



After the Buzzer

Transcript: Bob Wallace's interview with David Cornwell, former counsel in the NFL and the president of the sports law firm DNK Cornwell.

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Bob Wallace: Welcome back to After the Buzzer. This is our sixth episode and we want to thank all that have spent some time with us. We hope you have found the podcast interesting, provocative and informative. We took some time off since our last one, which was a great discussion about social activism with Jessica Berman of the NHL, Allison Hawk with the PR firm Stryker-Munley, AHC Consulting and Molly Higgins of the Los Angeles Rams.

We however were not completely silent during this break and hosted a very informative webcast about the recent college basketball reform. You can find that webcast on the Thompson Coburn website under TCLE, Road to the Final Four. If you have enjoyed these podcasts or if there is some topic that you would like us to see explored, please provide us with feedback. You can find our podcasts by going to Apple Podcasts and go to the ratings and review sections for our podcasts. If you are listening on Stitcher, go to [Stitcher.com](https://www.stitcher.com) and search for After the Buzzer to leave a review or comment.

I am very excited about this episode as I am going to have a conversation with Attorney David Cornwell, who is a nationally recognized sports lawyer who has represented agents, professional athletes, coaches, executives and companies in the sports industry. I have known David for about 25 years when he joined the NFL as Assistant Counsel and Director of Equal Employment. We have become good friends, and we serve together on the Sports Lawyer's Association Board of Directors. I can say without hesitation that David Cornwell, a fellow Georgetown University Law Center graduate is a fierce advocate for his clients and a fine lawyer.

He does not shy away from taking the hard cases, and he has represented top professional athletes across many sports, including Donte Stallworth, Ben Roethlisberger, Reggie Bush, Alex Rodriguez, Ryan Braun and Dustin Johnson. David has been referred to as a fixer, but I'm not sure he ever liked that moniker. And in today's political environment, such a designation may have negative connotations. But in David's case it means he gets results for his clients. In addition to individual representation, he has represented CAA, Relativity Sports and Legacy Group and advised Upper Deck, Alliance of American Football and continues to advise the NFL.

In 2016 David decided to attack the issues in the sports industry from a different angle, starting DNK Holdings, which is just companies confronting unique challenges in the sports industry and turning these challenges into opportunities to grow in the ever-changing environment of technology, media and entertainment options for sports fans. Along with DNK Cornwell, Davis Law Firm, he is touching many different sides of sports and sports law. David is a former college basketball player, having graduated from (sounds like: Tufts) in 1982. His jump shot is gone, but his passion for sports is not. It is my pleasure to welcome David Cornwall to After the Buzzer. David I know you'll probably take issue with the fact that I said your jump shot's gone, right. That's the only thing you'll take issue with.

David Cornwell: That's just wrong. I mean, you played intermural at Yale and you going to talk about my jump shot. {Laughs} That's okay. That's okay.

Bob Wallace: I was a football player man. I went a real sport. So as I said in the introduction, we met about 25 years ago when you came to the – tell me how you got into it from the beginning.

David Cornwell: Well, I'll give you the Readers Digest version, but it's an important story for young folks who are looking to get into any industry really. But when I was in law school, I was invited to a party at a friend of a friend's home on Fifth

Avenue in New York. The woman's name, my friend (sounds like: Mark Thomas) invited me, it was over the Christmas holidays. So I drove up from DC, and the party was at Vickie Jordan's apartment. And the most memorable part of the party was meeting her mother, her father and this young guy, skinny guy with glasses that said he was making a movie and his name was Spike. And I thought it was funny for somebody of that physical stature to call himself Spike.

Months later I saw *She's Gotta Have It* by Spike Lee and saw Vicki and her family again, and this time I met her father, who was Vernon Jordan, the great civil rights leader and lawyer in America. And over the course of the next three years I came into contact with Mr. Jordan through my growing friendship with Vicki. Always 100% of the time in a social setting. Sometimes at his house, sometimes at a Redskins game.

