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BakerHostetler's Solomon Talks Salary Caps, Sports Betting and the Next Wave of Sports Labor Disputes

R Lee Solomon brings firsthand experience as a professional athlete to his sports law practice at BakerHostetler. A former minor league baseball player in the San Diego Padres organization, Solomon gained valuable insight into the business of professional sports, both on the field and through a subsequent internship in the Padres' front office. Those experiences continue to inform his legal practice, where he advises sports organizations on labor and employment matters, organizational liability and risk management.

In the following interview, he discusses emerging legal challenges involving collective bargaining, sports betting, athlete compensation, NCAA employment classification and the evolving relationship between professional leagues and their players.



R. Lee Solomon

Question: As a former minor league baseball player who now practices sports and labor law, how has your experience as an athlete shaped the way you advise professional sports organizations?

Answer: My experience as a minor league baseball player and member of the San Diego Padres organization exposed me to a wide array of everyday issues that teams, athletes, and leagues face year-round. More than anything, it helped me understand the business of professional sports and the constantly shifting dynamics between ownership, the front office, staff, and the players. Because of my time with the Padres, I know what it feels like to play 150+ games in 6 months, battle for a roster spot in Spring Training, switch teams mid-season, and work through language barriers and disagreements between players, coaches, trainers, and other personnel in a clubhouse. Additionally, after I retired from playing, I was fortunate enough to briefly intern with the Padres in 2022 under the Assistant General Manager. My time spent with the Padres front office gave me exposure to the inner workings of player development, professional and amateur scouting, roster construction, and even collective bargaining. I only played and worked in professional baseball for a short time, but I was able to build relationships with players, coaches, and front office members who helped me understand professional sports at the highest level. Those experiences and relationships have shaped the way I analyze sports-related legal issues.

Q: Labor relations are fundamental to professional sports. What emerging labor and employment issues do you believe teams and leagues should be paying particularly close attention to?

A: The future of revenue sharing as sports media shifts further from traditional cable and more toward streaming services is a pressing issue. From a labor perspective, fights over percentage splits in revenue sharing is nothing new. But, as media rights deals become more lucrative and franchise valuations continue to rise, the conversation around player compensation may take

new forms—like loosening restrictions on player investment opportunities, implementing team equity-based compensation models for players, or resisting salary caps altogether like the MLBPA.

Q: Professional sports organizations operate in an unusual workplace where collective bargaining agreements, league rules and traditional employment laws frequently intersect. Where do you see the greatest potential for legal conflicts?

A: Like any unionized workplace, disciplinary decisions usually spark the most legal conflict because they can involve team rules, league rules, the collective bargaining agreement's provisions, traditional labor and employment laws, and varying levels of commissioner discretion in overseeing or deciding disciplinary cases.

Q: You advise sports clients on organizational liability and risk management. What are some of the risks that sports organizations tend to underestimate until they become significant legal problems?

A: At any level, sports organizations should prioritize prompt investigations and responses to serious complaints from fans, players, coaches, and the like. It may seem tedious, but any issue can become much bigger and significantly more public when an organization fails to address the problem at the outset. Additionally, having outside counsel to provide guidance on new areas of the law or newly implemented league rules can be invaluable. For example, the rules around student-athlete compensation are constantly shifting in the NIL space as colleges, boosters, and collectives find creative ways to fund athletic programs. The race to remain competitive has already created legal problems and compliance risks for athletic departments around the country.

Q: Sports betting has become increasingly integrated into professional sports. From an employment and organizational perspective, what should teams and leagues consider when developing and enforcing sports betting policies for employees and other personnel?

A: Insider knowledge has become more valuable by the day with the popularity of sports gambling and prediction markets. Even where teams and leagues maintain policies against gambling activities, they should also provide regular training on what qualifies as insider information, what rules and policies apply to their employment, and what disciplinary or legal action may result from violations of policy or the law. Teams should also be sure to require full disclosure of partnerships between players and gambling services or prediction markets to avoid any potential conflicts of interest.

Q: The distinction between employees and independent contractors continues to generate litigation across many industries. Are there aspects of the modern sports business where worker classification could become an increasingly important issue?

A: NCAA sports are the obvious choice, and several questions remain about the proper worker classification for college athletes. The NCAA's former prohibition on student-athlete compensation preserved a significant bar to establishing an employment relationship. Now that school and conference revenue directly contribute to student-athlete compensation, many are wondering whether student-athletes should be deemed employees of their schools and whether players' unions are appropriate for college sports.

Q: You work across youth, collegiate and professional sports. Are legal developments in college athletics—particularly involving athlete compensation and employment—likely to have implications for how professional sports organizations operate?

A: The recent changes in college athletics are great for players' unions and labor organizers. The WNBPA for example has made significant outreach efforts to

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collegiate women's basketball players in hopes of supporting union organizing in college and building early enthusiasm about joining the players' union at the next level. Separately, litigation over arbitrary and anti-competitive NCAA rules has put a spotlight on the growing business market for all sports and the money available to even amateur athletes in a free market. Since the Supreme Court's decision in NCAA v. Alston and the settlement of House v. NCAA, there has been a rush of outside money into college sports. Surely, professional sports organizations have taken notice of the popularity and marketability of the youngest stars in sports and the growing costs of keeping them happy. We no longer live in a world where student-athletes must "make it to the pros" to receive life-altering money.

Q: Looking three to five years ahead, what labor, employment or regulatory development do you think could have the greatest impact on the business of professional sports?

A: As a labor attorney and baseball fan, my eyes are fixed on negotiations between the MLBPA and the MLB owners. Like most I'm interested to see who blinks first in their stand-off over the salary cap. The MLBPA is a notoriously tight-knit union that enjoys more tolerance for work stoppages than other players' unions. The owners and Commissioner Manfred have signaled their willingness to push for a salary cap. The result and public reaction to these negotiations will likely impact how other athletes, players' unions, teams, and leagues prepare for future bargaining. For example, the NBPA will be tasked with addressing player dissatisfaction over second apron salary restrictions in future negotiations with NBA owners. The results of MLB bargaining over the salary cap could impact the expectations for NBA bargaining over the second apron in 2030.

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