

PROFESSIONAL SPORTS

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and the

LAW

Tyrrell Talks About Successful Career as a Sports Lawyer

In a career spanning almost 30 years, John E. Tyrrell has become something of a legend in legal circles in Philadelphia.

He laid a foundation when he received his Juris Doctor from hometown Villanova University. Tyrrell then put down roots in the City of Brotherly Love as one of the founding Members of Ricci Tyrrell Johnson & Grey. Over the last two decades, Tyrrell has also been an active supporter of Eagles Charitable Foundation, the charitable wing of the Philadelphia Eagles organization.

While he has a hand in products liability and commercial litigation, it's his sports law practice that drew the attention of Sports Litigation Alert.

Tyrrell has decades of experience in the representation of operators and managers of stadiums, arenas and recreational facilities, including professional and collegiate sports teams, golf courses, ice rinks, gymnastics facilities, rowing associations and paintball facilities. Tyrrell is trial counsel to such entities, and also provides risk management and liability prevention consultation to these clients. He has developed a particular expertise in prosecuting and defending contractual indemnity and insurance claims, both at trial



John Tyrrell

and through declaratory judgment proceedings. Tyrrell has consistently lectured at training sessions for the supervisory staff of a stadium operator. He has also authored information guides, ticket and pass disclaimers, prospective releases, patron signage and other communication devices used at facilities. Tyrrell received the Finance Monthly Magazine 2016 Global Award for Sport Lawyer of the Year.

We wanted to learn more about Tyrrell, who graduated cum laude from Columbia University in 1986, so we asked him for an interview to which he graciously consented.

Question: *How did you get your start in sports law?*

Answer: Around 1992, I was handling some litigation for a professional team which was an insured of one of the institutional insurance clients of the firm I was working for. I began to develop a direct relationship with that team which grew in time and became as focused on risk management as it was on defense of lawsuits. That strong relationship continues to exist today, and I have been able to build on that experience, primarily through representation of specialty insurers which write policies insuring risks associated with sports and entertainment spectator events and also recreational venues like skating rinks, gymnastics and rowing clubs, baseball and soccer academies, golf courses and paintball facilities.

Q: *In what ways has your practice of assisting facility managers changed over the years?*

A: We are getting more and more proactive all the time. Experience leads to predictable repeating issues which can be addressed through training and communication. Technology also changes capabilities, often times at a rapid pace. Camera surveillance capabilities have dramatically improved, as have the devices available to facilitate

on-site communication between event staff. Social media permits managers to reach their fan base/patrons with a great deal of information pre-event. Greater availability of information makes for consistent experiences for guests and the more familiar a guest is with the venue's policies the more likely they will be followed to everyone's benefit.

Q: *What are the biggest legal challenges such managers face today and going forward in the future?*

A: Many jurisdictions are abrogating legal doctrines which historically were utilized in certain types of cases in favor of an overriding evaluation of reasonableness in any circumstances. Concepts like assumption of the risk are giving way to more generalized case resolution, taking away many opportunities at judicial resolution of suits and leaving more cases to be resolved only at trial by juries.

Q: *Has there been a guiding principle*

or two that have been instrumental in the success of your practice?

A: Be responsive and don't be afraid to make decisions. Responsiveness is critical in assisting a client with the preparation and planning of an event, or the setting of standard protocols. Shortly before and during an event itself, there are fluid and evolving concerns that can develop. Decisions need to be made quickly based on available information because making no decision at all is the worst service that can be provided in that scenario. Pulling the trigger on a reasonable course of action is just necessary.

Q: *How much bleed over is there in your work in the sports and the products liability area?*

A: There are occurrences with stadium equipment that mimic some of the issues faced every day by product liability litigators. These include expert testing, evidence of compliance with the state of the art and industry stan-

dards, and preservation of evidence. Once you get to planning and executing a trial plan, of course, there is a good deal of consistency in approach across any underlying fact scenario.

Q: *In the wake of Daubert, how has the use of experts changed?*

A: Daubert is one of the handful of decisions that have fundamentally altered the way cases are prepared and tried. I think a dangerous way to look at Daubert requirements is to only consider them offensively, in the sense of challenging the opposing expert. Daubert criteria should also be at the center of your selection, preparation and presentation of your own expert witnesses. Making sure your experts comply with Daubert criteria not only protects against direct challenge but sets up a favorable comparison between the competing experts, even if all the experts in the case utilize methodologies reliable enough to be admissible. ●