And then after I graduated from Georgetown I went to work for a law firm, Whitman & Ransom. I think it's now (sounds like: Struk Struk) or Whitman Breed, I've forgotten the current iteration. But in any event, I was an anti-trust litigator, and I thought that I had gone to heaven because I was being paid to read, write and argue. And that was perfect. I mean, I've always told people that I could have been two things in life. One was a point guard, and the other was a litigator. And I've been blessed to be both. It fit my personality perfectly.

Vicki's mother passed away and I, with all of her other friends, attended the funeral and interacted with Mr. Jordan. And one day my assistant at the time, Suzanne, stuck her head in someone else's office and said, "Vernon Jordan is on the phone." And when I got on the phone he said – I said, "Hello, how are you?" He said, "Hi. Are you so intoxicated with the practice of law that you wouldn't consider leaving your law firm?" "No, I don't think so." "Okay, send me a resume. I'm on my way to Brussels. I'll call you when I get back."

So I sent a resume to his office. And it turns out that he was recommending me to Pete Rozelle, to interview for the assistant counsel position vacated by Jim

Noll, who you'll remember went into one of the league administration offices, and to become the first Director of Equal Employment to address minority hiring in the NFL. And I got the job. And the story or the important message for young folks is, you're always interviewing. You never know. I had no idea that Mr. Jordan was assessing me in those social interactions. But obviously he was. And because of his assessment of me, he started a process that began in 1987 and continues to this very moment of me being involved in the sports industry.

Bob Wallace: Back to Bobby a little bit and as I say, he was one of those people who never really got the opportunity. And when Pete Rozelle tapped you to be the Director of Equal Employment, what was your mission? What were you trying to accomplish when you did that?

David Cornwell: Fairness. I was 27 when I got the job. That was a blessing and a curse. The blessing was, I wasn't old enough to have hardened opinions or experiences that made me more strident when it came to talk about minority advancement. The curse was that I didn't have the experience, right, or the background to be more strident. So I was in the middle of a very challenging issue that no loss for people to tell me how to do my job. And I had to grow up very quickly, analytically, maturity wise, presentation wise.

And I concluded that this was not a process where we were going to get anywhere by making demands. This was a process where I felt we were going to do best if we appealed to people's sensitivities as humans and their necessities as businessmen. So I addressed the ownership at the league meeting. Would have been in March of '88 I think, at the Arizona Biltmore. And rather than talk about the issue in racial terms, I spoke about it in business terms. And I pointed out to the owners what their hiring practice looked like. It looked like the National Football League only hired Joneses.

Bob Wallace: By Joneses you mean what?

David Cornwell: (Inaudible) across the 28 teams, the folks that were making the hiring decisions kept putting people in front of the owners whose last name was Jones. And if that happened to you, eventually you would say, well come on, are you telling me that there are no Smiths?

Bob Wallace: And what kind of feedback did you get from those owners when you made that point to them?

David Cornwell: They listened and I said, eventually I'm certain that at least one of you would say, aren't there any Smiths? And your hiring officer would say, no. No qualified Smiths, just Joneses. And I told him, you would do two things. You'd go find a qualified Smith and you'd fire your hiring officer. So why do you endure it when it comes to minorities? Why are you allowing your business to be blocked off from a significant segment of the population that has made a difference in your business in so many other ways? Many owners, Jerry Jones, Rankin Smith, Mr. Hunt, quite a few owners came up, Al Davis, came up to me and we had cross a Rubicon with – well, you were in the room Robert I think.

Bob Wallace: Yes.

David Cornwell: And I thought we had crossed a Rubicon because we enabled us to have a conversation about this, a discussion. Commissioner Rozelle was very supportive. Current Commissioner Roger Goodall was a colleague who I might have spoken to nine times a day on some of these issues. Very, very involved. And the Hall of Family in which Mel Blount was inducted, Al Davis pulled me aside and said, "I'm going to make you happy this year." And he hired Art Shell as the head coach, and shortly thereafter I think Minnesota hired Denney Green, and we had our first two black head coaches in the modern history of the NFL.

And then we started the fellowship program, which was extraordinarily successful. Herman, who's now at ASU, Marvin Lewis, I think Mike Tomlin came through it, Leslie Frazier came through it. Many of the guys that's gotten head coaching jobs in the league came through our fellowship program. And

it's unfortunate that this story, as Tony Dungy always reminds folks, the story of the folks that got the opportunity gets told, and then in the telling, often you forget about those who didn't, like Bobby Mitchell and Jimmy Ray and Jackie, Rod's father.

