

# **“SELF-REPPED”–THE GROWING OBSOLESCENCE OF THE NBA AND NFL CONTRACT AGENT**

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## **ABSTRACT**

The landscape of player contract representation in professional sports has undergone significant transformation, driven by evolving collective bargaining agreements, player empowerment, and changing economic dynamics. The traditional role of sports agents is no longer confined to simple contract negotiations but has expanded into multifaceted advisory and strategic partnership roles.

Collective Bargaining Agreements (CBAs) in leagues like the NFL and NBA have created structured frameworks that both constrain and enable contract negotiations, with mechanisms such as franchise tags, salary caps, and maximum contract provisions playing crucial roles.

This Article explains why professional athletes are increasingly challenging the traditional agent model, with notable athletes like Russell Okung, Joel Embiid, Richard Sherman and others demonstrating the viability of self-representation or alternative representation models in contract negotiations with their teams. The motivation for players to represent themselves or seek alternative forms of representation extends beyond mere financial savings. Athletes are seeking greater control, transparency, and alignment with personal values and long-term

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career goals from their direct involvement in negotiating their futures

Part I delves into the historical development of player unions and the role of agents, highlighting their integral role in negotiating player contracts and addressing the financial interests of athletes.

Part II examines how CBAs in the NFL and NBA have minimized the necessity for contract agents. Key provisions like team salary caps, rookie wage scales, franchise tags, maximum player salaries, and designated rookie maximum contracts are analyzed to show how these rules standardize contract terms and limit agents' negotiating ability.

Part III offers case studies illustrating the athletes' motivations for self-representation. It includes profiles of such notable players as Joel Embiid, Russell Okung, Harrison Butker, Richard Sherman, Jaylen Brown, Bobby Wagner, Caleb Williams, Marvin Harrison Jr. and Amen and Ausar Thompson. These examples illustrate the personal and financial considerations driving the shift toward self-representation.

Part IV explores the resources available to self-represented athletes. The athlete's perspective is explored through testimonials from Embiid and Okung, while the role of player unions in supporting athletes is also addressed.

Part V considers the changing economics and roles of agents. This section highlights the new financial dynamics of the agent business and their evolving responsibilities beyond contract negotiation, such as marketing, endorsements and public relations.

## INTRODUCTION

Over the past quarter-century, the National Basketball Association (NBA) and National Football League (NFL) have seen transformative shifts in their collective bargaining agreements (CBAs), introducing provisions that fundamentally reshape contract negotiations. These provisions, often capping or predetermining earnings for top players, have limited the traditional negotiation power once held by agents. As a result, an increasing number of high-profile athletes are opting to negotiate their contracts without independent representation, reflecting a trend toward "self-repped" professionals. Some players still have

agents but, given their reduced role in contract negotiations involving fixed contracts, those agents have reduced their commissions to confront this new reality.<sup>2</sup>

Recent contract negotiations by NFL quarterback Lamar Jackson and linebacker Roquan Smith underscore this shift. In 2023, Jackson and Smith each secured record-breaking contracts with the Baltimore Ravens, making Jackson the highest-paid player in NFL history with a five-year, \$260 million contract and Smith the highest-paid linebacker with a five-year, \$100 million deal.<sup>3</sup> Notably, both players represented themselves, bypassing the standard agent fees and saving approximately \$7.8 million and \$3 million, respectively, assuming that their sports agent received the standard 3% NFL rate.<sup>4</sup> Although Lamar Jackson does not have a certified agent (called a “contract advisor” in the NFL), his mother manages him, he trusts her, and believes that she has done an extraordinary job.<sup>5</sup> These savings are even more significant when one factors in the tax implications of these deals, discussed in more detail later in this Article.<sup>6</sup>

Similarly, in the NBA, superstar Joel Embiid negotiated his own \$196 million supermax extension, further illustrating the huge financial advantages for athletes who handle their own contracts.<sup>7</sup> Beyond these individual cases, this trend has expanded to the incoming generation of NFL players. Top 2024 NFL draft picks USC quarterback Caleb Williams and Ohio Statewide receiver

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<sup>2</sup> Russell Okung, *Betting on Myself*, The Players’ Tribune (Jul. 21, 2015) <https://www.theplayertribune.com/articles/russell-okung-seahawks-agents-in-sports>

<sup>3</sup> Kevin Patra, *Ravens, LB Roquan Smith Agree to Terms on Five-Year, \$100 Million Contract Extension*, NFL.COM (Jan. 10, 2023, 1:29 PM), <https://www.nfl.com/news/ravens-lb-roquan-smith-agree-to-terms-on-five-year-100-million-contract-extension>.

<sup>4</sup> Jeff Zrebiec & The Athletic Staff, *Ravens, All-Pro LB Roquan Smith Agree to 5-Year Contract*, N.Y. TIMES (Jan. 10, 2023), <https://www.nytimes.com/athletic/4077868/2023/01/10/roquan-smith-ravens-extension/>.

<sup>5</sup> Chris Bumbaca, *How Lamar Jackson’s ‘Superhero’ Mom Influenced His New Contract — and Whole Life*, USA TODAY (May 4, 2023, 6:04 PM), <https://www.usatoday.com/story/sports/nfl/ravens/2023/05/04/lamar-jackson-praises-his-mother-new-baltimore-ravens-contract/70184638007/#How>.

<sup>6</sup> See pages 14-15 *infra*.

<sup>7</sup> Ramona Shelburne, *Sources: Joel Embiid, Philadelphia 76ers Sign 4-Year, \$196 Million Supermax Extension Through 2026-27*, ESPN.COM (Aug. 17, 2021, 7:26 AM), [https://www.espn.com/nba/story/\\_id/32038255/sources-joel-embiid-philadelphia-76ers-finalizing-4-year-196-million-supermax-extension-2026-27](https://www.espn.com/nba/story/_id/32038255/sources-joel-embiid-philadelphia-76ers-finalizing-4-year-196-million-supermax-extension-2026-27).

Marvin Harrison Jr. have also chosen to represent themselves, signaling a cultural shift among high end athletes.<sup>8</sup> According to sports law scholar and professor Michael McCann, their decisions reflect a broader wave of player empowerment, where athletes increasingly question the value of traditional agent representation.<sup>9</sup>

In the NBA, contractual changes reflect the limits imposed by the evolution of CBAs, especially for rookie players. Rising stars like Desmond Bane, Tyrese Haliburto and Anthony Edwards—all recent recipients of Designated Rookie Maximum Salary Extensions—are navigating pre-defined salary structures that limit negotiation flexibility.<sup>10</sup> Under the NBA's CBA, rookie wage scales and maximum salary caps often leave players and their agents with little room for negotiation, reinforcing the attraction of self-representation in a system with restricted contract variability.<sup>11</sup>

This Article examines the legal and financial implications of this self-representation movement, questioning the traditional role of agents in light of evolving CBAs. It takes a different approach than the seminal work of Professor Jodi S Balsam in 2016 and updates the player profiles highlighted in her Article.<sup>12</sup> By analyzing the experiences of Jackson, Smith, Embiid and others, we explore how these “self-repped” athletes are redefining professional sports contract negotiations, with potentially far-reaching effects on the industry and the future of athlete representation.

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<sup>8</sup> William C. Rhoden, *No Agent, No Problem: Caleb Williams, Marvin Harrison Jr. Exceptions in the NFL Draft*, LANDSCAPE (Feb. 29, 2024), <https://andscape.com/features/no-agent-no-problem-caleb-williams-marvin-harrison-jr-exceptions-in-the-nfl-draft/>.

<sup>9</sup> Michael McCann, *Caleb Williams Wants to Own an NFL Team. Here's Why It Won't Happen*, SPORTICO (Oct. 25, 2023, 11:00 AM), <https://www.sportico.com/law/analysis/2023/caleb-williams-nfl-team-ownership-1234742885/>.

<sup>10</sup> Adrian Wojnarowski, *Timberwolves Agree to 5-Year Extension with Anthony Edwards*, ESPN.COM (July 3, 2023, 12:32 PM ET).

<sup>11</sup> Eric Jackson, *Caleb Williams Goes Solo in NFL Representation Debate*, SPORTICO (Apr. 25, 2024, 12:01 AM), <https://www.sportico.com/business/sports/2024/caleb-williams-agent-decision-nfl-debate-1234776659/>.

<sup>12</sup> Jodi S. Balsam, “Free My Agent”: *Legal Implications of Professional Athletes’ Self-Representation*, 16 WAKE FOREST J. BUS. & INTELL. PROP. L. 551 (2016).

Part I delves into the historical development of player unions and the role of agents, highlighting their integral role in negotiating player contracts and addressing the financial interests of athletes. The discussion extends to the economic impact of agent fees on players' earnings.

Part II examines how CBAs in the NFL and NBA have minimized the necessity for contract agents. Key provisions like team salary caps, rookie wage scales, franchise tags, maximum player salaries, designated rookie maximum contracts, and exceptions such as the NBA's mid-level exception are analyzed to show how these rules standardize contract terms and limit the agent's negotiating ability.

Part III offers case studies illustrating the athletes' motivations for self-representation. It includes profiles of such notable players as Joel Embiid, Russell Okung, Harrison Butker, Richard Sherman, Jaylen Brown, Bobby Wagner, and new players like Caleb Williams and Marvin Harrison Jr., along with Amen and Ausar Thompson. These examples illuminate the individual and financial influences driving the shift toward self-representation.

Part IV explores the resources available to self-represented athletes. The athlete's perspective is explored through testimonials from Embiid and Okung, while the role of player unions in supporting athletes is also addressed. The section discusses motivations beyond pure financial savings, such as a desire for increased autonomy and control over their future career paths, as evidenced by Wagner, Sherman and Brown. Additional support structures include financial advisors like Saint Omni, attorney-only agents like Lon Babby, and family involvement in contract negotiations, as seen with Lamar Jackson and others.

Finally, Part V considers the changing roles of and new economic realities of agents. This section highlights the new financial dynamics of the agent business and their evolving responsibilities beyond contract negotiation, such as their involvement in marketing, sponsorship and endorsement deals, and public relations activities.

This Article seeks to provide a comprehensive analysis of the shift from traditional reliance on agent representation to self-representation in professional sports—particularly the NBA and

NFL—exploring the implications for athletes, agents, unions and the broader sports industry.

#### HISTORY AND ROLE OF THE PLAYER CONTRACT AGENT IN TEAM SPORTS

The profession of sports agents, often associated with the 1960s work of pioneers like attorney Mark McCormack, can trace its origins back to 1925. During this early era, football player Red Grange hired an agent to negotiate his professional contract, a groundbreaking move at a time when athletes typically lacked personal representation.<sup>13</sup> Grange's influence in the sports world extended beyond the field, as he became the first professional team athlete whose income was tied to his fame and ability to attract crowds, setting a precedent that has become a standard in the sports industry. McCormack further revolutionized sports representation with a strategic focus on marketing athletes like golfer Arnold Palmer to sponsors globally, thus expanding the role of agents from simple contract negotiators to full-scale brand managers.<sup>14</sup> His work marked the beginning of modern sports management, where agents not only negotiated contracts but also facilitated sponsorships and endorsements, appearances, and other commercial ventures, fundamentally reshaping the business landscape of sports.<sup>15</sup>

Sports agents remain largely unregulated by federal law, while state-level legislation has become more common.<sup>16</sup> The Uniform Athlete Agents Act (UAAA), adopted by most states, provides requirements for agent registration, information disclosures, and mandates that agents notify educational institutions if one of their student-athlete clients signs a contract to play professional sports<sup>17</sup>. The UAAA is designed to protect against missteps that might jeopardize the student-athletes'

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<sup>13</sup> *Sports Agents - History and Law*, Uslegal.com, [https://sportslaw.uslegal.com/sports-agents-and-contracts/sports-agents-history-and-law/#google\\_vignette](https://sportslaw.uslegal.com/sports-agents-and-contracts/sports-agents-history-and-law/#google_vignette) (last visited Dec. 12, 2024).

<sup>14</sup> *Id.*

<sup>15</sup> *Id.*

<sup>16</sup> *Id.*

<sup>17</sup> Revised Uniform Athlete Agents Act (Nat'l Conf. of Comm'rs on Unif. State Laws 2019), available at <https://sports-entertainment.brooklaw.edu/wp-content/uploads/2021/01/Uniform-Athlete-Agent-Act-2015-revised-2019.pdf>.

amateur status and ensure transparency in the representation process.<sup>18</sup> For example, states like Alabama impose strict requirements and significant penalties for violations of its agent representation laws, underscoring the importance of integrity in the athlete-agent relationship.<sup>19</sup> Agents must now navigate complex requirements, often overseen by players' associations in major professional sports leagues, which set educational standards and cap fees. This evolving legal framework, combined with the high expectations of athletes and sports bodies, reflects the modern sports agent's role as a trusted fiduciary, dedicated to advancing their clients' careers while upholding professional and ethical standards.

Prior to free agency, athletes did not have advocates or agents. Their contracts with their clubs had a reserve clause that severely restricted their careers. The reserve clause was a provision in professional sports contracts that restricted players from leaving their team, even after their contracts had expired, essentially binding them indefinitely to a single team unless the team decided to trade or release them.<sup>20</sup> This clause was notably prevalent in Major League Baseball (MLB) during the early 20th century, where it prevented players from negotiating with other teams or seeking higher wages elsewhere, often leaving them with limited bargaining power.<sup>21</sup> MLB owners argued that the reserve clause promoted stability and parity in the league, but players saw it as exploitative, limiting their professional freedom and financial potential.<sup>22</sup> The landmark legal battle that dismantled the reserve clause came in the 1970s when St. Louis Cardinals outfielder Curt Flood challenged it, leading to the eventual rise of free agency.<sup>23</sup>

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<sup>18</sup> *Id.*

<sup>19</sup> Diane Sudia & Rob Remis, *Athlete Agent Legislation in the New Millennium: State Statutes and the Uniform Athlete Agents Act*, 11 SETON HALL J. SPORT L. 263 (2001), [https://scholarship.shu.edu/cgi/viewcontent.cgi?article=1372&context=sports\\_entertainment](https://scholarship.shu.edu/cgi/viewcontent.cgi?article=1372&context=sports_entertainment).

