executives and professional

athletes have taken pay cuts and donated funds to keep employees working and dreams alive. There have been discussions about extended seasons.

It would be irresponsible not to mention the issues with contract cancellations, extensions, postponements, and the implications of force majeure clauses, impracticability, and frustration of purpose.⁶ The above applies to sponsorships, endorsements, and salary, as much as it applies to broadcast dollars, merchandise, and vendors. Although NBA Commissioner Adam Silver has stated that 99% of viewership is online through some media platform, even before the pandemic, that 1% of in-person attendees is significant and without games being played, all parties are having a tough time adapting.⁷

For the athlete specifically, adaptation is both mental⁸ and physical.⁹ Once acceptance occurs (e.g., the Olympics being postponed for one year), the hard work begins. Athletes will have to fight time like Tom Brady in his Facebook special, Tom vs. Time. There is a reason that athletes utilize trainers and sports psychologists; they need them, and rightfully so. Imagine preparing for the bar exam only to be told the exam would not happen for another year. The first thought would be inconvenience, the next anger, then despair, and then maybe acceptance and preparation.

One thing is for sure, athletes will rely heavily on their agents and family members to get through the process, not to mention the training with assistance from professionals. Everyone needs experts and help,

and athletes are no different. As much as the athletes need mental toughness and physicality through training, Americans and the world have used sports to get back to life and work before.¹⁰ Sports have often played a major role in the next great American comeback. When sports return, it will be one of the first steps toward life outside and beyond the virtual experience.

Recovery is also about adaptation, even if by necessity. Meaning, the move to digital is happening quicker.¹¹ Indeed, brace for change that is permanent as well.



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FOOTNOTES

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