Bob Wallace: Right, Jackie Graves, Emmitt Thomas.

David Cornwell: Jackie Graves. For the longest time Emmitt was one of the few coaches in the National Football League that had coached on both sides of the ball.

Bob Wallace: I had worked with Emmitt both here – when he got his start with the St. Louis Cardinals, football Cardinals and then Philadelphia. And not only is he a great person, a great football coach, he's the kind of guy who walks in a room and people respect him. And he's not a rah-rah guy, and he's not going to stand up and give a great speech. But he's going to have men follow him because he's got the character. And that's what I used to always argue with Tony Dungy when people would say, well, he's not fiery enough. I said, but he's smart, and being smart as a leader is really important I think.

David Cornwell: Yeah, and you make the point about assessing the leadership. The assessments should be based on the perspectives of the men he's charged to lead, right. You never had anybody that didn't play for Emmitt because they didn't last long, right. He got it done. Now the interesting contrast from Bobby Mitchell, I believe it's, is it Joe Wilson who was the GM at the Cardinals?

Bob Wallace: Larry Wilson and it was Joe Sullivan. Joe Sullivan was...

David Cornwell: No, it's Larry Wilson I'm thinking about because he was a quarterback, right?

Bob Wallace: He was a safety.

David Cornwell: In the league...

{Crosstalk}

Bob Wallace: Larry was a Hall of Fame safety for the Cardinals.

David Cornwell: And he became their general manager, and Bobby was a Hall of Fame receiver for the Redskins and didn't get past the system.

Bob Wallace: General manager, and nobody ever had a bad word or a criticism of Bobby's competence, but he just wasn't – I mean, he was working for the Washington team, which was somewhat backwards back in the day, up until Edward Bennett Williams took over. So he was always sort of behind the eight ball. But let's jump forward David a little bit to where we are now. I think you said after that first year when they hired Art Shell and then Minnesota hired Denny Green, today I believe we only have two African-American head coaches in the NFL. Have made progress? Is the Rooney Rule working? Tell me a little bit what your opinion on the latest hiring cycle and the Rooney Rule. Which for who don't know, the Rooney Rule is a rule that the NFL established, it was named after Dan Rooney. And it basically required teams when they were looking to hire a head coach, that they would have to interview a minority candidate for that position. So tell me David, have we made progress?

David Cornwell: Sure, we've made progress that is significant. But we've not made progress that is sufficient. I have privately expressed my concerns about the Rooney Rule, including prior to it being adopted. Primarily because I opposed a numbers based analysis when I ran the program. I feared that whatever number you pick would become a ceiling as opposed to a floor. So my belief now is, and I'll speak in general terms because I've offered specifics in the National Football League and I don't think it's fair for me to publicize those before they make their assessment and decide what they want to do.

So my general observation is that, I'm realistic to recognize that pulling the Rooney Rule, there's no support for that. But I don't think the Rooney Rule standing alone is sufficient because too often it has operated as a ceiling. We've

only interviewed one minority candidate, and teams have appeared to have just given it lip service and move on. I'm not quite sure that there's a single solution, and I've offered a number of suggestions that I think would have an impact on expanding the pool of folks that ended up getting interviews and ultimately jobs.

The example that I'll use is that it is common for one minority coach to be interviewed in the process, in accordance with the Rooney Rule. But it has never happened where all the interview candidates were minority coaches. When we get to that practice, then we'll know that we will have established a standard that works.

Bob Wallace: One of my – I guess a criticism of the rule is, I don't like the fact that the Fritz Pollard Association provides a list of candidates. I think they are doing the culling of qualified candidates before that's necessary. I just think that the encouragement should be on interviewing minority coaches, not on interviewing a specific number. I don't know how you feel about that.