<sup>20</sup> *Reserve Clause*, LSD. LAW, <https://www.lsd.law/define/reserve-clause> (last visited Dec. 12, 2024).

<sup>21</sup> *Id.*

<sup>22</sup> *Baseball's Reserve Clause and the "Antitrust Exemption"*, Fed. Jud. Ctr., <https://www.fjc.gov/history/spotlight-judicial-history/baseballs-reserve-clause> (last visited May 31st, 2025).

<sup>23</sup> *Curt Flood at Bat Against Baseball's Reserve Clause*, 19. SAN DIEGO L. REV. (1975), <https://digital.sandiego.edu/cgi/viewcontent.cgi?article=2308&context=sdlr>.

This shift allowed players to negotiate freely with teams upon contract expiration, transforming professional sports by giving athletes more control over their careers and financial worth. Today, the reserve clause is largely a relic, as most professional sports have adopted free agency models or other player movement systems that offer athletes more autonomy.

As in baseball, the NBA, prior to agents, used the reverse clause to limit players from choosing the teams for which they wanted to play. As with MLB, the NBA's reserve clause bound players to their teams indefinitely, even after their contracts expired, unless the team decided to trade, release or otherwise terminate the player's contract.<sup>24</sup> This kept player salaries artificially low and restricted players' mobility and bargaining power.

The Oscar Robertson Rule was established as part of the 1976 settlement agreement in *Robertson v. National Basketball Association*, resolving antitrust claims brought by Oscar Robertson and other players against the NBA.<sup>25</sup> This landmark class action settlement dismantled restrictive practices, including the reserve clause, and laid the groundwork for free agency in professional basketball. It also facilitated the merger between the NBA and ABA, addressing antitrust concerns that had previously stalled the merger.<sup>26</sup>

Although the Second Circuit issued a decision in *Robertson v. NBA*, affirming procedural aspects of the litigation, the transformative changes to player freedom and league operations stemmed directly from the 1976 settlement.<sup>27</sup> This agreement, approved by the Southern District of New York under Rule 23(e) of the Federal Rules of Civil Procedure, reshaped player-team dynamics, preserved competition, and promoted fair labor practices within professional basketball.

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<sup>24</sup> David Berri, *Throwback Thursday: The End of the Reserve Clause*, VICE (Dec. 24, 2015, 12:26 PM), <https://www.vice.com/en/article/throwback-thursday-the-end-of-the-reserve-clause/>.

<sup>25</sup> Oscar Robertson, *How Oscar Robertson Gave Power to the Players*, SLAM (Aug. 26, 2020), <https://www.slamonline.com/the-magazine/oscar-robertson-essay/>.

<sup>26</sup> *Robinson v. NBA*, 107 F.R.D. 678 (S.D.N.Y. 1985).

<sup>27</sup> *Robertson v. NBA*, 556 F.2d 682 (2d Cir. 1977).



The Robertson case settlement led to major changes, including the establishment of free agency for NBA players.<sup>28</sup> The Oscar Robertson Rule granted players the right to sign with other teams once their contracts expired, subject to certain conditions.<sup>29</sup> This marked the beginning of free agency in the NBA, allowing players to negotiate with multiple teams and thereby enhancing their autonomy, financial earnings, and career control.

The Oscar Robertson Rule's introduction of free agency not only transformed the NBA but also influenced labor practices across other professional sports leagues.<sup>30</sup> By ensuring that players could explore the open market after their contracts expired, the rule enabled greater competition for their services, leading to higher salaries, more favorable contract terms, and increased player mobility.

Today, free agency remains a core aspect of player rights in professional sports, symbolizing a shift in the power dynamic between teams and players and allowing athletes to leverage their talents in a more competitive market. The Oscar Robertson Rule is celebrated as a critical milestone in sports labor history, symbolizing the triumph of player empowerment and setting the stage for the modern era of professional sports.

## II. PLAYER UNIONS AND AGENTS

### *NBA and NBPA*

The National Basketball Players Association (NBPA) is the labor union that represents NBA players, formed to protect their rights and advocate for their interests.<sup>31</sup> As in other professional sports, the union also oversees the certification of NBA agents and regulates the agents' conduct. Among the NBPA's primary and most important responsibilities is negotiating the CBA with the

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<sup>28</sup> Oscar Robertson, *How Oscar Robertson Gave Power to the Players*, *SLAM* (Aug. 26, 2020), <https://www.slamonline.com/the-magazine/oscar-robertson-essay/>.

<sup>29</sup> *Id.*

<sup>30</sup> William Rhoden, *Before Vast Riches, Free Agency's Focus Was Freedom*, N. Y. TIMES, (July 10, 2016), <https://www.nytimes.com/2016/07/11/sports/basketball/oscar-robertson-rule-free-agency-nba.html>.

<sup>31</sup> *National Basketball Ass'n & Nat'l Basketball Players Ass'n, Collective Bargaining Agreement*, <https://ak-static.cms.nba.com/wp-content/uploads/sites/4/2023/06/2023-NBA-Collective-Bargaining-Agreement.pdf>.

league and clubs. But it serves other important functions as well. The union offers benefits to support both NBA players and certified agents, enhancing player welfare, career longevity, and professionalism within the industry.

For players, the NBPA provides extensive health and welfare benefits, including comprehensive health insurance with medical, dental, and vision coverage for both active and retired players.<sup>32</sup> Mental health resources are also available to help players manage the unique pressures of professional sports. Financial security is a priority, and the NBPA facilitates this through minimum salaries, a player pension plan, a 401(k) program with matching contributions, and an annuity plan, all designed to help players achieve long-term financial stability.<sup>33</sup> Beyond health and financial support, the NBPA emphasizes career development and transition assistance, offering players educational programs, career mentorship, and training for life after basketball.<sup>34</sup> Legal and advocacy support also plays a central role, with the NBPA assisting in collective bargaining, contract negotiations, and providing legal representation in labor disputes and disciplinary matters. Additionally, the NBPA empowers players to engage with their communities through philanthropic initiatives and the NBPA Foundation, supporting projects that enable players to give back to those communities.<sup>35</sup>

For agents, the NBPA provides certification and essential training to ensure that ethical and professional standards are met. This includes mandatory training sessions on NBA rules, contract negotiation, and ethical practices, keeping agents informed and effective in their roles. Certified agents have access to tools for effective contract negotiation, including detailed salary cap information and updates to the current CBA.<sup>36</sup> They also receive

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<sup>32</sup> Brock Choulet, *National Basketball Players Association Prioritizes Athlete Well-Being*, FORBES, (May 28, 2024), <https://www.forbes.com/sites/brookchoulet/2024/05/28/national-basketball-players-association-prioritizes-athlete-well-being/>.

<sup>33</sup> *National Basketball Ass'n & Nat'l Basketball Players Ass'n, Collective Bargaining Agreement* art. 4, § 2 (July 2023), <https://ak-static.cms.nba.com/wp-content/uploads/sites/4/2023/06/2023-NBA-Collective-Bargaining-Agreement.pdf>.

<sup>34</sup> *Id.*

<sup>35</sup> *Natl. Basketball Players Ass'n Found., Portfolio & Campaigns*, <https://www.nbpafoundation.com/portfolio-campaigns> (last visited Feb 3, 2025).

guidance on structuring player contracts in compliance with league regulations. Legal support extends to agents as well, with resources available to resolve disputes and protect agent-client relationships from ethical violations or client poaching.<sup>37</sup> The NBPA further strengthens agents' professional growth through access to financial education, along with resources that support the development and management of their businesses.<sup>38</sup> Together, these benefits provide players with robust career support and post-retirement security, while equipping agents with the tools and knowledge necessary to effectively represent their clients.<sup>39</sup> The NBPA's efforts ensure a fairer and more professional basketball environment for both players and agents.

### *NBA Rookie Scale and Sports Agents*

Under Article 8, Section 1 of the CBA, Rookie Scale Contracts for First Round Picks create a structured system that limits agents' negotiating power but still allows for some flexibility. Contracts are predetermined by a salary scale tied to draft position, with teams holding options to extend for a third and fourth season.<sup>40</sup> Compensation is capped at 120% of the Rookie Scale Amount, and signing bonuses or loans are prohibited.<sup>41</sup> However, agents can negotiate payment schedules, incentive bonuses, and additional compensation protection beyond the required 80% for injury or lack of skill.<sup>42</sup> While the system heavily favors teams through standardized salaries and contract terms, agents retain limited opportunities to secure favorable conditions within the rigid

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<sup>36</sup> National Basketball Ass'n & Nat'l Basketball Players Ass'n, Collective Bargaining Agreement art. IV, § 5 (July 2023), <https://ak-static.cms.nba.com/wp-content/uploads/sites/4/2023/06/2023-NBA-Collective-Bargaining-Agreement.pdf>.

<sup>37</sup> *Id.*

<sup>38</sup> *Id.*

<sup>39</sup> *NBPA Hosts Experiential Program for Current and Former Members to Learn About the Technology Industry*, NAT'L BASKETBALL PLAYERS ASS'N (Nov. 28, 2023), <https://nbpa.com/news/nbpa-hosts-experiential-program-for-current-and-former-members-to-learn-about-the-technology-industry>.

<sup>40</sup> *NBA & NBPA Collective Bargaining Agreement*, art. VIII, § 1 (July 2023), <https://ak-static.cms.nba.com/wp-content/uploads/sites/4/2023/06/2023-NBA-Collective-Bargaining-Agreement.pdf>.

<sup>41</sup> *Id.*

<sup>42</sup> *Id.*

framework. This balance between team control and negotiated flexibility defines the rookie contract structure.

Under Article 2 Sections 6 and 7 of the NBA Collective Bargaining Agreement (CBA), many core contract terms for rookie players are largely predetermined, limiting the areas open for negotiation for maximum and minimum pay and other core areas.<sup>43</sup> However, sports agents can still play a crucial role in negotiating key financial aspects, including securing advance payment for all years of a rookie contract and ensuring a percentage of the salary is tied to offseason workouts and NBA Summer League participation. These provisions provide players with greater financial security and incentivize their commitment to team activities outside of the regular season.

By leveraging their expertise and relationships with teams, agents can structure contracts that maximize upfront earnings and performance-based incentives within the framework of the CBA. In the NFL, the ability to negotiate advance payments can help players access guaranteed money sooner, while in the NBA, tying salary percentages to offseason commitments can ensure financial rewards for participation in team development programs. While standardized rookie scales limit the overall negotiating power, skilled agents can still enhance contract terms to align with a player's long-term financial interests.

Though the CBA can limit negotiation terms for players, agents still remain helpful in rookie contract negotiations. Agents can negotiate things like advance payments and negotiating summer league and off-season workout pay. Advance payments in rookie contracts provide players with early access to a portion of their base compensation before the season begins. According to the CBA, players may receive up to 25% of their base salary before October 1.<sup>44</sup> The maximum advance payment for the entire season is capped at 50% of the player's base salary.<sup>45</sup> These provisions help players manage offseason financial obligations while protecting teams from excessive financial exposure.

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<sup>43</sup> *NBA & NBPA Collective Bargaining Agreement*, art. II, § 6 (July 2023), <https://ak-static.cms.nba.com/wp-content/uploads/sites/4/2023/06/2023-NBA-Collective-Bargaining-Agreement.pdf>.

<sup>44</sup> *Collective Bargaining Agreement*, *supra* note 44, at Art. II, § 3(d).

<sup>45</sup> *Id.*

Agents play a crucial role in negotiating these payment structures within the framework of the CBA. They advise players on structuring compensation schedules to balance short-term financial needs with long-term financial stability.<sup>46</sup> Agents also ensure that teams comply with CBA rules, safeguarding players' financial interests.<sup>47</sup> Furthermore, they often coordinate with financial advisors to help players manage the distribution of payments and avoid overspending during the offseason.<sup>48</sup>

CBA Article 2, Section 3(d) outlines the provisions for advance payments under rookie contracts.<sup>49</sup> The Maximum Advance Amount is the lesser of 80% of the player's compensation protected for lack of skill or injury, or 50% of the player's base compensation.<sup>50</sup> These provisions ensure that players have access to a portion of their earnings while protecting the financial interests of both players and teams.

Agents can also play a crucial role in negotiating offseason participation bonuses by carefully structuring both the bonus terms and protection clauses. Given that up to 20% of base compensation can be tied to these bonuses, agents should focus on securing favorable definitions of what constitutes "participation" in summer leagues and conditioning programs.<sup>51</sup> They can negotiate specific minimum participation thresholds (like number of games or practice sessions) and ensure the two-week program limitation is strictly observed. More importantly, agents should prioritize broad protective carve-outs that preserve their client's bonus eligibility. Beyond the standard carve-outs for national team commitments and medical conditions, agents can negotiate additional protections like family emergencies, pre-scheduled personal commitments, or conflicts with approved charitable events.<sup>52</sup> They can also push for

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<sup>46</sup> *The Powerful Role of a Sports Agent: What It Takes to Succeed in Contract Negotiation & Athlete Representation*, Lindenwood U. (Nov. 26, 2024), <https://online.lindenwood.edu/blog/the-powerful-role-of-a-sports-agent-what-it-takes-to-succeed-in-contract-negotiation-athlete-representation/>.

<sup>47</sup> *Id.*

<sup>48</sup> *Id.*

<sup>49</sup> *NBA & NBPA Collective Bargaining Agreement*, art. II, § 3(d) (July 2023), <https://ak-static.cms.nba.com/wp-content/uploads/sites/4/2023/06/2023-NBA-Collective-Bargaining-Agreement.pdf>.

<sup>50</sup> *Id.*

<sup>51</sup> Riley Moore, *How it Works: Player Bonuses*, MOORE BASKETBALL (May 15, 2016), <https://moorebasketball.com/2016/05/15/how-it-works-player-bonuses/>.

partial bonus payments based on partial participation, rather than an all-or-nothing approach. When representing players with significant international obligations or existing training regimens, agents should emphasize securing team pre-approval for alternative training arrangements that would satisfy the bonus requirements.

In conclusion, though many things cannot be negotiated, agents can still play a key role in negotiating rookie contracts.

