

## Michael J. Wall Of Counsel

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Boston

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Michael J. Wall is a business lawyer with over 30 years of experience advising and representing stakeholders in the sports industry. Michael was for 13 years the Chief Legal Officer for the TD Garden and Boston Bruins and for nine years the General Counsel for the sports equipment and apparel manufacturers operating under the BAUER (ice hockey), EASTON (baseball), and CASCADE/MAVERIK (lacrosse) brands. At Foley, he has utilized this experience to represent clients in the sports and entertainment industry and consumer products category.

Michael's first-hand daily involvement as the legal executive for an NHL franchise and a premier sports and entertainment facility is relied upon by clients seeking to acquire or sell sports franchises; to finance, develop, construct, and operate sports and entertainment venues; and to negotiate the myriad essential agreements that capture and preserve the revenue-generating opportunities that are ancillary to stadium and team operations. As both a former General Counsel and long-time firm practitioner, Michael is adept at negotiating on both sides of the table—representing a stadium owner or its sports team tenant or representing a team or venue in selling its rights or a sponsor seeking to be granted such rights. For consumer products clients, especially sports and equipment apparel manufacturers, Michael's experience in intellectual property portfolio management and enforcement and consumer products regulatory compliance is highly valued.

Clients in the sports and entertainment industry choose Michael because he has across-the-board experience in dealing with the legal aspects of operating a professional sports franchise and multi-purpose sports and entertainment venues.

Clients in the consumer products space value Michael for his experience in advising on the legal aspects of operating a consumer products company, especially manufacturers involved in sports equipment and apparel.

### Sports and Entertainment Industry

Michael served as Chief Legal Officer for the operations of Delaware North Companies in Boston, including the operation of the TD Garden and the concessions operations at the Xfinity Center and Boston University's Agganis Arena. In this role, Michael counseled the executive management team of each entity on all legal aspects of their operations and business relationships, including the arena's relationships with long-term tenants (the Boston Celtics and Boston Bruins), event promoters, advertisers, sponsors, premium seating clients, abutting landowners, and state and municipal authorities. His practice at Foley has continued this broad-based and varied representation of other stakeholders in the sports and entertainment industry, including the following types of relationships and topics:

- Naming rights agreements
- Advertising and sponsorship agreements
- Premium seating programs
- Concert production agreements
- Facility Use Agreements, including professional sports teams' leases and private event agreements
- Beverage pouring rights agreements
- Concessions agreements
- Ticketing agreements
- Sweepstakes and promotional contests
- Talent services agreements
- Influencer contracts
- Music licensing

As the Boston Bruins Chief Legal Officer, Michael advised executive management on all legal matters pertaining to the franchise's business operations, including advice with respect to the NHL-NHLPA collective bargaining agreement, and the club's relationships with players, the NHL and its member clubs, NESN (a regional sports network owned by the Boston Red Sox and the Boston Bruins), broadcast rights holders, and advertisers and sponsors. While with Foley, he has advised professional sports franchises on a wide range of matters, including the following:

- Arena/Stadium/Ballpark leases
- Television and radio broadcast rights agreements
- Regional sports network partnership agreements
- Advertising, marketing, and sponsorship agreements
- Coaches and other management employment contracts
- Player contracts
- Intellectual property licensing agreements
- Athlete endorsement agreements

## **Consumer Products/Sports Equipment Industry**

Michael was executive vice president, general counsel, and corporate secretary while with Performance Sports Group Ltd., the parent company of the sports equipment and apparel manufacturers operating under the BAUER (ice hockey), EASTON (baseball), and CASCADE/MAVERIK (lacrosse) brands. In this role, Michael oversaw the company's initial public offerings on the New York Stock Exchange and Toronto Stock Exchange and helped grow the company from a single-sport \$200 million company to a multi-sports enterprise with revenues in excess of \$600 million. He also coordinated the adoption and implementation of a public company corporate governance program under U.S. and Canadian securities law, supervised eight business acquisitions, and managed an intellectual property portfolio that included more than 800 patents. Michael offers clients a broad and deep background in the legal operations of a consumer products company, especially one that is focused on the sports equipment category. His experience includes the following:

- Contract Negotiation and Drafting (e.g., athlete endorsement contracts, supply agreements, distribution agreements, sales representative agreements, employment agreements, leases, product supply and sponsorship agreements, logistics agreements, R&D agreements, non-disclosure agreements, intellectual property license agreements)
- Intellectual Property Portfolio Maintenance and Enforcement
- Product Liability: Warnings and product recalls
- Product Regulatory Compliance
  - Working with the product developers to ensure product compliance with consumer product safety regulations and the requirements of equipment certifying bodies (CSA, HECC, NOCSAE, etc.) and applicable professional, collegiate, and high school league rules and regulations.
- Product Sales and Marketing
  - Advising and training the sales force as to compliance with antitrust and competition law statutes and regulations in the U.S., Canada, and other countries.
  - Advising as to the preparation of product sales and marketing collateral to ensure trademark protection and avoidance of trademark and copyright infringement.
  - Advising as to legal compliance of all sales and marketing programs, including pricing and advertising, e-commerce, and social media.
- Supplier Compliance Programs: assisting product developers and supply chain management with Quality Assurance/Quality Control and product compliance programs.