David Cornwell: I agree that it shouldn't be so heavily numerically based. One of the things that you hear in the league is folks say, well, we don't know these guys. And I was in a meeting and I said, "What is it about us that makes it hard for you to get to know us?" So I suggested some things that kind of break down whatever social barriers exist from folks getting to know folks. But that's a two-way street. I've walked up a group of young black coaches at league events and I've said, "Any of you all hiring?" "What?" "Any of you all hiring?" "No." "Then what are you doing here? What are you doing talking to each other? Have breakfast at 6:30. Reconnect at 11:30 p.m. Work this room. Work this room." It's how you get to know folks.

Bob Wallace: We've had that same discussion with young African-American attorneys at a law firm is, sitting at the table all by yourself or not coming to the luncheons that we have or not being part of the social fabric, you're hurting yourselves in terms of people will go to people that they know. They'll share work. They'll say, hey, we want you on this project, because they know you. And that's better

than them saying, well, we have to have a diverse pool to apply to this candidate. It's great if they have a diverse pool that also is people that they're comfortable and they like working with.

So talk a little bit about – I mean, the NFL gets a lot of the publicity. Baseball is struggling just in terms of not only minority participation in their front offices, but also on their field. How about some of the other sports? Other than basketball, I think the NBA does a pretty good job in having a diverse pool of candidates, a diverse upper management, a diverse management. But what can be done sort of – I mean, 70% of the players in the NFL are African-American. Probably 80% in the NBA. It's much less in baseball. But how do we make sure that these people, once they're finished playing, get an opportunity? What can be done?

David Cornwell: Well, the league makes what I consider to be a massive investment, and I consider it to be massive when compared with the credit they get for the investment. They make a massive investment in player engagement programs, which are programs designed to promote what – the internal term is “total wellness.” The development of the man who plays football and not just the football player. They have boot camps where guys go from social activism to broadcast, to business, to franchising, all sorts of things. Programs that are offered to give guys an exposure to options for life after the game.

In addition, new and kind of mid-level retiring players have what's a program called The Bridge to Success, where they interact with companies across the nation and try to match up skills with needs. Now there's some holes in the program no doubt, and some improvements can be made. But you've already got across that Rubicon again where you have the NFL showing its commitment to the concept with the investment that it makes in it. It's an extraordinary program. Every team has a director of player engagement that works with the current players to take advantage of these programs.

At the recently folded Alliance of American Football, part of our discussion with the National Football League Players Association, when we were talking to them and the league about sharing players, part of the discussion was to also have internships and other opportunities for players to work with us during the off season. First of all there's a philosophical commitment to that. And now we're seeing the commitment growing in the form of tangible programs that bring these young men closer to development of skills and the post-career opportunities.

So that's important. But look at the NBA. Monty Williams, Tyronn Lue and Trajan Langdon, are among the top candidates to coach and I think be a GM, maybe it's in New Orleans? No, somebody else already got that job. Trajan was a candidate to be a GM somewhere. Those are three former players. Tyronn has a ring. Monty, before his wife's tragic death was considered to be one of the hot up and coming coaches. He was at New Orleans at the time. And then Trajan, who's thought about Trajan since he left Duke? Elton Brand, the GM at the 76ers, also a Duke grad. And Quin Snyder's coaching in Utah, a Duke guy. So the NBA has done an extraordinary job with it. The league office has a lot of former players in it.

Bob Wallace: One of the arguments that I've had with some of these is that, and you just pointed out – named a number of guys that have gone from the playing field to the front office or to coaching. And that happens when you have a lot of white coaches. But the argument that Major League Baseball made is that we have to train the African-American ex-athlete. He has to go through an internship program. He needs some sort of remediation to be ready. Kiki VanDeWeghe didn't need to go to remediation before he got his chance or some other players. It kind of makes the hair on my back stand when they say that African-Americans need remediation before they get an opportunity, instead of just giving them the opportunity. I think what we have been saying for years is that we just really want the opportunity.

David Cornwell: Yes, you're right. I see that playing out in a different way. You rarely have a black play by play guy. If a black guy is in the booth, he's an analyst and he's a former player. And a lot of your top play by play announcers across all the sports, didn't play the sport. Mike Breen, our buddy (sounds like: Ruko). I mean, they're great at what they do. I'm not taking anything away from them. But the fact that they can do it without having played means I think black men can do it as well.