### *NBA CBA*

The NBA and the National Basketball Players Association (NBPA) have agreed to a seven-year Collective Bargaining Agreement that will run through the 2029-30 season, with a mutual opt-out option after the 2028-29 season.<sup>53</sup> Led by NBPA president and Lehigh University alum, CJ McCollum, the CBA introduced several significant changes to the league's financial and operational structure.<sup>54</sup> The most notable change is the implementation of a second tax apron, which places strict restrictions on high-spending teams that exceed the luxury tax threshold by \$17.5 million or more.<sup>55</sup> These teams face limitations on player signings, trade flexibility, and their ability to acquire draft picks, effectively creating a more level playing field across the league.

The new CBA also introduces several other key changes that will impact both players and teams. Player contracts can now include extensions worth up to 140% of their previous salary (up from 120%), benefiting players like Jaylen Brown and Domantas Sabonis who signed below-market rookie extensions.<sup>56</sup> The agreement also implements an in-season tournament with substantial prize money for players, with winners receiving \$500,000 each.<sup>57</sup> Additionally, the CBA reforms award eligibility by

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<sup>52</sup> *Id.*

<sup>53</sup> *NBA & NBPA Collective Bargaining Agreement*, art. VIII, § 1 (July 2023), <https://ak-static.cms.nba.com/wp-content/uploads/sites/4/2023/06/2023-NBA-Collective-Bargaining-Agreement.pdf>.

<sup>54</sup> Logan Reardon, *What are the CBA Changes in the NBA? Full Breakdown for 2023-24 season*, NBA CHICAGO (June 6, 2023, 11:10 AM), <https://www.nbcchicago.com/news/sports/what-are-the-cba-changes-in-the-nba-full-breakdown-for-2023-24-season/3155945/>.

<sup>55</sup> *Id.*

<sup>56</sup> *Collective Bargaining Agreement*, *supra* note 44, at Art. VII, § 7(3)(i).

requiring players to appear in at least 65 games to qualify for major awards like MVP and All-NBA teams, which will now be positionless rather than restricted to specific positions.<sup>58</sup> To prevent dramatic salary cap spikes like the one that enabled the Warriors to sign Kevin Durant in 2016, annual cap increases will be limited to 10%.<sup>59</sup>

*CBA Provision: NBA Maximum Player Contracts (including designated rookie maximum)*

A player's maximum salary can reach up to 35% of the team's salary cap, but this maximum is determined by the player's experience level and achievements.<sup>60</sup> For example, players with 10 or more years in the NBA, or those achieving awards like an All-NBA team selection after seven years, qualify for this top threshold. Jaylen Brown's contract is an example, as his All-NBA Second Team selection enabled him to sign a \$303 million extension with the Celtics.<sup>61</sup>

Since the maximum contract is calculated as a percentage of the league's salary cap, any rise in the cap (projected to increase 10% annually under the new CBA) raises the dollar value of these contracts.<sup>62</sup> Players signing during a high-cap season can secure substantially higher earnings, as seen with Brown and Jayson Tatum, who signed a \$335 million five-year contract in 2024.<sup>63</sup>

Article II, Section 7 of the NBA's CBA allows certain players to qualify for higher maximum salary contracts earlier in their careers.<sup>64</sup> A rookie designated with maximum extension eligibility

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<sup>57</sup> *Id.*

<sup>58</sup> *Id.*

<sup>59</sup> Reardon, *supra* note 57, at 16.

<sup>60</sup> *NBA & NBPA Collective Bargaining Agreement*, art. II, § 7 (July 2023), <https://ak-static.cms.nba.com/wp-content/uploads/sites/4/2023/06/2023-NBA-Collective-Bargaining-Agreement.pdf>.

<sup>61</sup> Colin Salao, *NBA Player Contracts Are Skyrocketing — Here's How High They Can Go*, THE STREET (Dec. 2, 2023, 10:08 AM), <https://www.thestreet.com/sports/nba-player-contracts-are-skyrocketing-how-high-they-can-go>.

<sup>62</sup> *Id.*

<sup>63</sup> *Celtics' Jayson Tatum Agrees to 5-Year, \$315 Million Extension*, NBA.COM (July 6, 2024, 1:56 PM), <https://www.nba.com/news/celtics-jayson-tatum-supermax-extension>.

<sup>64</sup> Nat'l Basketball Ass'n and Nat'l Basketball Players Ass'n. (2023) *Collective Bargaining Agreement*, Art. II § 2.7, "Uniform Player Contract: Maximum Annual

can sign for up to 30% of the cap rather than the standard 25% typically available to players on rookie-scale contracts, if they hit performance criteria such as winning MVP, Defensive Player of the Year, or being named to an All-NBA team.<sup>65</sup> The rookie designated maximum is also called “The Derrick Rose Rule”. This rule is named after Derrick Rose, the former NBA MVP, who became one of the first players to qualify for and benefit from this provision. Rose, the first overall pick in the 2008 NBA Draft, quickly established himself as one of the league’s brightest stars. During the 2010-2011 season, his third year in the NBA, Rose was named the Most Valuable Player (MVP), becoming the youngest player in league history to win the award at just 22 years old.<sup>66</sup> His extraordinary performance during his rookie-scale contract made him eligible for a higher maximum salary under the new rule.<sup>67</sup> In December 2011, Rose signed a five-year, \$94.8 million extension with the Chicago Bulls, marking the first time a player benefited from this provision.<sup>68</sup> As a result, the rule became informally known as the “Derrick Rose Rule.”

The significance of the Derrick Rose Rule, or designated rookie maximum, lies in its ability to balance the interests of both players and teams. For players, it provides an opportunity to earn more money earlier in their careers, reflecting their impact on the league. For teams, it offers a mechanism to reward and retain homegrown superstars, ensuring long-term competitiveness. However, meeting the criteria is challenging, as it requires exceptional performance within a short timeframe. Only a handful of players, including but not limited to Tyrese Haliburton and Anthony Edwards were able to qualify.<sup>69</sup>

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Salary,” available at, <https://athawksfanatic.github.io/NBA-CBA/uniform-player-contract.html#maximum-annual-salary>.

<sup>65</sup> *NBA & NBPA Collective Bargaining Agreement*, art. II, § 7 (July 2023), <https://ak-static.cms.nba.com/wp-content/uploads/sites/4/2023/06/2023-NBA-Collective-Bargaining-Agreement.pdf>.

<sup>66</sup> Stephen Noh, *How Derrick Rose Went from NBA’s Youngest MVP to Mentor for Next Generation: ‘He Poured So Much into the Game of Basketball,’* SPORTING NEWS (Jan. 4, 2025), <https://www.sportingnews.com/us/nba/news/derrick-rose-nba-youngest-mvp-mentor-next-generation/9ccd34c1bf0b353059e8e8eb>.

<sup>67</sup> *Id.*

<sup>68</sup> *Source: New Deal for Derrick Rose*, ESPNCHICAGO.COM (Dec. 20, 2011, 8:23 PM ET), [https://www.espn.com/chicago/nba/story/\\_id/7374147/source-chicago-bulls-derrick-rose-agrees-five-year-extensio](https://www.espn.com/chicago/nba/story/_id/7374147/source-chicago-bulls-derrick-rose-agrees-five-year-extensio).



The CBA's cap-smoothing mechanism, which caps annual cap increases to 10%, affects the year-to-year growth of player salaries.<sup>70</sup> Even if league revenue grows faster, individual max contracts can only increase by 8% each year of the deal, making the first contract year's percentage of the cap the highest.

In conclusion, these CBA provisions ensure that both new and veteran players can benefit from lucrative contracts aligned with the NBA's financial growth, while the cap-smoothing rule keeps these increases predictable and controlled.

### *What is a max contract worth in the NBA?*

The NBA's maximum salary structure for the 2024-25 season is based on the newly set salary cap of \$140,588,000.<sup>71</sup> There are two key scenarios for max contracts, each determined by a player's years of NBA experience. The first scenario is when a player resigns with their current team, which offers better terms—up to five years with 8% annual raises.<sup>72</sup> The second scenario is for players signing with a new team, which is limited to four years with 5% annual raises.<sup>73</sup> The maximum salary is divided into three tiers based on NBA experience: players with 6 years or less can earn up to \$35,147,000 in their first year, players with 7-9 years can earn up to \$42,176,400, and players with 10+ years can earn up to \$49,205,800.<sup>74</sup> This explains why veteran superstars like LeBron James can earn significantly more than younger players like LaMelo Ball.

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<sup>69</sup> Adel Ahmad, *Derrick Rose Explains How the D-Rose Rule Helped Players Get Better Contracts: "You Help a Lot of People Get Paid with the Rose Rule,"* BASKETBALL NETWORK (Dec. 15, 2024, 1:53 PM EST), <https://www.basketballnetwork.net/off-the-court/derrick-rose-explains-how-the-d-rose-rule-helped-players-get-better-contracts#:~:text=The%20rule%2C%20formally%20called%20the,during%20their%20first%20four%20seasons>.

<sup>70</sup> Collective Bargaining Agreement, *supra* note 44, at Art. VII § c(1).

<sup>71</sup> Luke Adams, *NBA Maximum Salary Projections for 2024-25*, HOOPS RUMORS (Nov. 19, 2023, 8:34 AM CST), <https://www.hoopsrumors.com/2023/11/nba-maximum-salary-projections-for-2024-25.html>.

<sup>72</sup> Collective Bargaining Agreement, *supra* note 44, at Art. VII § c(1).

<sup>73</sup> *Id.*

<sup>74</sup> Nat'l Basketball Ass'n and Nat'l Basketball Players Ass'n. *Collective Bargaining Agreement*, Art. II § 7, "Uniform Player Contract: Maximum Annual Salary," available at, <https://atlhawksfanatic.github.io/NBA-CBA/uniform-player-contract.html#maximum-annual-salary>.

*Super Max*

Supermax extensions (officially called the Designated Veteran Player Extension) are a special type of NBA contract introduced in 2017 that allows teams to offer significantly more money to retain their star players.<sup>75</sup> To qualify for a supermax contract, a player must meet both service time and performance requirements. For the service requirement, the player must have eight to nine years of service with their current team.<sup>76</sup> For the performance requirement, the player must achieve at least one of the following honors: make an All-NBA team (first, second, or third team), win Defensive Player of the Year (either in the previous season or twice in the last three seasons), or win MVP (in the last three seasons).<sup>77</sup> If eligible, players can sign for up to 35% of the salary cap over five years with 8% annual raises.<sup>78</sup>

Several players, including Devin Booker, Karl-Anthony Towns and Jaylen Brown, have already signed maximum-salary extensions that will take effect in 2024-25 under these terms.<sup>79</sup> Karl-Anthony Towns signed a four-year, \$224 million extension with Timberwolves.<sup>80</sup> Karl was able to sign this supermax contract because he was All-NBA Third Team selection.<sup>81</sup> In 2022, Devin Booker agreed to a four-year, \$224 million supermax contract extension with the Phoenix Suns. Booker was a three-time All-Star at the time of this signing.<sup>82</sup> Jaylen Brown signed a \$304 million supermax deal in 2023. Brown became eligible for the extension by earning All-NBA honors this season.<sup>83</sup>

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<sup>75</sup> Keane Brazda, *Simplifying the Supermax*, VILL. L. REV. BLOG (Oct. 26, 2023), <https://www.villanovawreview.com/post/2210-simplifying-the-supermax>.

<sup>76</sup> Collective Bargaining Agreement, *supra* note 74, at Art. II § 7.

<sup>77</sup> *Id.*

<sup>78</sup> *Id.*

<sup>79</sup> *NBA Salary Cap for 2024–25 Season Set at \$140.588 Million*, NBA.COM (June 30, 2024, 5:01 PM), <https://www.nba.com/news/nba-salary-cap-set-2024-25-season>.

<sup>80</sup> *Karl-Anthony Towns Signs Reported 4-Year, \$224M Extension with Timberwolves*, NBA.COM (July 1, 2022, 12:24 AM), <https://www.nba.com/news/karl-anthony-towns-signs-extension-with-timberwolves>.

<sup>81</sup> *Id.*

<sup>82</sup> *Suns' Devin Booker Signs 4-Year Supermax Contract Extension*, NBA.COM (July 9, 2022, 9:46 PM), <https://www.nba.com/news/devin-booker-signs-extension-with-suns>.

<sup>83</sup> Sam Quinn, *Jaylen Brown Contract Extension: Celtics Star Signs \$304M Supermax for Richest Deal in NBA History*, per Report, CBS SPORTS (July 25, 2023, 5:30

*The NBA's Mid-Level Exception, Pre-Negotiated Contracts, and Designated Rookie Extensions: Implications for Agent Representation*

The NBA's Collective Bargaining Agreement (CBA) outlines various mechanisms designed to manage player contracts and salary cap constraints. Among these, the Mid-Level Exception, Pre-Negotiated Contracts, and Designated Rookie Extensions stand out as pivotal tools that affect both team management and player career trajectories. These mechanisms also raise critical questions about the role of sports agents in negotiating and managing such contracts, especially as some players, such as Russell Okung, advocate for self-representation in professional sports.

*Mid-Level Exception (MLE)*

The Mid-Level Exception (MLE) allows NBA teams that are over the salary cap to sign free agents without needing cap space.<sup>84</sup> This provision provides flexibility for financially constrained teams to improve their rosters.<sup>85</sup> There are three primary types of MLE. Non-Taxpayer MLE is designed for teams not significantly over the luxury tax threshold.<sup>86</sup> This exception permits larger contracts over a span of four years. Taxpayer MLE is for teams over the luxury tax threshold, offering smaller salaries and shorter contract terms.<sup>87</sup> The Room MLE is for teams that have used cap space but need additional flexibility to sign players. Room Mid-Level Exceptions are used so that teams can sign free agents when they are operating under a salary cap.

In practice, the MLE is often used to sign mid-tier veterans or promising young players, providing a mechanism to balance team competitiveness. For players without agents, understanding the nuances of the MLE is essential to ensure fair compensation, as

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PM), <https://www.cbssports.com/nba/news/jaylen-brown-contract-extension-celtics-star-signs-304m-supermax-for-richest-deal-in-nba-history-per-report/>.