## **Representative Experience**

### **Sports and Entertainment Representative Experience**

- Represented an NHL franchise during its debut season, including negotiating its arena lease and drafting agreement templates for sponsorships and premium seating arrangements.
- Assisted in negotiating a project development agreement, lease, naming rights agreement and major tenant leases for a new arena that serves as the home venue of an AHL hockey team and drafted agreement templates for the new arena's leasing, sponsorships, and premium seating operations.

- Working with a client on its plans to construct a ballpark and to invest in the MiLB team that will be its primary tenant, including negotiating the project development agreement, ground lease and operating lease.
- Assisted a client in negotiating premium seating agreements with the Chicago Bears, Texas Rangers, Miami Heat and SoFi Stadium.
- Represented the owner of the USL Championship League East Bay franchise in its sale of the franchise rights to the owner of the Oakland Roots.
- Represented an investor group in negotiating with the USL franchise agreements for League One and Super League expansion franchises for Lexington, Kentucky (Lexington Sporting Club).
- Representing an investor group in negotiating with the USL an Expansion Agreement and franchise agreements for a League One franchise in Florida.
- Represent Credit One Stadium, a professional tennis tournament and concert facility in Charleston, South Carolina for purposes of corporate/commercial contracts or arrangements.
- Represent the Western & Southern Open professional tennis tournament in Mason, Ohio, for purposes of corporate/commercial contracts or arrangements.
- Represented Orlando Health in negotiating a jersey and presenting sponsor agreement with MLS's Orlando City SC.
- Represented Baird Financial Corporation in negotiating its naming rights agreement for the Wisconsin Center.
- Assisted the Worcester Red Sox in negotiating the club's lease for Polar Park and the ballpark's naming rights agreement.
- Represented a client in negotiating sponsorship agreements with 23 NHL franchises.
- Negotiated various operational agreements and drafted agreement templates for professional sports teams, including the Milwaukee Bucks, Green Bay Packers, Charlotte Hornets, Chicago Blackhawks, Jacksonville Jumbo Shrimp, and Akron RubberDucks
- Represented clients in negotiating title sponsorship agreements for PGA and LPGA professional golf tournaments.
- Negotiated concert production agreements for performances by Zac Brown Band, OneRepublic, and America.
- Negotiated various location agreements, including an agreement for the filming of an episode of *The Bachelorette*.

### **Consumer Products/Sports Equipment Industry Representative Experience**

- Served as acting General Counsel for Bauer Hockey and Cascade/Maverik Lacrosse for six months.
- Represented a football equipment company in negotiating an Athlete Endorsement Agreement with NFL player Antonio Brown.

### **Affiliations**

Michael serves as an Adjunct Professor at Boston University School of Law, teaching a sport law course.

## Pro Bono

Michael serves as president and board chair of USA Team Handball, which is the U.S. national governing body for the Olympic discipline of team handball and is responsible for the development of grassroots programs, preparation of national teams for international competition, including the Pan American and Olympic Games – as well as the day-to-day oversight of the sport of team handball in the United States. The mission of USA Team Handball is to develop, promote, educate, and grow the sport of team handball at all levels domestically, and to enable U.S. athletes to achieve sustained competitive excellence to win medals in international and Olympic competitions. USA Team Handball is a member of the International Handball Federation, the North American and Caribbean Handball Confederation, and the United States Olympic & Paralympic Committee, and is headquartered in Colorado Springs, Colorado.

Michael has been a member of the advisory board of Boston Bruins Charitable Foundation, Inc. since 2015. Formerly, he has served on the board of directors for the Boston Bruins Charitable Foundation, Inc., the NHL Pension Society, Good Sports, Inc., and HopeFound Inc.

## Presentations and Publications

- Featured, “[The Insolvency Arena](#),” *Lexpert*, August 8, 2017
- “[Why Controversy Can Be Good for Your Career](#),” *Forefront Magazine*, January 6, 2014

## Sectors

- [Consumer Products](#)
- [Digital Assets, Web3 & NFTs](#)
- [Equipment & Industrial Product Manufacturing](#)
- [Manufacturing](#)
- [Non-Fungible Tokens \(NFTs\)](#)
- [Smart Manufacturing](#)
- [Sports & Entertainment](#)
- [Supply Chain](#)

## Practice Areas

- [Corporate](#)
- [Transactions](#)

## Education

- Boston College Law School (J.D., 1988)
- College of the Holy Cross (B.A., cum laude, 1984)
- Phi Beta Kappa and Phi Alpha Theta

## **Admissions**

- Massachusetts
- State and Federal Courts