Another area where you see it is when there's a heavy focus on former players, then folks like you and me, who have the academic training, don't get the opportunity. I think the most rewarding experience that I've ever had in sports was at a BESLA conference, Black Entertainment and Sports Lawyers conference. I think we were in Cancun. I forgot where we were. But this kid came up to me, you know how you get off the podium when you do those conferences, the 10, 15 people waiting to talk to you. And there's one kid just hanging back, just hanging back.

And now these are all black men and women at this program. Substantial number of whom are in sports. And this kid came up to me, finally it was his turn and he said, "Hi, I'm so and so. I just wanted to tell you that I'm the reason – you're the reason I went to law school. I've been following your career since I was in junior high school." So the imbalance of representation isn't for want of enthusiasm or commitment. And so we have to stay focused consistently on these opportunities, creating these opportunities.

Bob Wallace: I've had that happen to me, and it is a nice feeling. I know we go to dinner a few times after our sports lawyers with a bunch of the young African-American lawyers that are younger than you and I, and you're younger than me. And they've always said, you guys are the pioneers. We're walking in your footsteps. And that always does make me feel good, makes me feel appreciated and makes me want to continue to help them get higher than I did. So that's good. Let me – I'm going to sort of move on and talk a little bit about your career. After you left the NFL, how long were you at the NFL for David?

David Cornwell: Five years.

Bob Wallace: As a lawyer, I tell people all the time, now that I'm in private practice, that you are part salesman. You really have to ask for the work. You have to say, you can hire me. So part of the practice of law is being a salesperson. And you're successful at what you do right now. So are you doing it based on just word of mouth, references? How are you getting business?

David Cornwell: D, all of the above. The agent essentially gets the business on one meeting, right. You recruit a guy and you sit down with them and it's a hard sell, and you get the guy and then you consistently sell yourself to him on every phone call. And I'm not good at it. I'm not suggesting that any of this is a bad thing about agents. I'm saying that I'm deficient. And I've had GM clients, coach clients that I've represented in their negotiations, but it wasn't based on one meeting, right. My relationships very often, when they're ongoing, are relationships that have developed over the course of time.

Bob Wallace: But you've represented, and I mentioned in the introduction, you represent a high profile agent. Usually you're brought into a problem after the problem has hit. Is that normally what happens? Or are you able to get in front of some of these, this is about to happen, and I'm preparing what's going to happen when it does hit? Or is it both?

David Cornwell: A little of both. I mean, some of the new frontier work that I'm doing kind of on the consulting base is designed to prevent issues from becoming problems. Some of it's about breaking a cycle because we know what problems are coming. We see the kind of signals or symptoms. But as an advocate, very often I'm brought in after the event has occurred. The public may not know it's a problem yet, but there's a good chance it's going to happen.

I mean, I was involved in – I heard you mention the new NCAA rules, I was involved in the recent basketball scandal with Christian Dawkins and Adidas, paying off players and coaches.

Bob Wallace: You were representing Christian Dawkins or...

David Cornwell: No, I represented Andy Miller and his agency. And so that – I got involved before everybody else knew it was a problem. Everybody found out it was a problem the day the FBI raided the offices. Which is not a fun experience, even if you're the lawyer involved {laughs}.

Bob Wallace: Ask Michael Cohen that question, right? You don't want to be raided by the FBI.

David Cornwell: Yes, but I'm just saying, when you don't have any jeopardy, your heart still skips a beat when your client is...

{Crosstalk}

Bob Wallace: Tell you that the FBI's at the front door coming in, right, yes I know. Every decision you make at that point is an important one. I mentioned Donte Stallworth and Donte, I believe you represented him after he was involved in a car accident that ended up killing someone. You told me that he spent 28 days in jail. He had a season long suspension. But then he was eligible to play afterwards. Tell me a little bit about that case and how you kind of approached that. Now that it's over with, I guess you can talk about it more freely than some of the ones that you might be involved in.

David Cornwell: You know, there's so many features about that case. This was a consuming matter. It started roughly around 2:00 or 3:00 a.m. Hawaii time when I was reviewing my notes and preparing my remarks for my presentation at the annual Players Association meeting, at which time they were going to select the new executive director. I was one of four finalists. And I was doing my presentation

that morning, and Donte called me from the back of a police car. And I saw it was a 305 number, and I had trained myself by this point to know that when my phone rang with an unknown number after midnight, answer it.