<sup>84</sup> *NBA & NBPA Collective Bargaining Agreement*, Art. VII, § 6 (July 2023), <https://ak-static.cms.nba.com/wp-content/uploads/sites/4/2023/06/2023-NBA-Collective-Bargaining-Agreement.pdf>.

<sup>85</sup> *Collective Bargaining Agreement*, *supra* note 44 at Art. IV, § e.

<sup>86</sup> *Id.*

<sup>87</sup> *Id.*

these deals often involve detailed knowledge of salary cap rules and market trends.<sup>88</sup> An agent's expertise can be invaluable in maximizing a player's earnings through such provisions.

### *NFL*

The National Football League Players Association (NFLPA), formed in 1956, functions as the labor union representing professional football players in their dealings with team owners and the league. Prior to unionization, players lacked basic workplace protections and had no formal means of negotiating to improve their conditions. The union initially secured fundamental needs such as clean uniforms and proper safety equipment and has since evolved to handle complex negotiations over revenue sharing, salary minimums, healthcare, and retirement benefits.<sup>89</sup> The current CBA, negotiated in 2020, runs through 2030 and covers all aspects of player employment.

The NFLPA operates through a representative structure, with players from each team electing representatives to the Board of Player Representatives. This board meets annually to make key decisions about union priorities and actions. The union's primary functions include enforcing the CBA, managing benefit programs, and representing players in workplace disputes.<sup>90</sup> While individual players negotiate their own contracts with teams, the union establishes the framework for these negotiations and provides minimum standards that all contracts must meet.<sup>91</sup> This system has helped balance the power dynamic between players and team ownership, though negotiations can still lead to labor disputes, as happened during the 18-week lockout in 2011.<sup>92</sup> As with the NBPA

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<sup>88</sup> Dan Treacy, *What is the MLE? Explaining Important Salary Cap Tool for NBA Teams in Free Agency*, SPORTING NEWS (June 30, 2024), <https://www.sportingnews.com/us/nba/news/mle-salary-cap-tool-nba-teams-free-agency/999b0440d3d4bc5dc7a6e68b#:~:text=The%20taxpayer%20mid%2Dlevel%20exception,the%20first%20luxury%20tax%20apron.>

<sup>89</sup> Nat'l Football League & Nat'l Football League Players Ass'n. (2020) *Collective Bargaining Agreement*, <https://nflpaweb.blob.core.windows.net/website/PDFs/CBA/March-15-2020-NFL-NFLPA-Collective-Bargaining-Agreement-Final-Executed-Copy.pdf>.

<sup>90</sup> *Id.*

<sup>91</sup> *Id.*

for professional basketball, the NFLPA regulates the certification and conduct of agents for professional football.

### *Agent Fees*

Sports agents' fees are typically a percentage of the athlete's earnings, often ranging from 3% to 10%, depending on the sport, the agent's experience, and the services provided.<sup>93</sup> These fees compensate agents for their role in negotiating contracts, securing endorsements, and managing various aspects of an athlete's career. Sports agents provide a wide range of services, including contract negotiation to ensure favorable terms, marketing and branding to enhance the athlete's public image, and financial planning to manage earnings and investments. They also assist with career guidance, legal advice, and handling media relations. By leveraging their industry connections and expertise, agents help athletes maximize their earning potential and focus on their performance while navigating the complexities of professional sports. The maximum fee for an NBA certified agent is 4%,<sup>94</sup> while contract advisors in the NFL are capped at 3%.<sup>95</sup> Commissions on sponsorship and endorsement deals are not regulated by the players' unions or the CBAs and typically range from 10 to 20% in the NFL.<sup>96</sup>

With star athletes holding significant bargaining power, many are negotiating reduced agent fees and commissions with their representatives before contract negotiations with the team begins. Anecdotal evidence from conversations with top agents in the NFL confirm that few of these elite players are paying the maximum 3% rate due to: 1) the lack of negotiation required for many contracts where fixed compensation terms are set by the CBAs and the player's status; and 2) the resulting downward pressure of the

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<sup>92</sup> Patrick Rishe, *Who Won the 2011 NFL Lockout?*, FORBES (Oct. 3, 2011, 6:49 PM), <https://www.forbes.com/sites/sportsmoney/2011/07/21/who-won-the-2011-nfl-lockout/>.

<sup>93</sup> *Sports Management Degree Guide*, SPORTSMANAGEMENTDEGREES.COM, <https://www.sports-management-degrees.com/faq/how-much-does-a-sports-agent-make>.

<sup>94</sup> Collective Bargaining Agreement, *supra* note 44.

<sup>95</sup> Habib Timileyin, *How Much Do NFL Agents Make? All You Need to Know About Player Representatives in the League*, SPORTSKEEDA (updated June 24, 2023, 12:54 GMT), <https://www.sportskeeda.com/nfl/what-percentage-nfl-agents-take-players-all-need-know-player-representatives-league>.

<sup>96</sup> *Id.*

marketplace. One top pick switched to an agent who told the player, “Pay me whatever you think is fair.” Had an agent represented Ereck Flowers, the ninth pick in the 2015 NFL draft who opted to represent himself instead, and charged the maximum 3% allowable fee on his predetermined fully guaranteed \$14.4 million contract with the Giants, that fee would have been \$432,000.<sup>97</sup>

All in all, most players are opting for standard representation by certified agents, while some players are opting for non-traditional modes of representation.<sup>98</sup> This will be explored in detail throughout later sections of this note.

## II. COLLECTIVE BARGAINING AGREEMENTS MINIMIZE NEED OF CONTRACT AGENT

### *NFL CBA*

The NFL’s CBA has significantly streamlined the contract negotiation process, particularly for rookie players and veteran minimum contracts. Since the 2011 CBA introduced the rookie wage scale, first-year players’ contracts are essentially slotted based on their draft position, with predetermined salary amounts and little room for negotiation.<sup>99</sup> Similarly, veteran minimum salaries are fixed based on years of service, removing much of the traditional back-and-forth negotiation that agents historically managed.

### *NFL Rookie Wage Scale*

The 2011 CBA dramatically simplified and reduced rookie compensation through several key measures. It established fixed contract lengths (four years with a fifth-year team option for first-round picks, four years for rounds two through seven, and three

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<sup>97</sup> Andrew Brandt, *Easy Math for Rookies*, SPORTS ILLUSTRATED (June 4, 2015), <https://www.si.com/nfl/2015/06/04/nfl-rookie-contracts-cba-agents>.

<sup>98</sup> MULLY & SHAW SHOW. *Mike Florio Shares 3 Main Elements That Players Can Negotiate in Rookie Contracts*, (Jul. 9, 2024), [https://www.audacy.com/podcast/mully-haugh-show-4bf26/episodes/mike-florio-shares-3-main-elements-that-players-can-negotiate-in-rookie-contracts-88d86?action=AUTOPLAY\\_FULL&actionContentId=201-f56ad892-7a7e-44d5-bd43-da43e1896c6b](https://www.audacy.com/podcast/mully-haugh-show-4bf26/episodes/mike-florio-shares-3-main-elements-that-players-can-negotiate-in-rookie-contracts-88d86?action=AUTOPLAY_FULL&actionContentId=201-f56ad892-7a7e-44d5-bd43-da43e1896c6b).

<sup>99</sup> Andrew Brandt, *Easy Math for Rookies*, SPORTS ILLUSTRATED (June 4, 2015), <https://www.si.com/nfl/2015/06/04/nfl-rookie-contracts-cba-agents>.

years for undrafted players) and largely eliminated contract negotiations by predetermining contract values and bonus amounts.<sup>100</sup> The new system left only minor elements open for negotiation, such as offset language and bonus payment terms, resulting in much faster contract completions; typically by mid-May instead of mid-July. This was a stark departure from the previous system's complex contracts that could run up to 50 pages and involved intricate mechanisms like options, voids, and buybacks through a "Second Rookie Pool."<sup>101</sup> However, agents continue to play crucial roles beyond basic contract negotiations. They remain valuable for structuring complex contracts with guaranteed money provisions, performance incentives, and injury protection clauses for veteran players earning above minimum salaries. They also negotiate contracts after the initial rookie contract. Agents can provide essential services in career management, including market analysis, team relationship management, marketing opportunities, endorsement deals, and post-career planning. While the CBA has standardized many contract aspects, the complexity of NFL careers and the need for professional guidance in areas like financial planning and long-term career strategy means agents still serve an important function, albeit in a more specialized capacity than in the past. So even if agents are not "necessary" for negotiating rookie contracts, they might be helpful for follow up contracts.

On the *Mully and Haugh Show* podcast, Mike Florio said that due to the nature of the 2011 CBA that settled rookie wages, with rookie wages being settled, sports agents negotiate three key contractual issues for rookies.<sup>102</sup> The first involves the timing and structure of the signing bonus, determining whether the player will receive the entire amount upfront or have it strategically deferred over the current or subsequent year.<sup>103</sup> Second, agents negotiate ongoing guarantees, exploring the nuanced conditions under which a team might potentially void contract guarantees. These negotiations are particularly important for first-round draft picks – a significant consideration given the statistical reality that approximately half of such picks fail to meet expectations.<sup>104</sup>

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<sup>100</sup> *Id.*

<sup>101</sup> *Id.*

<sup>102</sup> MULLY AND HAUGH SHOW, *supra* note 100.

<sup>103</sup> *Id.*

Additionally, agents negotiate offset provisions, which address the financial implications when a team releases a player. These provisions prevent “double dipping,” a situation where a player’s earnings from a new team would overlap with guaranteed payments from the original contract, effectively resulting in the player receiving payment for the same period from two teams.<sup>105</sup> These three negotiation categories represent the primary battleground for rookie contract discussions, with the complexity of these negotiations often requiring sophisticated legal and financial expertise to navigate effectively.

Despite implementing the rookie wage scale, which standardized much of the initial contract structure, sports agents remain crucial in the NFL draft and contract negotiation process. The complexity of modern contracts extends far beyond simple salary numbers, involving intricate nuances of guaranteed money, performance-based incentives, and long-term financial planning. Agents provide critical value by understanding the subtle variations within seemingly standardized contracts, such as negotiating the timing of signing bonuses, structuring guarantee mechanisms, and protecting their clients from potential financial pitfalls. They serve as strategic advisors who can anticipate potential scenarios like team restructuring, player trades, or performance-based contract adjustments that might not be immediately apparent to young athletes. Moreover, agents play a pivotal role in managing a player’s broader professional ecosystem, including endorsement deals, brand management, and career trajectory planning, which go well beyond the traditional contract negotiation. Their expertise becomes particularly valuable for rookies who may lack the financial literacy and negotiation experience to fully comprehend the long-term implications of their initial professional contracts. In essence, while the rookie wage scale has standardized base contract terms, the nuanced expertise of sports agents remains indispensable in navigating the complex landscape of professional sports contracts and career management.

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<sup>104</sup> *Id.*

<sup>105</sup> *Id.*



*NFL Team Salary Caps*

Since 1994, the NFL has implemented a salary cap. A salary cap is a limiting amount of money that a team can spend on players' salaries. The 2024 NFL salary cap spike, which saw a record 13.6% increase from \$224.8 million to \$255.4 million per team and is set to reshape the free agency landscape dramatically.<sup>106</sup> With more financial flexibility, teams will be better positioned to retain their best players and engage in competitive bidding wars for top talent, leading to higher salaries for many free agents. Players hitting the open market, particularly those in important positions like defensive line edge rushers and wide receivers, will benefit from increased demand and greater spending power among teams. Additionally, the cap increase allows teams with previously tight budgets to explore more creative contract structures to keep veteran players and key contributors on their rosters longer than initially expected.

The NFL's salary cap is formulated by taking a percentage of the league's projected revenue for the coming season and dividing the money into three main revenue categories as specified in the collective bargaining agreement (CBA). These categories are: 1) league media revenue primarily from TV rights deals; 2) NFL ventures/postseason revenue from postseason games and NFL entities like the NFL Network; and 3) local revenue from teams' local market activities like preseason broadcast rights.<sup>107</sup>

The player cost for each season is calculated by taking specific percentages from each revenue source: 55% of league media revenue, 45% of NFL ventures/postseason revenue, and 40% of local revenue.<sup>108</sup> The sum of these amounts creates the total player cost, which is then divided by the 32 NFL teams to establish the per-team salary cap.<sup>109</sup>

Two additional mechanisms that influence the salary cap are stadium credits and a media kicker. Stadium credits allow the league to reduce the player cost portion, primarily to support

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<sup>106</sup> Dallas Robinson, *How Does the NFL Salary Cap Work? NFL Salary Cap Explained*, PRO FOOTBALL NETWORK (Feb. 23, 2024, updated Feb. 19, 2025, 4:15PM), <https://www.profootballnetwork.com/how-does-nfl-salary-cap-work/>.

<sup>107</sup> *Id.*

<sup>108</sup> *Id.*

<sup>109</sup> *Id.*

stadium construction and renovations, provided these improvements do not reduce player costs below 48% of total revenue. The media kicker may increase the player cost when new TV rights deals bring in extra revenue, as seen in recent large contracts with broadcasters.

For sports agents, the cap spike presents both opportunities and challenges. Negotiations will be more complex because teams will have increased financial resources. Agents must navigate intricate contract terms and maximize their clients' value, particularly with structuring bonuses, guarantees, and potential tag-and-trade scenarios, which may become more common. While some players may want to negotiate on their own behalf to avoid agent fees, the elevated stakes and complexities of the 2024 free agency could make professional representation more critical than ever to ensure that players fully capitalize on the new financial environment. Even so, many top athletes have foregone traditional representation.

