

SEMI- PRO(S) AND CONS

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The two monopolies of football, the National Collegiate Athletic Association (NCAA) and the National Football League (NFL), are potentially about to be shaken up and turned on their heads with the introduction of a Developmental Football League. This league will offer players a *paid* alternative to collegiate play.¹ Set to make its debut in 2018, the Pacific Professional Football League (Pac Pro), founded by Don Yee, Tom Brady's agent, will offer a semi-professional (semi-pro) alternative to the traditional collegiate to professional football path.² To be clear, the only difference between a semi-pro league and a developmental league are the names.

With that being said, Yee's league, the Pac Pro, offers college-aged football players an opportunity to continue playing football in preparation for the NFL, make a paycheck, and forego the NCAA.³ Of course, the introduction of this league has opened the door to a cornucopia of questions, pros and cons, criticism, doubts, and speculations, many of which cannot be answered until the league has begun its first season. As for most businesses, the success of the Pac Pro lies in the way it is marketed. If the Pac Pro can successfully get young athletes and fans alike onboard, this league has the potential to change the landscape of football as we know it.

¹ Rick Maese, *New summer pro football league aims to offer paid alternative to college football*, WASH. POST, Jan. 11, 2017, https://www.washingtonpost.com/sports/redskins/new-summer-pro-football-league-aims-to-offer-paid-alternative-to-college-football/2017/01/10/6b7d33a8-d753-11e6-9a36-1d296534b31e_story.html?utm_term=.147730efb4bd.

² See, e.g., John Breech, *Tom Brady's Agent Launches New Pro Football League for College-age Players*, CBS SPORTS, Jan. 11, 2017, <http://www.cbssports.com/nfl/news/tom-bradys-agent-launches-new-pro-football-league-for-college-age-players/>.

³ See, e.g., Matthew Futterman, *New Football League Charts an Alternate Path to NFL*, WALL ST. J., Jan. 11, 2017, <http://www.wsj.com/articles/new-football-league-charts-an-alternate-path-to-nfl-1484128801>.

The Pac Pro will start off by operating as a summer league, consisting of four teams, all based in Southern California (SoCal).⁴ All teams will be owned by the league and each team will consist of 50-man roster, roughly.⁵ The only parameter for is that each Pac Pro player must be between the ages of 18 and 22.⁶ As of right now, the league will play six to eight games during a two-month long season from July to August.⁷ The average salary for players will be around \$50,000.⁸ The \$50k salary is both a pro and a con. The pro is obvious: players make a salary. The con: as of right now, is that the Pac Pro has promised around \$10 million worth of salaries, but has yet to lock-in a sponsor or a television deal to pay for it all.⁹ In an interview with *Sports Illustrated*, Quentin Hines, former New England Patriots player and developmental league (Rivals Professional Football League) owner, called these salary amounts “unrealistic.”¹⁰

In addition to salary, Pac Pro players will also receive benefits, including health insurance and a 401K.¹¹ It is important to note that, if a player chooses to play for the Pac Pro, receiving a salary will strip him of his amateur status and cause him to become ineligible for the NCAA.¹² As a means of counteracting this, “[e]very team will have a counselor to help players develop their interests academically and/or vocationally, and assist with coordinating meaningful internships in their fields of interest.”¹³

⁴ See, e.g., Tom Pelissero, *New Developmental League Could Mark Shift for College Football*, *NFL, USA TODAY*, Jan. 11, 2017, <https://www.usatoday.com/story/sports/nfl/2017/01/11/pacific-pro-football-league-developmental-college-ed-mccaffrey/96416744/>.

⁵ *Id.*

⁶ *Id.*; see also B. David Ridpath, *New Professional Football Developmental League – Count Me In!!!*, *FORBES*, Jan. 13, 2017, at 1; see also, Breech, *supra* note 1; see also, Futterman, *supra* note 2.

⁷ See Breech, *supra* note 1.

⁸ See Pelissero, *supra* note 3.

⁹ Aaron Earlywine, *When it Comes to Football D-Leagues, Resources are Crucial, but Locality may be the Real Key*, *SPORTS ILLUSTRATED*, Feb. 9, 2017, <http://www.si.com/nfl/2017/02/09/developmental-football-leagues-pacific-pro>.