And I answered the phone and the words out of Donte's mouth were, "Yo DC, I think I killed a man." I'm, like, "Who is this?" And it was Donte. And he was sitting in the back of a police car, and that started a process. So D. Smith was elected, I think that day or the next day. I flew back, licked my wounds for a little bit of the morning for not getting elected. And then got on a conference call with Chris Lyons, Steve Boucher, Donte and his mother. A four hour call. And one of the things that still rings in my ear was his mother saying, "We're going to do this the right way."

Bob Wallace: What did you take that to mean, the right way?

David Cornwell: A man had died and he left a family, and we were going to be respectful of that family and do what we could to soften the blow of the tragedy for that family. And here we have a man who's looking at – her son, looking at eight to ten years in prison, if what they say he did – if he's convicted of it.

And we were able to win a successful result based on an incessant detail focused review of the evidence. And the prosecutor had said that the absence of pre-impact skid marks was evidence of impairment. That the fact that there were no skid marks with Donte slamming on his brakes before he hit Mr. Reyes was evidence that, in the prosecutor's view, that Donte was impaired. And therefore would be charged with DUI manslaughter, alcohol.

Again, Reader's Digest version is that we were able to determine that there was a tape, a recording of the area at the time of the incident, from a pole, I don't know, maybe 50 feet high. The state got that and the prosecutor came to Chris' offices to review it with us. Chris, the prosecutor, Donte and me sat in the office and reviewed it. Donte was sitting to my left, and Chris was sitting to my right. And it was an IBM I guess Think Pad, whatever that one with the little red,

looks like a pencil eraser sticking up to the mouse. I don't think the tape was longer than 12 or 18 seconds.

But there was an almost imperceptible flash. It looked like a flash to me. And so we kept running it back, and the prosecutors couldn't see what we were doing because it was on the other side of the table. And Donte was told not to speak because the prosecutor was in the room and anything he said could be used against him. So I kept doing the mouse back and forth to see this flash on Donte's car. Eventually we were able to communicate, it probably took us 30, 40 minutes to review an 18 second tape, you could see Mr. Reyes' feet on the curb, right, but he was obscured by trees. And you could see Donte's car coming into the frame from the left, about six lanes on that side in one direction. This was a causeway, a low bridge in effect. And Mr. Reyes was I guess 70 feet north of the crosswalk, and Donte came through the intersection. As he comes through the intersection, there's a flash. And then the car is obscured by the trees.

We concluded that there's a pretty good chance that those were brake lights. I forgot what year it was, might have been an '06, '08, GT Continental, Bentley. And so we broke from the conference room to go sit into Chris' office. I acted like I was going with everybody and grabbed one of the assistants and said, "I need a picture of a," whatever the year was, "Bentley GT Continental. I need to see the back window where the brake lights are. And I need to see it with the brake lights on and off. And I needed it 30 minutes ago. I'll be in Chris' office. Don't say anything. Just bring it to me when you get it."

She did and sure enough, the Bentley has pearl lights, like you see around the headlights of Audis now, the little dots. It had little red lights at the top of the back window. And that's the flash that we saw. And Donte put on his brakes as he was coming into the intersection and exiting the intersection. So if the absence of braking was evidence of impairment, the evidence of braking was the evidence of absence of impairment. That was our position. And we had an accident reconstruction expert coming in the next day, and we told the

prosecutor, this is real life. We told the prosecutor after we got the expert report, we were going to make an offer and that I expected him to accept it.

And it was accepted and Donte was sentenced to 30 days in jail and actually did 28.

Bob Wallace: What's Donte doing now? Because he's kind of in the media or doing – what's he doing now?

David Cornwell: Well, I'm not sure. He was writing to the *Huffington Post*. He did a stint with the *Huffington Post*. Very involved in the social activism movement in the NFL that followed Colin Kaepernick expressing his perspective on the treatment of minorities by law enforcement. I refuse to call it an anthem protest because that's not what it was. Donte worked very closely with a group that the Player Engagement Football Operations, Troy Vincent and Arthur McAfee put together. Kent Shropshire and I worked with that group on coming up with some plans and concrete to do on social activism. One of the results is the Morehouse Social Activism Bootcamp. And the NFL Foundation is expanding its grant process for social activism and the 93 million that the NFL committed to social activism programs.