### *Franchise Tags (NFL)*

The NFL franchise tag is a tool that teams can use to prevent their key players from leaving during free agency. The franchise tag comes in three varieties: non-exclusive (the most common), exclusive, and transition tags. When a team franchise tags a player, the player receives a one-year contract with a salary based on the average of top players at their position. For example, franchise-tagged quarterbacks would earn about \$38.3 million under the non-exclusive franchise tag in 2024.<sup>110</sup>

Each type of franchise tag works slightly differently. The non-exclusive tag allows players to negotiate with other teams, but the original team can match any offer or receive two first-round draft picks as compensation if they leave. The exclusive tag completely prevents players from negotiating with other teams. In contrast, the transition tag lets players negotiate with other teams but only gives the original team the right to match offers, with no draft pick compensation if they leave. Teams and tagged players

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<sup>110</sup> Bryan Murphy, *NFL Franchise Tags, Explained: Updated Position Values, Deadlines and Rules to Know for 2024*, SPORTING NEWS (Feb. 23, 2024), <https://www.sportingnews.com/us/nfl/news/nfl-franchise-tags-2024-values-deadlines/c5c7cd0cc95e017322eccbba>.

have until July 15 to negotiate a long-term contract; otherwise, the player must play under the one-year tag or forgo payment by not playing for a portion of the season until they decide to return.<sup>111</sup>

Under the franchise tag system, an agent's negotiating power depends on the type of tag used. With the non-exclusive tag, agents can actively shop their client to other teams and negotiate offer sheets, giving them some leverage in discussions. However, they have to factor in that any interested team would need to give up two first-round draft picks to sign their client, which often discourages serious offers.

With an exclusive tag, agents' hands are essentially tied since they are prohibited from even seeking offers from other teams. They can only negotiate a long-term deal (before July 15) or modify their one-year tender with their current team.<sup>112</sup> The transition tag gives agents more freedom to negotiate with other teams than the exclusive tag without the two first-round pick compensation requirements. However, the original team can still match any offer. Agents in all tag situations have somewhat limited negotiating power compared to actual free agency, where they can freely create a competitive market for their client's services.

### *Self-Representation vs. Agent Representation*

The mechanisms described above highlight the complexities of NBA contract negotiation, raising the question of whether players should rely on agents or opt for self-representation. Advocates of self-representation, such as former NFL player Russell Okung, argue that players can save significant agent fees and maintain greater control over their careers.<sup>113</sup> However, navigating provisions like the MLE, pre-negotiated contracts, and rookie extensions requires expertise in salary cap rules, market dynamics, and legal frameworks.

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<sup>111</sup> Alex Kennedy, *What Is an NFL Franchise Tag? How Does It Work?*, ESPN (Mar. 5, 2024), [https://www.espn.com/nfl/story/\\_/id/39580128/what-nfl-franchise-tag-how-does-work](https://www.espn.com/nfl/story/_/id/39580128/what-nfl-franchise-tag-how-does-work).

<sup>112</sup> JJ Stankevitz, *The NFL Franchise Tag, Explained*, COLTS.COM (Feb. 20, 2024), <https://www.colts.com/news/nfl-franchise-tag-explained-information-transition-exclusive-michael-pittman>.

<sup>113</sup> Jodi S. Balsam, "Free My Agent": *Legal Implications of Professional Athletes' Self-Representation*, 24 LEWIS & CLARK L. REV. 552 (2020).

For example, negotiating an MLE contract might involve understanding the team's financial position, luxury tax implications, and comparable player salaries—a daunting task without professional guidance.<sup>114</sup> Similarly, leveraging performance metrics to secure a higher percentage of the salary cap in a designated rookie extension requires strategic negotiation, often facilitated by an agent.

While the NBA's CBA provides structured mechanisms to balance competitiveness and player earnings, the complexities of these provisions underscore the value of expert representation. Players who choose self-representation must have substantial knowledge of the CBA and market trends to ensure equitable outcomes. For most players, however, the specialized expertise of agents remains a critical asset in navigating the intricacies of NBA contracts. When players use self-representation, without properly understanding the CBA, they can sign poor compensation contracts, like Danny Ainge's 1986 Celtics deal that paid him significantly below the NBA League average.<sup>115</sup>

### III. CASE STUDIES

Athletes often choose to forgo sports agents for reasons beyond saving money, motivated by more significant control over their careers, transparency, and personal growth. Self-representation empowers athletes to make decisions aligned with their values and priorities without intermediaries influencing the process. For instance, NFL player Russell Okung famously handled his own contracts to have direct control over negotiations and ensure his priorities such as long-term financial security and team fit were not compromised by an agent's focus on commission.<sup>116</sup> Similarly, athletes like Lamar Jackson have often relied on self-representation or family members for key decisions, emphasizing trust and transparency in their careers. Lamar receives guidance from his mother and manager Felicia Jones.<sup>117</sup>

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<sup>114</sup> *NBA Free Agency Explained*, NBA.COM (Aug. 21, 2024), <https://www.nba.com/news/free-agency-explained>.

<sup>115</sup> Balsam, *supra* note 117.

<sup>116</sup> *Id.*

<sup>117</sup> Bryan Murphy, *Who Is Lamar Jackson's Mom? Meet Felicia Jones, 'Superhero' Mother and Manager of Ravens QB*, SPORTING NEWS (Jan. 28, 2024),

Self-representation also allows athletes to develop critical negotiation and business skills that can benefit them beyond their playing days. Richard Sherman, for example, negotiated his contract with the San Francisco 49ers, demonstrating a strong understanding of incentives and performance-based clauses.<sup>118</sup> This approach saved him agency fees and showcased his strategic thinking, enhancing his credibility off the field. Self-represented athletes like Sherman and Okung build stronger relationships with decision-makers by engaging directly with team executives, fostering mutual respect and understanding.

For some athletes, bypassing agents is a way to challenge industry norms and inspire systemic change. Okung has been vocal about his belief that agents are not always necessary in an era where athletes have access to extensive data, legal resources, and analytical tools.<sup>119</sup> This perspective encourages peers to reconsider traditional representation models.

Ultimately, self-representation is not just about saving money but about taking charge of one's career, ensuring transparency, fostering relationships, and building a legacy of independence. Athletes like Sherman, Okung, and the Williams sisters pave the way for others to explore innovative and personalized approaches to managing their careers by demonstrating that success is achievable without traditional representation.

### *Joel Embiid*

Joel Embiid's negotiation of his own \$196 million contract extension with the Philadelphia 76ers is a testament to his self-representation and business acumen.<sup>120</sup> Embiid decided to forgo traditional sports agents and manage the deal himself, a rare move

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<https://www.sportingnews.com/us/nfl/news/lamar-jackson-mom-felicia-jones-manager-ravens-qb/9fb2cb479cdb1ce7c8489a4f>.

<sup>118</sup> Courtney Connley, *How NFL star Richard Sherman negotiated his \$39 million contract without an agent*, CNBC (Mar. 21, 2018, 4:19PM), <https://www.cnbc.com/2018/03/21/nfl-star-richard-sherman-negotiated-his-39-million-contract-himself>.

<sup>119</sup> Scott Davis, *NFL Player Who Negotiated His Own Contract Without an Agent Had It Completely Backfire*, BUSINESS INSIDER (Feb. 24, 2017), <https://www.businessinsider.com/russell-okung-broncos-contract-backfired-2017-2>.

<sup>120</sup> Forbes, *How Joel Embiid Negotiated His Own \$196 Million Contract Extension With The 76ers*, YOUTUBE (Nov. 29, 2022), <https://www.youtube.com/watch?v=xGpZRV1JAtE>.

for professional athletes, particularly in high-stakes contract extensions.<sup>121</sup>

Joel took control of the discussions directly, showcasing a deep understanding of his value and leveraging his existing relationships within the 76ers organization. Instead of paying the standard agent commission, typically around 2-4% of the contract value, he retained more of his earnings. He prepared for his contract negotiations by learning from business mentors, including Michael Rubin, co-owner of the 76ers, who provided insight and guidance.<sup>122</sup>

Embiid's approach allowed him to secure favorable terms, including incentives and protections against potential setbacks and injuries. His journey exemplifies the growing trend of athletes becoming more involved in the business side of their careers, embracing independence, and making strategic financial decisions that extend beyond traditional sports representation.

He has been able to control his career trajectory and negotiate deals that tie into his values and passions as his own agent. He prioritizes happiness and comfortability when negotiating deals.

### *Lamar Jackson*

Lamar Jackson's decision to represent himself in contract negotiations was bold and unconventional, reflecting a deep confidence in his abilities both on and off the field. As one of the few NFL players acting as their own agent at the time, Jackson stood out not just for his on-field accomplishments, but also for his willingness to navigate the complexities of high-stakes negotiations without the aid of an agent. Nearing the end of his rookie deal, Jackson reportedly turned down a \$250 million extension from the Baltimore Ravens, choosing instead to bet on himself for a contract similar to Deshaun Watson's \$230 million fully guaranteed deal.<sup>123</sup> Guided by a small team, including his mother, Jackson embraced

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<sup>121</sup> *Id.*

<sup>122</sup> *Id.*

<sup>123</sup> *For Jackson and others, navigating NFL without an agent remains tricky proposition*, THE ASSOCIATED PRESS (September 13, 2022), <https://www.cbsnews.com/baltimore/news/for-jackson-and-others-navigating-nfl-without-an-agent-remains-tricky-proposition/>.

the challenges of advocating for himself, balancing contract talks with his responsibilities as the Ravens' franchise quarterback. His approach, while rare, demonstrated a belief in personal empowerment and a desire to maintain direct control over his career.<sup>124</sup> Darren Heitner, a sports lawyer, law professor, and former agent said about current shifts in representation: "I can think only in very rare situations is an athlete well equipped to handle second, third, fourth contracts on his own. Certainly, we've seen athletes be successful in doing so for their rookie deals because at this point in time it's slotted money and there's very few terms in the contracts left to be negotiated."<sup>125</sup>

However, Jackson's self-representation came with significant risks. The absence of an agent meant Jackson had to personally engage in complex negotiations, requiring not only time and legal knowledge, but also the resilience to handle potentially harsh feedback from the Ravens' front office. Critics argued that agents provided invaluable expertise and relationships that were crucial for securing optimal contracts, especially for high-profile players like Jackson. The emotional strain of hearing a team undervalue certain aspects of a player's contributions could have impacted his negotiations. Despite these challenges, Jackson remained steadfast in his approach, eschewing advice from other self-representing players and relying on the self-assurance that had propelled him to MVP status in 2019.<sup>126</sup> His gamble on himself was a testament to his belief in his unique abilities as a quarterback and as a negotiator.

### *Russell Okung*

In an article for *The Players' Tribune* entitled "Betting on Myself," Russel Okung shared his experiences and criticisms of the traditional agent-athlete relationship. Russel argued that sports agents are often unnecessary for players who know their value and have invested in financial literacy.<sup>127</sup> Okung described how he initially believed hiring an agent was essential to achieving his

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<sup>124</sup> *Id.*

<sup>125</sup> *Id.*

<sup>126</sup> *Id.*

<sup>127</sup> Russel Okung, *Betting on Myself*, THE PLAYERS TRIBUNE (July 21, 2015), <https://www.theplayerstribune.com/articles/russell-okung-seahawks-agents-in-sports>.

career goals.<sup>128</sup> However, he soon realized that the promises of endorsements and lucrative deals didn't always match the agent's high fees. This realization led Okung to question whether agents truly provide value relative to their cost, especially when they manage multiple clients and may face conflicts of interest.<sup>129</sup>

Okung decided to represent himself, betting on his own ability to negotiate deals without paying agent commissions. He believes that athletes, with proper research and preparation, can directly handle contract negotiations and rely on a lawyer or contract specialist for specific terms or areas of expertise, thereby saving a significant amount in agent fees. Okung argues that while agents can be helpful for athletes who lack financial acumen or connections, self-representation is a viable option for many, allowing them to take full ownership of their careers and finances.<sup>130</sup>

Russell Okung's decision to represent himself in free agency is a bold challenge to the conventional norm of athlete-agent relationships. His approach highlights a growing sentiment among professional athletes to take more control over their careers and negotiations.<sup>131</sup> Okung emphasized that athletes now have access to resources and knowledge that can empower them to handle their own contracts, breaking away from the "ideologies of inadequacy" that suggest they need an intermediary to succeed.<sup>132</sup>

Despite representing himself, Okung has strategically enlisted the expertise of former agent and Redskins executive J.I. Halsell as a consultant.<sup>133</sup> This partnership allows Okung to lean on analytical insights while maintaining direct control over negotiations. His conversations with Seattle Seahawks' management, including GM John Schneider, illustrate the uniqueness of the player-negotiator dynamic. Schneider's acknowledgment of the situation as "a little odd" underscores the rarity of such self-representation in professional sports.<sup>134</sup> Okung's move resonates as a call for athlete autonomy, aligning with

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<sup>128</sup> *Id.*

<sup>129</sup> *Id.*

<sup>130</sup> *Id.*

<sup>131</sup> Okung, *supra* note 132.

<sup>132</sup> *Id.*

<sup>133</sup> *Id.*

<sup>134</sup> *Id.*



broader trends of empowerment and self-advocacy within sports and other industries. It challenges traditional structures while also showing that professional athletes can seek a hybrid model, retaining some professional advice while taking the lead in shaping their own futures.

*Richard Sherman*

Richard Sherman received a lot of heat for negotiating his own NFL contract without an agent. Sherman strongly defends his decision because he secured a \$5 million guarantee, which provided more security than his previous deal in Seattle, which contained no guaranteed money following an Achilles tendon injury. He also expressed frustration with critics who attacked his self-negotiated deal while ignoring problematic contracts negotiated by agents, citing examples of \$30-50 million deals where players get cut early and only see a fraction of the announced value.<sup>135</sup>

Sherman believes his self-representation will become a trend among NFL players, noting that many want to follow his example.<sup>136</sup> He emphasizes that agents often rely on existing relationships with team executives rather than doing substantial work, simply acting as middlemen in negotiations.<sup>137</sup> Sherman describes his own negotiations as respectful and businesslike, taking five hours to work through the numbers until both sides felt comfortable with the terms. He approached the negotiations by separating his identity as a player from his role as a businessman, demonstrating that players can be sufficiently sophisticated and financially literate to handle their financial matters.<sup>138</sup>

Jeff Diamond, a former NFL executive who was President of the Tennessee Titans and Vice President and General Manager of the Minnesota Vikings, believes Sherman would have fared better by hiring an agent to negotiate his contract with the 49ers.<sup>139</sup>

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<sup>135</sup> *Sherman Explains Most Frustrating Part of Those Around NFL 'bashing' his 49ers contract*, KNBR (Mar. 20, 2018), [https://www.youtube.com/watch?v=7T\\_DXQMwbgw](https://www.youtube.com/watch?v=7T_DXQMwbgw).