¹⁰ *Id.*

¹¹ See Pelissero, *supra* note 3.

¹² See NCAA Amateurism Rules, available at <http://www.ncaa.org/amateurism>.

¹³ See Breech, *supra* note 1.

Yee, the CEO of Pac Pro, founded Pac Pro along with Ed McCaffrey, former Denver Broncos wide-receiver.¹⁴ Notable advisors to the league include current FOX NFL officiating analyst Mike Pereira, ESPN NFL Insider Adam Schefter, John McCain's former chief strategist Steve Schmidt, former NFL head coach Mike Shanahan, and former NFL executive Jim Steeg.¹⁵ The Pac Pro aims to offer football players that are not yet eligible to enter into the NFL draft an alternative to the deeply engrained NCAA to NFL system that is currently in place.¹⁶

The Pac Pro will target players who wish to continue playing football and increase their football knowledge and skills, but might be ineligible to play college football, due to grades and/or SAT scores, or who simply just want to receive a paycheck without having to wait three or more years.¹⁷ The Pac Pro challenges the deeply held notion that playing college football is the only means of preparing a player for the NFL. It is no secret that the issues between the NCAA and student-athletes concerning pay for play has reached a stalemate. From Northwestern football players' unsuccessful bid to unionize¹⁸ to the Supreme Court denying certiorari in the Ed O'Bannon antitrust case¹⁹, the discord between the NCAA and student-athletes will not be resolved any time soon. If it can generate revenue and work out several kinks, the Pac Pro is the panacea to these issues. Instead of waiting for the reformation of the NCAA, college-age athletes can bypass collegiate play and go straight from high school to a developmental league.

To be eligible for the NFL draft, an athlete must be at least three years removed from high school graduation and exhausted his college eligibility before the beginning of the next college football

¹⁴ *Id.*

¹⁵ *Football Industry Veterans Launch Innovative Professional League 'Pacific Pro Football for Players Directly from High School'*, PR NEWSWIRE VIA PACIFIC PRO FOOTBALL LEAGUE, Jan. 11, 2017, <http://www.prnewswire.com/news-releases/football-industry-veterans-launch-innovative-professional-league-pacific-pro-football-for-players-directly-from-high-school-300388897.html>.

¹⁶ See Futterman, *supra* note 2.

¹⁷ See Breech, *supra* note 1.

¹⁸ Decision on Review and Order, *Northwestern Univ. & College Athletes Players Assoc. (CAPA)*, N.L.R.B. No. 13-RC-12139, at 1 (Aug. 17, 2015).

¹⁹ *NCAA v. O'Bannon*, 137 S. Ct. 277, 1 (2016).

season.²⁰ This leaves players virtually no choice but to play for an NCAA institution.²¹ Before this, players must first be eligible for the NCAA and maintain NCAA eligibility until they are able to enter the NFL draft.²² All the while, he is prohibited from receiving any monetary compensation beyond financial aid and other school-related compensation, such as books and housing.²³ The current NCAA structure is antiquated and functions on a level that is not conducive to the needs of an athlete in today's market. Beyond making money, young athletes want to be seen. Division I (FBS) football consists of 128 teams.²⁴ Competing for the Pac Pro allows for a much higher chance of getting noticed by the NFL as the pool of players is much smaller when compared to the NCAA.

As previously mentioned, if the Pac Pro wants to be successful, it must market itself effectively. This is because semi-professional sports teams have struggled to catch on in the United States²⁵. Generally, semi-pro football teams have been mostly unsuccessful. The prominence of both professional and collegiate athletics has hindered the success of semi-pro leagues. The overwhelming presence of the NCAA and NFL leaves leagues that operate on a level in between the two very little room. Except for the National Basketball Association (NBA) Development League (D-League), American semi-pro leagues have a lifespan of one to four years²⁶.

²⁰ The National Football Association, *The Rules of the Draft*, NFL Football Operations, <http://operations.nfl.com/the-players/the-nfl-draft/the-rules-of-the-draft/> (last visited Jan. 17, 2017).

