

# MICHIGAN LAWYERS WEEKLY

## A sidebar with ... James R. Acho

By: Douglas Levy in News Stories April 25, 2016

Most of James R. Acho's clients are familiar to sports fans, particularly those who have followed the NFL in its 1950s and '60s.

But those players' post-career problems can be hard to watch, he said.

"There's nothing like walking into a former player's apartment, someone who formerly graced the covers of magazines, who was the big man on campus and every coed wanted to date him — and seeing he doesn't have food in his cupboards and can't afford medication," said Acho, a partner at Cummings, McClorey, Davis & Acho PLC.

His practice includes representing current and retired NFL players, as well as retired MLB players, for labor disputes and matters involving the NFL Alumni Association. He recently was the keynote speaker at the 2016 NFL Players Association's annual meeting.



Acho

### How did you get involved with sports law?

While I was in law school, I started dating my wife, who is now an associate athletic director at University of Michigan. She was working with football and hockey at Michigan State. I was associate head coach of men's basketball at Madonna University but I was having a hard time making ends meet.

So I worked for Mel Farr [the ex-Detroit Lion who had an auto dealership] in the early and mid-'90s. And unlike other car dealerships, Farr was very flexible, because a lot of guys who worked there were high school coaches, small college coaches or guys who had been cut loose from an NFL team and were waiting to sign on with someone else.

My boss was Lem Barney, the Lions hall of famer. He took me under his wing right away. We became close, to the point where he became like an uncle to me. By the time I left there, he'd refer to me as his nephew. He said, "Listen, get out of this racket. Go to law school like your dad [Cummings McClorey co-founder Ronald G. Acho], and I will help you as much as I can in getting involved in sports." In fact, he became my first client once I got out of law school.

### What did you do for him?

The first thing I ever did was a special appearance contract for him. He started to take me around to different NFL alumni functions, like golf outings and dinners, and introduce me to a lot of high-profile former and current players as his attorney and recommending that they use me.

Gradually, I got in the door with the NFL Alumni Association, and for the last 15 years I've basically been the go-to guy for retired Lions and it's morphed into my representing retired players across the country, to the point where retired players nominated me to run for director of the NFL Players Association. So I did but I ended up losing to the

incumbent. It's been an interesting ride for sure.

### **Did you play sports growing up?**

Oh yeah. I played basketball at St. Francis College in Indiana, where I was captain. The goal was to go on and be a Division I head basketball coach. But after three years of eating White Castle burgers every night and not being able to make a living and not getting a shot to move up to the Division I level, I realized I wasn't one of those guys who had this burning drive to live out of my car until I got that job. So I decided to move on and realized that if I couldn't make a living doing it, I'd have to try something else.

### **When you started practicing law, were you able to differentiate your clients as people first and famous sports figures second?**

Yes. Because I handled a class action against Major League Baseball early on, I was so deluged with phone calls and meetings that the shock of the novelty of who those people were wore off very quickly. Suddenly I saw them as men with health problems, people who could not afford prescriptions, people who in some cases were living out of their cars. The stark reality of how many older athletes were living hit me in the face like a ton of bricks. It solidified my drive to better the lives of players who built these leagues from the 1950s through the 1980s.

### **Are concussion-related matters big in your practice?**

I'm handling concussion claims for about two dozen players. Health care, or the lack thereof, remains the biggest issue for retired football players. It's not as big a concern now because of Obamacare, in that insurance companies cannot deny you now for pre-existing conditions. And that is the biggest issue in this presidential election.

No one's talking about it, but I hear Ted Cruz say, "If I'm elected, I'll repeal every word of Obamacare." What he's not understanding is there's a hell of a lot of people out there with pre-existing conditions. They don't understand how big of an issue that is and how many people had been denied coverage. And so many of these players were already so far down a bad road that for some of them, there's no turning back.

### **Did the filmmakers get it right in 2015's "Concussion," about the NFL's handling of brain degeneration suffered by professional football players?**

It was on point. I've spoken to Bennet Omalu [the forensic pathologist who researched the players] and Julian Bailes [the former Pittsburgh Steelers team doctor] multiple times, met with them and heard the stories years ago. I was intimately familiar with that situation and how the NFL did everything it could to screw [former Steelers center] Mike Webster's family. It was disgusting. I'm not a fan of the NFL and haven't been for years. They tell you that you don't want to see the sausage being made, but unfortunately I did.

### **What makes sports labor law unique?**

There's nothing unique. In terms of bargaining for better health care or making sure pensions are preserved, all that's the same. But if you represent retired auto workers or retired teachers, they aren't walking around with fingers pointing in different directions or CTE from numerous concussions they suffered from their jobs. That part is different. You're dealing with clients who run the gamut emotionally. I can talk to someone who can be in tears one

minute, then five minutes later is laughing uproariously, then five minutes later is raging in anger. All of that comes from symptoms of emotional brain trauma.

### **What are some of the misconceptions about being in sports law?**

That you're an agent and you make a ton of money. I'm not an agent. I'm an attorney. So when I handle things for guys, I may only charge them a few hundred dollars here or there. But being where I am affords me the ability to help people. I get hit up by a lot of charities, and I can call up an athlete to donate signed jersey.

### **Is there something you learned the hard way in sports law?**

Fame is fleeting. At Madonna University, where I teach sports law, I bring in players to talk. And the students are under the misconception that anyone who has ever put on a pro uniform has millions of dollars in the bank. The overwhelming majority of these people end up being hand to mouth, and the students are shocked when they hear this.



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