<sup>136</sup> *Id.*

<sup>137</sup> *Id.*

<sup>138</sup> *Id.*

<sup>139</sup> Jeff Diamond, *Richard Sherman's self-negotiated contract and the case for hiring an agent*, THE SPORTING NEWS (Feb. 2, 2020), <https://www.sportingnews.com/us/nfl/news/richard-sherman-contract-case-for-hiring-an-agent/rnappi39ioby194g7jd456s1q>.

Diamond says that Sherman's \$27 million contract with only \$5 million guaranteed was a poor deal given his previous elite playing history and Pro Bowl selections. Diamond says, "Most established vets who have been elite players in the past will get at least 50 percent of the contract guaranteed."<sup>140</sup> Diamond also argued that Sherman's publicly announced desire to play near his home state of California and seek revenge against the Seahawks, [his last team] limited his leverage in the negotiation process.

Diamond believes Sherman, despite his self-confidence and negotiating skills, would have secured a more favorable contract by retaining an experienced agent to represent his interests.<sup>141</sup> The article suggests agents provide significant value to players beyond just contract negotiations, which Sherman may have missed out on by representing himself. Diamond's perspective may be influenced by his background as a former NFL executive involved in player contract negotiations.

Sports agents provide many benefits. These include the specialized expertise they have in negotiating contracts and navigating professional sports, the ability to leverage relationships and industry knowledge to secure more favorable terms, handling administrative tasks to allow players to focus on their sport, and providing guidance on marketing, endorsements, and other off-field opportunities.

Some disadvantages include agent commissions, a perceived lack of control or autonomy for players, and potential conflicts of interest where an agent's priorities may not fully align with a player's best interests. When asked about self-representation, Sherman told Fox Business, "I can get all the information that I need, so an agent is becoming an unnecessary commodity."<sup>142</sup> But as stated previously, the NFLPA intervened and negotiated better terms for Sherman. When negotiating his initial contract, Sherman, a Stanford-educated veteran, wasn't just focused on saving money. He believed he could handle the task and best represent his interests, and the NFLPA helped him do so.<sup>143</sup> The

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<sup>140</sup> *Id.*

<sup>141</sup> *Id.*

<sup>142</sup> Leigh Steinberg, *Don't Listen To Richard Sherman: 8 Reasons Agents Are Necessary For Athletes*, FORBES (Mar. 30, 2018, 6:55 PM, updated Apr. 2, 2018, 5:08 PM), <https://www.forbes.com/sites/leighsteinberg/2018/03/30/8-reasons-why-agents-are-a-necessary-commodity/>.

NFLPA renegotiated his contract, effectively acting as his agent. If more players relied solely on the NFLPA for contract negotiations, it could change how athletes are represented. Players like Sherman were focused on negotiating more guaranteed money in their contracts, which is different from being solely focused on paying agents.<sup>144</sup>

The debate over athlete self-representation versus agent representation ultimately comes down to individual circumstances and capabilities. As Sherman's case demonstrates, players can successfully negotiate their own contracts when they have the business acumen, financial literacy, and negotiating skills to do so. While agents offer valuable services including specialized expertise, industry relationships, and additional career management support, their necessity should be evaluated on a case-by-case basis. The success of contract negotiations depends more on understanding market value, leverage, and negotiation strategy than on whether one uses an agent. Each player should have the freedom to choose the representation approach that best aligns with their skills, circumstances, and career goals.

But assuming black players cannot effectively negotiate their own contracts can perpetuate harmful stereotypes and the notion that black athletes aren't capable of advocating for themselves and that they need agents to think and advocate for them. Successful negotiations require a unique skill set that can be developed by players and agents alike. Each player should have the freedom to choose the approach that best fits their individual circumstances and preferences.

### *Harrison Butker*

Harrison Butker's recent contract with the Kansas City Chiefs stands out for two reasons: it made him the NFL's highest-paid kicker at \$25.6 million over four years, and he negotiated it entirely on his own.<sup>145</sup> Butker chose to represent himself during the 8–10-week negotiation process, drawing on his industrial engineering

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<sup>143</sup> *Id.*

<sup>144</sup> *Id.*

<sup>145</sup> Jordan Foote, *Harrison Butker Details Representing Self for Contract, Impact on Kicker Market*, SPORTS ILLUSTRATED (Aug 7, 2024) <https://www.si.com/nfl/chiefs/gm-report/harrison-butker-details-representing-self-for-contract-impact-on-kicker-market>.

background from Georgia Tech and his experience with the NFLPA.

<sup>146</sup>

Despite being an introvert who typically shies away from attention, Butker saw this as an opportunity for personal growth, describing the experience as “empowering.”<sup>147</sup> He compared the challenge to his approach to kicking – while he doesn’t enjoy the spotlight, he focuses on executing when the moment requires it.

Rather than taking the conventional route of hiring an agent, Butker wanted to demonstrate that players can effectively advocate for themselves in contract negotiations. The strategy paid off as he secured not only the highest average annual value for any kicker in the NFL at \$6.4 million per year but also \$17.75 million in practical guarantees.<sup>148</sup> His successful negotiation came on the heels of an impressive season where he converted 94.3% of his field goals, including a perfect record from 50-plus yards, and maintained a flawless extra point record. Butker views this achievement as a testament to his support system within the Chiefs organization, from special teams coach Dave Toub to his teammates, and sees his self-representation as potentially inspiring other players to consider handling their own negotiations.<sup>149</sup>

### *Jaylen Brown*

Jaylen Brown initially represented himself during his early NBA career to retain control over his contract negotiations and save on agent fees.<sup>150</sup> However, he later chose to hire an agent, specifically Jason Glushon, in 2020 to navigate the complexities of contract negotiations, sponsorships, and his career trajectory more effectively.<sup>151</sup>

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<sup>146</sup> *Id.*

<sup>147</sup> *Id.*

<sup>148</sup> *Id.*

<sup>149</sup> *Id.*

<sup>150</sup> Alec Nathan, *Jaylen Brown Elects Not to Hire Agent Heading into 2016 NBA Draft*, BLEACHER REPORT (May 19, 2016, updated June 8, 2018) <https://bleacherreport.com/articles/2641247-jaylen-brown-elects-not-to-hire-agent-heading-into-2016-nba-draft>.

<sup>151</sup> Marc J. Spears, *Jaylen Brown, Celtics Agree to Record 5-Year, \$303.7M Supermax Extension*, ESPN (July 25, 2023), [https://www.espn.com/nba/story/\\_/id/38067889/jaylen-brown-celtics-agree-record-5-year-304m-supermax-extensio](https://www.espn.com/nba/story/_/id/38067889/jaylen-brown-celtics-agree-record-5-year-304m-supermax-extensio).

This decision likely came from the increasing stakes of his financial and professional opportunities. For instance, Brown negotiated his rookie-scale contract extension in 2019, which was a significant deal worth \$115 million over four years.<sup>152</sup> While self-representation can work for standard contracts or those within predictable ranges, larger and more intricate deals, like his subsequent supermax contract in 2023 worth up to \$304 million, involve nuanced legal and financial considerations.

Having an experienced agent like Glushon ensured that Brown could maximize his earnings and focus on his game while someone with expertise handled the complexities of the business side of basketball. Additionally, agents provide valuable networking opportunities and advice for players navigating the larger NBA ecosystem.

### *Bobby Wagner*

Bobby Wagner represented himself during free agency negotiations, which he said was more challenging this time compared to his previous contract talks with the Seahawks. Rather than using an agent, Wagner obtained the NFL's list of general managers' contact information and proactively reached out to teams to market his services.<sup>153</sup> He examined past contracts, player statistics, and current linebacker deals to help determine his market value.

Wagner was also intent on overcoming the stigma that older linebackers are less valuable due to age, citing examples of Pro Bowl linebackers who played well into their 30s.<sup>154</sup> He felt like he was in a good position to handle the negotiations emotionally and understood the stage of his career. The Rams ultimately offered a 5-year, \$50 million deal that can reach \$65 million with achievable incentives.<sup>155</sup> Wagner said representing himself allowed him to gain more experience with the business side of football and build

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<sup>152</sup> *Id.*

<sup>153</sup> Jabari Young, *Here's How NFL Star Bobby Wagner Negotiated His \$65 Million Deal With the Rams*, CNBC (Apr. 5, 2022, 1:44 PM), <https://www.cnbc.com/2022/04/05/how-nfl-star-bobby-wagner-negotiated-his-65-million-deal-with-the-rams.html>.

<sup>154</sup> *Id.*

<sup>155</sup> *Id.*

relationships with team executives, positioning him for a future goal of becoming an NFL team president.<sup>156</sup>

Before representing himself, Bobby Wagner's agent told him to give up on getting a sponsorship deal with Jordan Brand. Undeterred, Wagner and his brother crashed a party at the 2016 NBA All-Star Game, got past security, and spoke directly with Michael Jordan.<sup>157</sup> To Wagner's surprise, Jordan said he liked Wagner's game, so Wagner pursued a contract with Jordan Brand on his own, eventually securing a deal.<sup>158</sup>

Off the field, Wagner has pursued various business and investment interests, including pursuing an MBA at Howard, backing a venture fund for Black investors, and investing in companies like Tonal and Therabody.<sup>159</sup> Wagner has also sought to emulate the valuable connections his NFL teammates gained from attending prestigious universities, even going so far as to track down a former Nike executive to build his own network for after his playing career ends, which he expects will happen around age 35.<sup>160</sup>

Wagner left his agent for many reasons, including the fact that his agent at the time did not believe in him. Wagner believes that on top of being a player he's a businessman, and his past agent stunted his growth and development in both fields.

### *Most recent draft: Caleb Williams*

Caleb Williams decided to forego representation during the 2024 NFL draft despite being frequently identified as being the number one pick in the draft (he was drafted fourth overall by the Chicago Bears). Caleb did not have an agent to advocate on his behalf and push back against any harsh criticism from other agents, but he was still able to come out on top. Agents typically work to get their clients in front of as many teams as possible and counter any doubts or concerns, but Williams decided to handle that process on his own.<sup>161</sup>

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<sup>156</sup> *Id.*

<sup>157</sup> *Id.*

<sup>158</sup> *Id.*

<sup>159</sup> Eric Jackson, *Bobby Wagner Eyes NFL Future Far Beyond the Playing Field*, SPORTICO (July 9, 2024), <https://www.sportico.com/personalities/athletes/2024/bobby-wagner-washington-commanders-nfl-executive-1234786866/>.

<sup>160</sup> *Id.*

In Mike Florio's article on Williams, Florio noted that though some players have been able to negotiate good deals, many, including Lamar Jackson signed lackluster deals, and that in the long run it probably hurt Caleb's negotiations.<sup>162</sup> "Multiple players have opted in recent years to represent themselves. Some have managed to do very good deals on their own (like Bobby Wagner). Others have not. Ravens quarterback Lamar Jackson, whose long-term deal was delayed by the fact that he was handling his own contract, ultimately got a great deal from the Ravens. (He arguably could have done even better if he had a skilled agent pestering other teams to try to sign him to an offer sheet last year.)"<sup>163</sup>

Caleb Williams' decision to forego representation during the 2024 NFL Draft was a bold and unconventional move, especially for a player frequently projected as the number one overall pick. By being drafted by the Chicago Bears, Williams demonstrated that it is possible to navigate the draft process without an agent, even in the face of harsh criticism and the absence of an advocate to counter doubts or concerns. While agents typically play a crucial role in maximizing a player's exposure to teams and negotiating favorable terms, Williams chose to take control of his own destiny, showcasing his confidence and independence.

However, as highlighted by Mike Florio, the decision to self-represent carries significant risks.<sup>164</sup> While some players, like Bobby Wagner, have successfully negotiated strong deals on their own, others, such as Lamar Jackson, have faced challenges that may have hindered their ability to secure the best possible terms.<sup>165</sup> Jackson's eventual deal with the Baltimore Ravens was lucrative, but it was delayed and potentially less favorable than it could have been had he employed a skilled agent to leverage offers from other teams.<sup>166</sup> This raises questions about whether Williams' choice to forgo an agent might impact his long-term contract negotiations and financial outcomes.

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<sup>161</sup> Mike Florio, *Caleb Williams Enters the NFL Without an Agent*, NBC SPORTS (Feb. 21, 2024, 1:13 PM), <https://www.nbcsports.com/nfl/profootballtalk/rumor-mill/news/caleb-williams-enters-the-nfl-without-an-agent>.

<sup>162</sup> *Id.*

<sup>163</sup> *Id.*

<sup>164</sup> *Id.*

<sup>165</sup> *Id.*

<sup>166</sup> *Id.*

Ultimately, Williams' approach underscores the growing trend of athletes taking greater control over their careers. While his draft position suggests he was able to navigate the process effectively, the long-term implications of his decision remain to be seen. Whether Williams' self-representation proves to be a pioneering move or a cautionary tale will depend on his ability to secure favorable contracts and manage his career without the traditional support of an agent. His journey serves as a compelling case study in the evolving dynamics between athletes, agents, and the business of professional sports.

*Amen Thompson and Ausar Thompson*

The career trajectories of Amen and Ausar Thompson provide a compelling case study of how professional athletes can succeed without traditional sports agents. Their journey highlights the potential advantages of alternative career management structures, particularly when guided by committed and knowledgeable family members.

Troy Thompson Sr., father of Amen and Ausar, demonstrated extraordinary dedication to his sons' basketball aspirations by making pivotal decisions that shaped their paths to professional success<sup>167</sup>. The family's relocation from San Leandro, California, to Fort Lauderdale, Florida, exemplifies strategic planning to optimize athletic development. By enrolling his sons at Pine Crest School, Thompson ensured that Amen and Ausar could compete at a high level early in their high school careers. This decision culminated in a state championship during their junior year, a critical milestone that bolstered their visibility to scouts and recruiters.

In 2021, Thompson made another unconventional but strategic move by enrolling the twins in the Overtime Elite (OTE) league, a professional development program that combines high school education with advanced athletic training<sup>168</sup>. Although initially met with skepticism, OTE offered NBA-level coaching,

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<sup>167</sup> Brian Barefield, *How Troy Thompson Sr. Helped Guide His Twin Sons, Amen and Ausar, to NBA*, USA TODAY (June 28, 2023, 9:43 AM), <https://rocketswire.usatoday.com/2023/06/28/how-troy-thompson-sr-helped-guide-his-twin-sons-amen-and-ausar-to-nba/>.