I mean, and Donte's been part of that, a leading voice in fact. Very thoughtful man. I'll tell you a story. I know this is getting long. I walk into his apartment, beautiful apartment. I think it's the museum building right across from the Miami Heat Arena, American Airlines Arena. I really didn't know anything about the Apple products. But you have the ability to scroll pictures on your wall through your Apple computer. Some of the pictures had been what you would expect, social friends, hanging out, having a great time, football pictures. But then you'd see Martin Luther King or Malcolm X.

So I look down and there's a book on his counter, and I believe it was by John Foster Dulles, who I think was either Secretary of Defense or Secretary of State for the United States. I look at him, and then I look to my right and one of the

pictures that's scrolling is Haile Selassie, who I recognize from attending John F. Kennedy's funeral. And it's just incredible how thoughtful this young man is. His sister I think has a PhD. I mean, I was criticized because Jim Brown said something about this was the path that athletes who come from broken families follow. And it was just so wrong about Donte. Even though his mother and father weren't together, by virtue of whatever the state called them, his father was in the room as often as his mother was. And that was always.

And it was because of his parents that he stood up in front of God and a judge and said, "I plead guilty." And the judge said, "Your parents should be proud of you young man. You stood up today." So to suggest that he was a broken man because he came from a broken family was so wrong. And I said it was wrong, because that was a stereotype that was completely inapplicable to this young man and his family. I mean, the love, the commitment, the focus, his mother backed me up more than once, to make sure that we handled this the right way. I mean, it was an amazing experience.

Bob Wallace: That's a tremendous story about sort of the evolution of the case and your understanding of the young man and his family and sort of taking on the stereotype that might be present, even among African-Americans. Jim Brown as you know, one of the great football players of all time.

David Cornwell: I wasn't trying to be disrespectful to Mr. Brown at all. But at the same time, I could not let that go. And so your observation reminds me of things I'd like to tell young lawyers. You go to law school and you become a lawyer, but you don't cease being a human, right. One of the most effective tools that we have as lawyers is common sense and empathy. And if we can bring those things to what we do, we beat those that don't have it, because it's a skill, it's an attribute. It's quality. It's helpful. It makes a difference.

Bob Wallace: But you also represented Ryan Braun, which was another high profile case. Tell me a little bit about that case.

David Cornwell: Chris Lyons, again, was the connection there. I did not know Ryan. I knew his agent CAA, and I was asked to attend a meeting with Ryan, his agents and Chris. And we spent basically a day going through everything that happened. So they asked us to work together, Chris and me to work together. Of course we're bonded for life now. Ryan said, "So what do you think?" After eight hours, six hours of being together. And my only response was, I'll think of something. You've done steroid hearings, or you've just done disciplinary...

Bob Wallace: Yes.

David Cornwell: Yes, so you know what that looks like.

Bob Wallace: Right.

David Cornwell: You know what the packet looks like. And we had one argument, and I remember Michael Weiner from the Players Association and Dave Prouty, met me, Chris and some folks from CAA at CAA's offices. And at the time they were 0 and 12. The union had never successfully challenged a steroid appeal. And they came in and explained what they thought our defenses should be. And we listened for a morning, and afternoon we said, no, that's not the case we're going to try. "But well, what do you think?" And I stood up and I said, "There's three pillars to any workplace testing program. Science, confidentiality and chain of custody. If any one of those pillars fails, the entire program collapses, and they cannot establish chain of custody in this case."

"Well, we don't think he – " "Okay, then we're going to lose. But that's the argument we're going to make because that is the argument to be made." Chain of custody is no less important than the scientific analysis. And I think we were at the hearing for two or three days, but we won. We won, because the collector took the specimen home and put it in a plastic bin. And I seen the – I was dating a woman at the time, Monika, and she kept her dress shoes in plastic bins that you could get from Walmart. And that's what I envisioned, he's described it as a clear plastic bin. He described it, the collector did.

