

## Sports MVP: Latham & Watkins' Russell F. Sauer

By Zachary Zagger

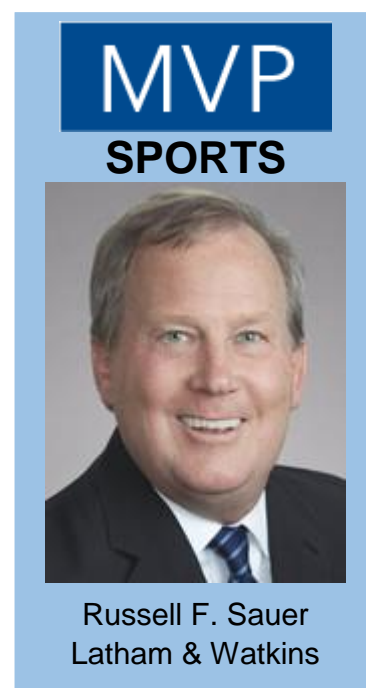
*Law360, New York (December 22, 2016, 1:21 PM EST)* -- Latham & Watkins LLP partner Russell F. Sauer played a critical role in saving this past summer's Copa America Centenario, guiding the U.S. Soccer Federation in a complete restructuring of the deals for the event amid a U.S.-led corruption investigation into global soccer, as well as representing U.S. Soccer in multiple labor disputes with the U.S. Women's National Team, earning him a spot among Law360's 2016 Sports MVPs.

Sauer has been the go-to attorney for the national governing body for soccer in the U.S. for more than 15 years, a role that required significant work over the past year. U.S. indictments in 2015 against several FIFA officials from North and South America put a tournament between national teams from the two continents set to be hosted in the U.S. in serious jeopardy. The Copa America Centenario was meant to celebrate the 100-year anniversary of the Copa America, a tournament that is always held in South America.

"After deciding to move forward with the tournament, what we basically did was take a tournament that would normally have taken two to three years to put together and helped U.S. Soccer put it together in about six months," Sauer told Law360. "And quite frankly, from just about all accounts, both from the public's perspective and a financial perspective, the tournament was far more successful than anyone expected."

Sauer guided U.S. Soccer in restructuring the entire tournament and its underlying contracts with the South American and North American soccer confederations, CONMEBOL and CONCACAF, taking a back seat to U.S. Soccer.

"The process consisted of first tearing up the existing agreement with respect to U.S. Soccer's participation, insisting that its participation became much more significant, and become more of a controlling partner rather than simply a host country," Sauer said. "If U.S. Soccer could not control the operations, could not control the flow of funds and could not control the allocation of marketing and broadcast rights, then U.S. Soccer could not control transparency."



The tournament went on in the summer of 2016 with Chile prevailing in the final over Argentina on penalties at a packed MetLife Stadium in East Rutherford, New Jersey.

Sauer also helped U.S. Soccer in labor disputes with the U.S. Women's National Team as the team alleged its collective bargaining agreement, and its no-strike clause, had expired just months before the team's participation in the 2016 Olympics in Rio de Janeiro, Brazil.

U.S. Soccer took the issue to federal court seeking to confirm the collective bargaining agreement and its no-strike provision were still in effect, contending that the deal was extended through the end of 2016 through a memorandum of understanding negotiated in 2013.

"We were unable to resolve the differences of opinion, so U.S. Soccer, at our suggestion, took a relatively unheard-of approach and filed litigation against the players' association seeking to confirm the existence of the collective bargaining agreement and the no-strike clause through the end of the year," Sauer said. "It was an interesting process because the litigation only worked if we could convince a federal judge of the need for a quick resolution and a highly expedited process."

In the middle of the litigation, some of the more prominent players then filed a wage discrimination complaint with the Equal Employment Opportunity Commission in March, alleging their male counterparts get paid nearly four times as much as they do.

In the end, a federal judge in June ruled that the no-strike provision and the collective bargaining agreement were still in effect, and U.S. Soccer and the players agreed to drop the lawsuit a month later. Sauer is continuing to represent the federation in the still ongoing EEOC complaint, as well as in negotiations for a new collective bargaining agreement.

Sauer further represented U.S. Soccer in a dispute with the Men's National Team after it objected to the use of some players' names and likenesses in a poster ad for el Jimador tequila prior to the 2014 World Cup. An arbitrator sided with the union that such an ad required prior approval from the players, a decision that was later affirmed by a federal district court judge. However, the Seventh Circuit reversed the ruling in September, finding the arbitrator had exceeded his authority in trying to interpret an ambiguous contract, a major victory for U.S. Soccer.

"It is exceedingly rare to get an arbitration award vacated and almost unheard of to have it vacated for the first time at the court of appeals as opposed to at the district court level," Sauer said. "We are very proud of the work that we did at the arbitration and district court level and especially at the Seventh Circuit."

--Additional reporting by Y. Peter Kang, Matthew Perlman, Jessica Corso, Fola Akinnibi and Suevon Lee.  
Editing by Jack Karp.