<sup>168</sup> *Id.*



top-tier training facilities, and competitive opportunities designed to prepare players for professional basketball. The twins' success within this innovative program underscores the growing viability of alternative pathways to the NBA, particularly for those who seek an individualized approach to career development.

Thompson Sr.'s dual role as a parent and the founder of G.A.P.P. Sports Group allowed him to directly manage his sons' careers, eliminating the need for external representation<sup>169</sup>. Amen and Ausar's decision to forgo traditional agents highlights several key factors influencing athletes' choices in career management: trust in family, the desire for personalized oversight, and the avoidance of agency fees.<sup>170</sup> This approach proved highly effective, with Amen Thompson selected 4th overall by the Houston Rockets and Ausar Thompson 5th by the Detroit Pistons in the 2023 NBA Draft—a historic achievement for siblings in professional basketball.<sup>171</sup>

The Thompson twins' success illustrates how informed, family-centered management can rival or exceed traditional agent representation. It further raises important questions about the evolving role of agents in professional sports, particularly as athletes and their families gain access to resources and networks that were once exclusively mediated by sports agencies.

*Shai Gilgeous-Alexander (SGA) – The Self-Repped Supermax Superstar*

Shai Gilgeous-Alexander (SGA), the superstar guard for the NBA's Oklahoma City Thunder, shocked the sports agent community and the entire sports industry in late February 2025, when he confirmed that he fired his agent Thad Foucher of Wasserman.<sup>172</sup> The firing of an NBA agent is certainly not unusual, but SGA's announcement that he will represent himself in his next contract negotiation was indeed shocking and highly unusual in the

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<sup>169</sup> *Id.*

<sup>170</sup> *Id.*

<sup>171</sup> Associated Press, *Amen, Ausar Thompson Twins Go Back-to-Back at 4th & 5th in 2023 Draft*, NATIONAL BASKETBALL ASSOCIATION (June 22, 2023, 10:54 PM), <https://www.nba.com/news/rockets-pick-amen-pistons-pick-ausar-as-thompson-twins-are-no-4-and-no-5-picks-in-nba-draft>.

<sup>172</sup> *Id.*

NBA agent business. In the 2025 off- season, the MVP candidate can sign a four-year supermax extension worth nearly \$300 million.

<sup>173</sup>

By representing himself, SGA could save up to \$11 million as NBA agents can charge their clients up to 4% of the contract's value. According to SGA, the multimillion dollars in savings by representing himself wasn't the only factor in his decision: "'I'm confident in my ability to do it," SGA said to *Sportico* at a press conference "It wasn't entirely (about agent fees). I want to be a well-rounded human being – not just a basketball player but a businessman, father and husband. I want to check all of the boxes.'"

<sup>174</sup> The decision to represent himself mirrors his desire to develop skills that will be useful beyond his playing career. "I think it'll be a good experience for me to learn and get better in other areas of life", SGA said. "I just see it as an opportunity to better myself."<sup>175</sup>

The reaction to SGA's decision has been positive, even by some in the NBA agent community. Unique Sports Sports Management CEO Torrel Harris, the father of Detroit Pistons forward Tobias Harris, said "He can do it, but he needs to make sure he has people around him who have expertise, because he has the opportunity to be the face of the NBA."<sup>176</sup>

In conclusion, Shai Gilgeous-Alexander's decision to represent himself in his upcoming supermax contract negotiations marks a groundbreaking moment in the NBA and the broader sports industry. By taking control of his career and financial future, SGA is not only saving millions in agent fees but also positioning himself as a multifaceted individual who values personal growth and business acumen. His confidence in navigating the complexities of contract negotiations reflects his ambition to transcend the role of a basketball player and emerge as a well-rounded businessman, father, and husband. While his decision is unconventional, it has been met with support, even from within the agent community, underscoring the respect for his vision and capabilities.<sup>177</sup> SGA's

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<sup>173</sup> *Id.*

<sup>174</sup> Eric Jackson & Dan Bernstein, *How SGA Strives to Be a 1-of-1 NBA Superstar and Businessman*, SPORTICO (Mar. 1, 2025, 9:00 AM), <https://www.sportico.com/personalities/athletes/2025/shai-gilgeous-alexander-agent-fashion-converse-1234841251/>.

<sup>175</sup> *Id.*

<sup>176</sup> *Id.*

move could inspire future athletes to take greater ownership of their careers, signaling a potential shift in how players approach their professional and personal development. Ultimately, SGA's journey as a self-represented superstar exemplifies his commitment to excellence both on and off the court, solidifying his status as a trailblazer in the NBA.

*Shedeur and Shilo Sanders – The Icon/Father Advisor*

According to Pro Football Report's Mike Florio, Shedeur and Shilo Sanders, sons of icon and University of Colorado football coach Deion Sanders, will not hire an agent and represent themselves as they prepare for the 2025 NFL Draft.<sup>178</sup> According to Florio, the belief in NFL circles is that Deion will be serving as their advisor, and Florio believes this makes sense due to Deion's stature in the NFL community.

According to Florio, an important role of a NFL agent for prospective draft picks is to ensure that false rumors or innuendo don't hurt their client's position in the draft. In Deion, "Shedeur will have a hype man and a defender. If anyone starts spreading about Shedeur what Deion would call "bulljunk", Deion will engage. And he's got the platform and the voice to register"<sup>179</sup>

#### IV. SELF-REPPED RESOURCES

NBA players who choose to represent themselves without sports agents can rely on a variety of resources to navigate contract negotiations and manage their careers effectively. The National Basketball Players Association (NBPA) is a primary support system, offering tools like contract advisory services, legal support, and salary cap analysis<sup>180</sup>. These resources help players understand the complex rules outlined in the collective bargaining agreement (CBA), which governs contract terms, salary caps, and free agency processes. The NBPA also provides workshops and educational programs that equip players with the knowledge to advocate for themselves in negotiations. Additionally, players can

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<sup>177</sup> *Id.*

<sup>178</sup> *Id.*

<sup>179</sup> *Id.*

<sup>180</sup> Collective Bargaining Agreement, *supra* note 43.

consult independent financial advisors, accountants, and sports lawyers to handle the financial and legal aspects of their contracts without the need for a full-time agent.

Beyond union resources, self-represented players can build personal support teams to manage endorsements, branding, and public relations. Networking with veteran athletes who have successfully represented themselves, such as NFL's Russell Okung or NBA players like Nerlens Noel, can provide valuable mentorship and insights. Online platforms like Spotrac and Hoopshype also offer detailed financial and salary cap data to aid in decision-making that is easily digestible. While self-representation demands a deep understanding of sports law, financial planning, and contract negotiation, these resources empower players to take control of their careers and avoid agent fees, maximizing their earnings and autonomy.

When Richard Sherman negotiated his own contract with the 49ers, he did so without an agent, boasting that no one could do a better job. However, the NFLPA stepped in and improved the contract's terms, demonstrating the potential pitfalls of self-negotiation.<sup>181</sup> They modified a key provision related to a \$2 million roster bonus, changing the physical examination deadline from early training camp to November, which dramatically increased Sherman's chances of earning the bonus.<sup>182</sup> The NFLPA's intervention highlights the complexity of NFL contract negotiations and the value of professional representation. By helping Sherman after he negotiated the deal himself, the players' association showed that even experienced players can benefit from professional guidance.<sup>183</sup> This rare move underscores the importance of having knowledgeable advocates who understand the nuanced details of contract language and can protect players' financial interests.

*Jayden Daniels (Family member, along with Agents)*

Jayden Daniels' mother, Regina Jackson recently became a NFLPA-certified agent. Her certification ties into the broader trend

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<sup>181</sup> *NFLPA Helped Sweeten Richard Sherman's Self-Negotiated Contract*, NBC SPORTS (Mar. 24, 2018, 8:01 AM), <https://www.nbcsports.com/nfl/profootballtalk/rumormill/news/nflpa-helped-sweeten-richard-shermans-self-negotiated-contract>.

<sup>182</sup> *Id.*

<sup>183</sup> *Id.*

of players increasingly representing themselves or seeking alternative representation structures.<sup>184</sup> While she is not formally representing Jayden Daniels, and Jayden is represented by four agents from Agency 1 Sports: Ira Turner, Ron Butler, Aston Wilson, and Stanley Bien-Aime, her certification highlights the growing desire for athletes and their families to take greater control over the business side of professional sports careers.

Jackson's decision to become certified demonstrates a commitment to understanding the complexities of NFL contracts, negotiations, and player rights.<sup>185</sup> Similarly, players who represent themselves, like Lamar Jackson and Richard Sherman, prioritize gaining this knowledge to handle their careers directly. Her role aligns with the broader goal of empowering players and families to make informed decisions without sole reliance on traditional agents. Jackson's certification exemplifies a middle ground between traditional agency representation and self-representation. By equipping herself with the tools to advise her son, Jackson provides a model for how family members can support athletes' careers without necessarily assuming full agency duties. This dynamic resonates with players who value trusted advisors, especially family, in managing off-field matters.

Like self-represented players who question the necessity of paying standard agent fees for rookie contracts (which are often predetermined by the NFL's CBA), Jackson's certification challenges the conventional agent-player relationship. It suggests that with the right knowledge, athletes and their families can handle many aspects of contract management, especially for standardized agreements like rookie deals. Jackson's move may inspire other players' parents or close associates to pursue similar certifications, creating a new paradigm where athletes' inner circles take on roles traditionally reserved for agents. This shift mirrors the self-representation trend by emphasizing trust and collaboration over traditional agency models. In essence, Jackson's

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<sup>184</sup> Jonathan Jones, *Jayden Daniels' Mother Added to Growing List of NFL Parents Who Have Also Become Agents*, CBS SPORTS, (Oct. 10, 2024, 9:42 AM), <https://www.cbssports.com/nfl/news/jayden-daniels-mother-added-to-growing-list-of-nfl-parents-who-have-also-become-agents/>.

<sup>185</sup> Shacamree Gowdy, *Jayden Daniels' Mother Poised To Be First Parent Of A Top-Three NFL Draft Pick To Become Certified Agent*, AFROTECH (Nov. 12, 2024), <https://afrotech.com/jayden-daniels-mother-regina-jackson-certified-nfl-sports-agent>.

role complements the self-representation movement by showcasing how athletes and their families can take proactive steps to manage their careers, reduce reliance on outside agents, and ensure their interests are prioritized. Odell Beckham is the most popular player whose parents serve as one of his agents.<sup>186</sup>

### *Financial Advisors and Consultants -Saint Omni*

Professional athletes often face significant financial challenges due to a lack of financial literacy, short career spans, and high tax burdens. While many athletes sign multimillion-dollar contracts, they may not fully grasp how much of their income will be deducted for federal, state, and local taxes. For example, a \$5 million signing bonus can be reduced to as little as \$2.5 million after taxes and agent fees. The misconception of wealth leads many players to overspend, assuming their earnings will continue indefinitely. Compounding this issue is the brevity of professional sports careers—3.3 years on average in the NFL and 4.6 years in the NBA—leaving athletes with limited time to secure their financial future. According to Leigh Steinberg, a prominent sports agent, without proper financial planning, athletes risk running out of money soon after retirement, with 78% of NFL players facing financial stress within two years of leaving the sport.<sup>187</sup>

Success stories like those of Michael Carter-Williams and Ryan Broyles highlight how disciplined financial management can prevent these pitfalls. Carter-Williams placed his earnings in a trust and lived off endorsement deals, while Broyles and his wife adhered to a \$60,000 annual budget despite a multimillion-dollar contract.<sup>188</sup> Financial advisers and agents stress the importance of budgeting, investing early, and planning for life after sports. Proactive measures, such as seeking advice from experienced advisers and surrounding themselves with trustworthy individuals, help athletes sustain their wealth long-term. As Steinberg

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<sup>186</sup> *Id.*

<sup>187</sup> Leigh Steinberg, *5 Reasons Why 80% of Retired NFL Players Go Broke*, FORBES, (Feb. 9, 2015), <https://www.forbes.com/sites/leighsteinberg/2015/02/09/5-reasons-why-80-of-retired-nfl-players-go-broke/>.

<sup>188</sup> Jacob Camenker, *Who Is Saint Omni? Meet Laremy Tunsil and Roquan Smith's Mysterious Uncertified 'Agent' from LifeLine Financial Group*, SPORTING NEWS (Mar. 19, 2022, 12:11 PM), <https://www.sportingnews.com/us/nfl/news/saint-omni-roquan-smith-agent-lifeline-financial-group-uncertified/tkizpr4gv4fl6k11roalfpzv>.

emphasizes, education is key, but athletes must be willing to follow expert advice.<sup>189</sup> By living below their means and planning for the future, athletes can ensure their earnings support them for decades after their playing days are over. Most athletes are using financial advisors along with sports agents, but some athletes have been able to forgo agents as a whole.

Roquan Smith uses Saint Omni in lieu of having a traditional sports agent. Saint Omni is not a certified sports agent but a self-described business consultant and manager for NFL players landscape of player representation in professional sports. Omni operates outside the traditional framework established by the NFL Players Association (NFLPA), which mandates that agents negotiating contracts or trades on behalf of players must be certified. By identifying himself as a consultant rather than an agent, Omni bypasses these certification requirements, creating a gray area where he can still influence decisions and guide players without directly violating the NFLPA's formal regulations on contract negotiations.<sup>190</sup>

As a consultant, Omni offers services that may include advising players on financial strategies, negotiating tactics, or broader career management. For players without certified agents, he provides a potential alternative—offering insights and assistance in navigating complex NFL contracts and trade scenarios. While this can empower athletes to retain more control over their careers, it also creates risks. Consultants like Omni lack the oversight and accountability imposed on certified agents, which can expose players to potential conflicts of interest, legal complications, or tampering allegations, as seen in the Roquan Smith trade controversy.

Omni's work reflects a broader trend of athletes seeking unconventional forms of representation, sometimes opting for advisors or attorneys who are not tied to the traditional agent certification model. This allows players to tailor representation to their unique needs but also challenges the league's ability to regulate these interactions, raising questions about transparency, compliance, and fairness within the NFL's labor ecosystem.