So I described it as a shoebox, because that's what I knew it to be, based on Monika. And he put it in a shoebox and left it there overnight, and he breached two of the three pillars. One was chain of custody because he left it. And two, confidentiality because confidentiality doesn't begin until the collector takes the specimen and gives it to somebody else. As long as the collector has the specimen, he knew who he got it from.

Bob Wallace: I had a similar case that I decided and the league's position was, it didn't matter. It was in – custody didn't matter. The integrity of the process didn't matter, whether it was tainted. I agree with you, that's the cornerstone of a program, is that the sample is maintained.

David Cornwell: Yes. So when Ferazani made that argument – no, I'm joking. Opposing counsel for the league (sounds like: Dan Halem) said in his brief that no sports league had ever overturned a positive steroid test on such a technicality. And I got permission to use a case that we won in the National Football League. We redacted the names and showed that he was absolutely wrong. Because I won a case, it used to be that you had to test the B bottle within 14 days. And the league tested at 19 days. Now (inaudible) bottle came back positive, and Jay Moyer said, "Look, if the rules apply to the players, they have to apply to the league." And he vacated the discipline.

Bob Wallace: David, I wanted to talk to you a little bit about the AAF. You mentioned that you were doing some work there. What went wrong there? Quickly, just tell what – in your mind, what went wrong?

David Cornwell: Money, we didn't have enough money. Our investors said one thing and did something else. And this was a massive, massive financial commitment, particularly in the front end for a startup league, you don't have the revenues that everybody's used to seeing in the established sports league. So the things that their revenues pay for, our investors had to pay for. Stadium, insurance,

equipment, travel, food, everything, payroll. And they said one thing and they did something else.

Bob Wallace: Do you think that there is an appetite for spring football.

David Cornwell: Yes, I was blown away from the reaction that we got in San Antonio. And I think people got tired of me saying it, but I really wanted it to be our tag line. That's pro football. Bill Polian, after I saw those guys play, I just looked at him and said, "That's pro football." And it was, and people love pro football. We had some screws to tighten, some things to improve on. But there's room for it, particularly – well, I think the XFL, it has a chance. But they seem to be so adamantly opposed to having a developmental relationship with the NFL. Because I think that's where the real sweet spot is. If you have quality football and a relationship with the NFL. I think this is a very viable concept, long-term concept in America.

Bob Wallace: All right David, let me just throw out a couple of names, get your one word reaction before we leave. You've worked with a bunch of people. You mentioned Pete Rozelle. Give me one more description when I say Pete Rozelle.

David Cornwell: I'd give you two words, extraordinary presence.

Bob Wallace: How about Leigh Steinberg, one of the preeminent agents?

David Cornwell: Best recruiter in the country.

Bob Wallace: Roger Goodell?

David Cornwell: Throwback CEO, knows the business from shoestrings to television contracts.

Bob Wallace: Mark Emmert.

David Cornwell: I don't know. I have a real problem with the NCAA. I just can't accept the fact that a notoriously commercial enterprise that get away with calling the participants amateurs. They just don't pay them.

Bob Wallace: Tiger Woods, you're a golf person, Tiger Woods.

David Cornwell: Historic, most significant comeback that I can recall in my lifetime except perhaps Ali coming back from his years in exile.

Bob Wallace: In your life, how old are you now David? What are you, 50 something?

David Cornwell: I got my age up on dating sites, so I'm not going to tell you publicly {laughs}.

Bob Wallace: The most significant athlete of your lifetime.

David Cornwell: I'd have to say Muhammad Ali.

Bob Wallace: The most significant sports business person of your lifetime.

David Cornwell: Three headed monster Pete Rozelle, Paul Tagliabue and Roger Goodell.

Bob Wallace: The NFL, okay. Well David, I want to thank you for taking the last hour and a couple of minutes with me and really providing what I think is some interesting stories and perspective on professional sports. And look forward to seeing you in May at the Sports Lawyers Association. So thank you David for doing this.

David Cornwell: It's my pleasure. I look forward to seeing you as well because you're buying champ {laughs}.

Bob Wallace: All right, thank you David.

David Cornwell: All right.

THE END