²¹ A junior college transfer (assuming he completed two years at the junior college) would have to play for an NCAA institution for one year. High school athletes who went straight from high school to the NCAA would have to play for an NCAA institution for three years. See The National Football Association, *supra* note 19.

²² See NCAA, *Becoming Eligible – Want to Play College Sports?*, available at <http://www.ncaa.org/student-athletes/future>. See also NCAA, *Remaining Eligible*, available at <http://www.ncaa.org/compliance/remaining-eligible>.

²³ NCAA, *Athletic Financial Aid Agreement* (sample) available at https://www.ncaa.org/sites/default/files/FinAidForm_0.pdf

²⁴ NCAA, [Football Bowl Subdivision](http://web1.ncaa.org/onlineDir/exec2/sponsorship?sortOrder=0&division=1A&sport=MFB), <http://web1.ncaa.org/onlineDir/exec2/sponsorship?sortOrder=0&division=1A&sport=MFB>.

²⁵ See *Becoming Eligible- Want to Play College Sports?*, *infra* note 21.

²⁶ See Futterman, *supra* note 2 at ¶: “Other professional football leagues have been short-lived. The much-hyped XFL, backed by pro wrestling titan Vince McMahon, lasted one season (2001). The Stars Football League also made it just a single year (2011), the Fall Experimental Football League two (2014-15) and the United Football League four

Not only does the Pac Pro compete with the NCAA and the NFL, it has to compete with the Pacific Northwest Football League, a semi-pro football league that debuted in 2016²⁷, as well as several other semi-pro football leagues in the United States²⁸. The NBA D-League, for the most part, has been successful because the NCAA-NBA draft eligibility rules are different than the NCAA-NFL draft eligibility rules. Basketball players only must exhaust one year of college eligibility before declaring for the draft²⁹. Because of this, the NBA D-League successfully operates as a developmental league because it allows players to continue playing basketball in the pursuit of playing full-time professional basketball³⁰. It would be wise for Pac Pro recruiters to analogize the Pac Pro to the NBA D-League to potential recruits because each league essentially serves the same purpose.

There are many questions concerning the operation, protocols, and other miscellaneous details that have yet to be answered by the Pac Pro. For example, how will the Pac Pro generate and maintain fan interest? After all, if the league does not bring in revenue, it will cease to exist. One way the Pac Pro could generate fan interest is securing heavily-recruited high school athletes and well-known college players from the SoCal area. Beyond generating fan interest, how will the Pac Pro generate player interest? This question is more easily answered. For one, a paycheck right out of high school is a good place to start.

Additionally, the involvement of former NFL players, coaches, and executives is a strong selling point. If the Pac Pro can convince several five-star recruits and/or standout college athletes to join the league, it has enormous potential to be successful. To gain traction, the Pac Pro will also need to have one of its players drafted in the first or second round. Another interesting question that cannot be

(2009-12). While financing has usually been an issue, fans were also indifferent to the product.”

²⁷ Pacific Northwest Football League, *Meet the PNFL*, <http://pnfl.org/about-us/> (last visited Jan. 21, 2017).

²⁸ Examples of American semi-pro football leagues include the North American Football League (NAFL), the Eastern Football League, and the New England Football League (NEFL). *See* Name, *supra* note number here.

²⁹ *See* O'Bannon, *supra* at note 18 at ¶ 3.

³⁰ NBA Development League, *Frequently Asked Questions: NBA Development League*, <http://dleague.nba.com/faq/> (last visited Jan. 21, 2017).

answered until the Pac Pro season starts, is how will the NCAA react to this league? Hopefully, the introduction of the Pac Pro will force reformation of NCAA rules.

If the Pac Pro takes off and finds long-term success, it is very likely that players will choose this league over an NCAA institution. Further, if the Pac Pro is successful, it is likely that other semi-pro leagues will pop up around the country. There are a lot of ifs and many questions that cannot be answered right now. However, in the aggregate, the pros seem to outweigh the cons. The very premise of the Pac Pro is refreshing and much needed. With the ever-growing concerns over the NCAA structure currently in place, the Pac Pro offers athletes a viable alternative to collegiate play.