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<sup>189</sup> *Id.*

<sup>190</sup> *Id.*

*Tony Agnone (advisers)*

The debate over whether athletes should hire lawyers instead of traditional sports agents has gained traction in recent years, particularly as athletes seek greater control over their careers and finances. Although Tony Agnone is a certified sports agent, he is acting only as a consultant to players like Caleb Williams, who have foregone a traditional sports agent arrangement.<sup>191</sup> Agnone's success as a consultant highlights how, despite CBA limitations on contract negotiating terms for rookie and midyear players, advice of some sort can be used to negotiate with teams. Agnone is well connected as the owner of Eastern Athletic Services and 30 years as a certified sports agent so advising Williams will be a great advantage to Caleb.

Comparing lawyers to sports agents as representatives for athletes has both advantages and disadvantages. A key advantage of hiring an agent is the binding obligation to adhere to the Codes of Conduct, as outlined within the CBA.<sup>192</sup> This provides athletes with additional protection against misconduct. Sports agents must maintain high professional standards or face sanctions from player unions, in the context of football the NFLPA. Furthermore, certified sports agents are a part of a large organization that can readily provide support and resources as problems arise. The CBA also restricts both who the player and agent can work with, as even financial advisors need to be certified.<sup>193</sup>

A consultant or advisor may be able to give specialized advice during a situation. With Agnone's experience as a certified sports agent, he knows how the CBA operates. Although he might not be legally bound by the CBA, Williams might rely on Agnone's extensive experience to follow the CBA's standards for ethics. Having an advisor may lead to struggle in communication, as an advisor might not know everything going on with a given client, but these issues can be addressed among William's team. Having an advisor also allows the player to work with different types of

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<sup>191</sup> Gene Chamberlain, *Advisor For Caleb Williams Named*, SPORTS ILLUSTRATED, (Mar, 08, 2024), <https://www.si.com/nfl/bears/news/caleb-williams-adviser-named-in-report>.

<sup>192</sup> NFL PLAYERS ASS'N, Regulations Governing Contract Advisors § 3 (2016), <https://nflpaweb.blob.core.windows.net/website/RegulationsAmendedAugust2016.pdf>.

<sup>193</sup> *Id.*



experts, as they would not be bound by CBA rules regarding certification and representation. Agnone's position as both an advisor and a certified sports agent puts him in a unique position to provide a broad range of services to his clients.

However, there are significant drawbacks to choosing advisors/consultants or lawyers over traditional sports agents. While lawyers and sports agents may excel in specialized matters, they may lack the industry-specific expertise and personal networks that experienced agents possess.<sup>194</sup> Agnone flips that premise on its head by being a lawyer, an agent and an advisor. Agents like Agnone often have long standing relationships with teams, sponsors, and other key stakeholders, enabling them to secure lucrative endorsement deals and negotiate complex contract terms. One other problem that may arise is that lawyers, though skilled in drafting and reviewing contracts, may lack the marketing acumen or ability to build an athlete's brand. Again, Agnone's unique background as a lawyer, agent and advisor allows him to sit in a space and deliver a constellation of services. Few advisors, consultants, or lawyers possess the same experience and connections that Agnone has.

Agnone demonstrates the evolving landscape of sports representation and challenges traditional assumptions about the rigid divide between agents, lawyers, and consultants. His unique position as an experienced certified agent now working in an advisory capacity with top prospects like Caleb Williams illustrates how industry veterans can provide value outside the traditional agent-player relationship structure. However, Agnone's exceptional background – combining decades of experience as a certified agent, legal expertise, and extensive industry connections - makes him a special case that may be difficult to replicate. While his situation shows the potential benefits of alternative representation structures, it also highlights why most athletes still benefit from traditional certified agent relationships that provide clear protections, established networks, and comprehensive support under the CBA framework. The success of this hybrid approach likely depends heavily on the specific qualifications and experience

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<sup>194</sup> See Stacey M. Nahrwold, *Are Professional Athletes Better Served by a Lawyer-Representative Than an Agent? Ask Grant Hill*, 9 SETON HALL J. SPORTS & ENT. LAW 311 (1999).

of the advisor in question, suggesting that while alternatives to traditional agent representation may work in select cases, they should be evaluated carefully based on the unique circumstances and needs of each athlete.

#### IV. THE NEW DYNAMICS AND ECONOMICS OF AGENTS

The role of sports agents has significantly evolved, driven by increases in athlete salaries, endorsement opportunities, and the complexities of modern contracts. Agents are no longer limited to negotiating player deals; they now serve as comprehensive advisors, assisting with financial planning, branding, and public relations. Social media and the 24-hour news cycle have made personal brand management a critical part of their responsibilities, ensuring athletes remain marketable and relevant in the public eye. This expanded role has intensified the demand for agents who can handle both strategic negotiations and broader business management tasks.<sup>195</sup>

The surge in sports revenues through lucrative television deals, streaming rights, and sponsorships has reshaped agent practices. Many now focus on leveraging performance-based incentives and branding opportunities to maximize client earnings.<sup>196</sup> Comparisons between smaller, independent agents and large agencies reveal a gap in resources and networks, with larger firms offering comprehensive services but potentially losing the personal touch that smaller agents provide.

Regulatory frameworks, such as those enforced by the NCAA and professional players' unions like the NFLPA and NBPA, have introduced ethical standards to agent conduct. These regulations aim to curb unethical practices, especially concerning college athlete recruitment. Agents certified by these unions are held to higher accountability standards, ensuring fair practices and ethical behavior.

Fee structures remain a point of contention. The traditional model, which takes a percentage of contracts, is sometimes

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<sup>195</sup> *Navigating Contracts and Endorsements: Sports Agents' Role*, SPORTS VISIT (Nov. 13, 2024), <https://sportsvisit.org/2024/11/13/navigating-contracts-and-endorsements-sports-agents-role/>.

<sup>196</sup> *Id.*

criticized for being excessive. This has led to innovative models, including flat fees or ancillary revenue streams, such as offering financial advising services. As the industry becomes more competitive, small agents struggle to find clients while facing risks like conflicts of interest or unmet client expectations.

### *Agent Roles Outside of Contract Negotiation*

In “The Role of the Sports Agent,” author Madalyn J. Belanger delved into the multifaceted responsibilities and challenges of sports agents, with a particular focus on those who are also lawyers.<sup>197</sup> The article highlighted the then unregulated nature of the sports agent industry, where anyone can claim to be an agent without specific qualifications or ethical standards. Now with the standardized agent exams and mandatory enlistment in unions, there are more regulations. Sports agents are regulated both internally, and through legislation like The Sports Agent Responsibility and Trust Act (SPARTA) and the Uniform Athlete Agents Act (UAAA) and Revised UAAA (RUAAA).<sup>198</sup> Though much has changed with the nature of sports agents since this initial article was written, it is still important to see both how far the world of sports agents has come, and whether or not prior reasons for concern about the industry remain relevant today. While standardized exams and union oversight have improved accountability, the persistence of unethical practices and loopholes in enforcement raise questions about the sufficiency of current regulations.<sup>199</sup> Reflecting on Belanger’s insights allows us to evaluate whether these advancements have effectively addressed the issues she identified or if additional reforms are necessary to ensure greater protection for athletes and integrity within the industry.

Beyond recruitment, Belanger argued that lawyer-agents must navigate ethical dilemmas when representing multiple

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<sup>197</sup> Madelyn J. Belanger, *The Role of the Sports Agent*, 12 U. BALT. L.F. 3, ART. 8, p. 26 (1982).

<sup>198</sup> James Masteralexis, Lisa Masteralexis & Kevin Snyder, *Enough is Enough: The Case for Federal Regulation of Sport Agents*, 18 VILL. SPORTS & ENT. L.J. 91 (2011).

<sup>199</sup> Austin R. Montbriand, *A Contemporary Analysis of the Competition Between Athlete-Agents in the NIL Era and a Proposed Amendment to the Sports Agent Responsibility and Trust Act (SPARTA)*, 34 MARQ. SPORTS L. REV. 55 (2024).

players on the same team. Conflicts of interest can arise when negotiating deals that benefit one client at the expense of another, requiring full disclosure and consent from all parties involved. Once a contract is secured, the role of the lawyer-agent often expands to include financial planning, tax-efficient strategies, and investment management. Lawyer-agents frequently negotiate performance-based incentives, deferred payments, and endorsement deals, ensuring their clients maximize earnings while protecting their long-term financial health. For instance, some agents recommend incorporation to allow athletes to benefit from profit-sharing and pension contributions. They also handle a wide range of legal matters, from drafting wills and managing real estate transactions to providing criminal defense for issues such as DUIs or drug charges. This breadth of services underscores the versatility required of lawyer-agents in managing both their clients' professional and personal lives.

Belanger ultimately portrayed the field of sports law as diverse and demanding, requiring agents to act as advocates, advisors, and confidants. Lawyer-agents must juggle complex legal and financial responsibilities while maintaining their clients' trust and navigating a competitive marketplace. They also face unique pressures, such as the need to balance ethical obligations with the cutthroat nature of the industry. Despite these challenges, lawyer-agents bring valuable skills to their work, distinguishing themselves through their knowledge, creativity, and commitment to ethical practice. Their ability to secure contracts, manage endorsements, and address clients' broader legal and financial needs makes them indispensable in the world of professional athletics.

Though not addressing the roles of agents directly, in "Addressing Structural Issues in NFL Player Contracts and The Collective Bargaining Process" Joshua B. Weintraub argues that within the world of football, there lies systemic issues that impact player mental health and well-being and that there is an inherent power dynamic between players, coaches and owners.<sup>200</sup> If these systemic issues are to persist, both agents and lawyers can play a hand in advocating for players in the next CBA.

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<sup>200</sup> *Id.*

Sports agents can play a critical role in advocating for the health, safety, and well-being of NFL players, both during and after their careers. One way they can help is by negotiating contracts that prioritize player protections, such as guaranteed salaries, enhanced post-career healthcare, and funding for long-term disability.<sup>201</sup> Agents can also push for health and safety clauses, including limits on workload and practice intensity, to reduce injury risks. During CBA negotiations, agents can advocate for systemic changes like mandatory concussion protocols, improved retirement benefits, and fair revenue sharing that allocates league profits toward player welfare. These efforts would help establish greater security and equity for players in their relationships with team owners.

Beyond contracts, agents can empower players by educating them on their rights and encouraging long-term thinking about their health and careers. They can also use their influence with the media and public to create pressure for league-wide reforms, such as independent oversight of team ownership and greater player representation in decision-making. By working with organizations like the NFLPA and building coalitions with advocacy groups and former players, agents can push for structural changes that safeguard future generations.<sup>202</sup> Ultimately, sports agents can serve as key advocates for leveling the playing field between players and owners, ensuring a safer and more equitable future for the game of football.

Lawyers representing NFL players can play a pivotal role in safeguarding their rights and well-being by addressing legal issues that go beyond the scope of contract negotiations. They can focus on advocacy, legal reforms, and holding teams and the league accountable for their treatment of players. One key area where lawyers can help is ensuring compliance with player safety regulations. They can represent players in disputes involving violations of league protocols, such as inadequate concussion management or pressure to play through injuries.<sup>203</sup> Lawyers can

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<sup>201</sup> *Id.*

<sup>202</sup> See Christopher R. Deubert et. al., *Protecting And Promoting The Health Of NFL Players: Legal And Ethical Analysis And Recommendations*, 7 HARV. J. OF SPORTS AND ENT. LAW 1, 38 (2016).

<sup>203</sup> Montbriand, *supra* note 203.

also litigate against teams or the league when there is evidence of negligence, such as failing to disclose the long-term risks of injuries like chronic traumatic encephalopathy (CTE). Additionally, lawyers can advocate for players in class-action lawsuits or other legal actions aimed at improving health benefits, retirement plans, and disability protections for former players.

Lawyers can also push for systemic reforms by lobbying for changes to collective bargaining agreements (CBAs) or advocating for third-party oversight of team operations. They can work to eliminate harmful contractual provisions that exploit players and push for mechanisms to hold team owners accountable for prioritizing profits over player safety. In cases involving disputes over injuries, discipline, or benefits, lawyers can represent players in arbitration or appeals, ensuring their clients are treated fairly.

Furthermore, lawyers can help players navigate complex legal issues off the field, such as intellectual property rights, endorsement deals, or disputes arising from public or private conduct. By providing holistic legal support, player attorneys can not only protect their individual clients but also contribute to broader reforms that promote fairness, safety, and equity within the NFL.

All in all, both lawyers and sports agents can play key roles in advocating for their players, and they can also play key roles in driving systemic changes. Though player representation has changed over time, both lawyers and agents can play key roles in advocating for players.

## V. CONCLUSION

The landscape of player contract representation in professional sports has undergone significant transformation, driven by evolving collective bargaining agreements, player empowerment, and changing economic dynamics. The traditional role of sports agents is no longer confined to simple contract negotiations but has expanded into multifaceted advisory and strategic partnership roles.

Players are increasingly challenging the traditional agent model, with notable athletes like Russell Okung, Joel Embiid, and Richard Sherman demonstrating the viability of self-representation or alternative representation models. Collective Bargaining

Agreements in leagues like the NFL and NBA have created structured frameworks that both constrain and enable contract negotiations, with mechanisms such as franchise tags, salary caps, and maximum contract provisions playing crucial roles.

The motivation for players to represent themselves or seek alternative representation extends beyond mere financial savings. Athletes are seeking greater control, transparency, and alignment with personal values and long-term career goals. The emerging ecosystem of player representation now includes diverse professionals such as financial advisors, attorneys, and specialized consultants who offer targeted expertise previously monopolized by traditional agents. Modern player contract agents must now provide value beyond contract negotiation, including career strategy, brand development, financial planning, and holistic professional guidance.

The research underscores a pivotal shift in sports contract representation: from a transactional model to a more collaborative, player-centric approach that prioritizes individual athlete empowerment and comprehensive career management. As the sports representation landscape continues to evolve, athletes, agents, and teams will need to adapt to these new dynamics, balancing economic interests with personal agency and strategic career development.