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DEDICATION IN MEMORY OF LARRY FLEISHER

MARK H. McCORMACK

I first met Larry Fleisher back in the early '60's. I remember the location: The Brasserie Restaurant in the Seagram Building in New York City. The specifics of our discussion back then are long forgotten. But I remember being very impressed with Larry and his vision about the rights of professional athletes. At that point in time, the business of representing professional athletes, which I was doing, was very new and the business of running a labor union for athletes, which Larry was doing, was also very new.

Larry and I were to forge a strong tie together many years later, but we didn't know that then. In the meantime, Larry was to make valuable and lasting contributions to the sport of basketball in his capacity as leader of the union and my company, International Management Group, I like to think, became the leader in the business of representing athletes.

After graduating from Harvard Law School and practicing law for 10 years, Larry was asked by Tommy Heinsohn, then a player for the Boston Celtics, to help form a players organization within the National Basketball Association. The immediate goal was to obtain a pension for NBA players. This led to the formation of the National Basketball Players Association, the first real players' union in professional sports. Larry organized the players into electing a group of officers and player representatives—one from each team. For more than 25 years, Larry served, without salary, as General Counsel of the NBA Players Association.

Throughout the 1960's, Larry, along with union president Oscar Robertson and others, fought for and obtained an NBA pension as well as other player benefits, including minimum salaries. These were firsts for professional athletes. In the late 1960's, Larry began representing professional basketball players. His first client was Princeton graduate and Rhodes scholar, Bill Bradley, a member of the New York Knicks. Larry went on to represent hundreds of other players in the NBA, including John Havlicek, Bob Lanier, Paul Silas, Junior Bridgeman, Willis Reed, Jerry West, Lenny Wilkens and Dave DeBusschere, to name just a few.

With the advent of the American Basketball Association in the late 1960's, Larry helped the ABA survive and later flourish by signing players such as Zelmo Beatty, Billy Cunningham and Joe Caldwell with ABA teams and encouraging other established players to join the new league.

In the 1970's, Fleisher began his long fight to obtain some form of free agency for NBA players that would permit players to move more

easily to a different team at the end of their contracts and to be paid fairly based on a competitive marketplace for their skills. Again, together with Oscar Robertson and other players, Larry launched a six year struggle to win some economic freedom for professional basketball players. At Fleisher's insistence, the NBA players filed the first free agency lawsuit. A controversial battle ensued between NBA players and NBA owners in the courts, in Congress and before the National Labor Relations Board. The resolution of that controversy in 1976 became known as the *Oscar Robertson Settlement* and was hailed at the time as an innovative solution. The settlement constituted a 10 year experiment in new forms of free agency and permitted the long sought NBA-ABA merger to be completed.

Later in the 1970's, Fleisher began to see the potential for professional basketball's popularity worldwide. As a player agent, he sent a number of his clients to play in Italy and other European countries thereby not only expanding the market for their skills, but also extending the longevity of their careers. In addition, he organized summer tours around the world for members of the Players' Association including games in Brazil, Yugoslavia, Italy, Greece, Israel and the People's Republic of China.

As the 1980's began, Larry Fleisher was once again at the forefront of developments in professional basketball. He and the NBA players entered into the first anti-drug agreement in professional sports which provided both for counseling and penalties for players involved with the use of hard drugs. Larry also sensed that it was time for the players to tie themselves more closely to the overall fortunes of the NBA and its members. He was confident of the future of pro basketball because of the potential growth from new sources of revenue, such as cable television. He once again negotiated an innovative agreement with the NBA. This time the agreement provided for players to be guaranteed a percentage of NBA league revenues and a team salary cap which was to be flexible and which would keep pace with the growth of league revenue. Once again his solution was hailed as innovative and, as in the past, is serving as a blueprint for other professional team sports.

Larry Fleisher was not only a skilled attorney but, by all accounts, a master negotiator. He was tough, but fair. He learned how to push a good idea into a great one. And he knew the cardinal rule of negotiating: No matter how tense the circumstances, *never leave the table*. The proof? In his 26 years as head of a very successful union, Larry never had to call a single strike.

Meanwhile, our company, International Management Group, had become pre-eminent in its business of representing athletes throughout the world. IMG's traditional strengths were in the non-team sports areas, such as golf and tennis. In the mid-1980's, we decided that we wanted IMG to be the major force in team sports, as well. Although we had represented team sport athletes for many years, we had never devoted the necessary personnel resources to be a dominant factor.

In 1987, IMG acquired the firm of Reich, Landman & Berry, headed by Tom Reich, which was the leader in the representation of baseball players. The following year, we hired Ralph Cindrach, a Pittsburgh-based lawyer, who was one of the leading football agents.

Shortly thereafter, we learned that Larry Fleisher was planning to retire as General Counsel of the NBPA once he had completed the new collective bargaining agreement. We perceived that as a result of Larry's vision and leadership, the National Basketball Association was approaching an unprecedented era of labor peace and growth in which all of the players would participate. We also felt that the sport of basketball was set to explode on an international level and that Larry was, without question, the most knowledgeable player agent in basketball.

In October 1988, Larry and his two sons joined IMG to head up IMG's Basketball Division. Larry desired to join IMG because he knew basketball players had a need for the financial services and marketing services which are IMG's hallmark. The idea was that Larry and his two sons would continue to advise basketball players on contract negotiations with the NBA and throughout the world, and IMG's staff would provide the players with financial and marketing services. This was to be the perfect match: basketball's best contract negotiator with sport's best provider of financial and marketing services to athletes. Alas, it was not to be. Larry died suddenly of a heart attack in May of 1989. Yet, the match remains strong and healthy, as Larry's sons, Marc and Eric, continue to lead IMG's Basketball Division guided by the principles and philosophies of their father.

During Larry Fleisher's nearly three decades in pro basketball the game went from dingy arenas and back-page media coverage to spectacular new basketball palaces and prime time exposure. Larry had been the first to recognize the need for a player organization and the first to urge free agency on behalf of team sport players. Larry was in the forefront of the fight against drugs in sports and the first player leader to form a partnership with a sports league. He was one of the first to grasp the great international potential for basketball. It is appropriate that this issue be dedicated to the memory of Larry Fleisher, a true sports visionary.

Mark H. McCormack

