

ANDREW SMITH, ESQ

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Andrew M. Smith, Esquire is the founder and owner of **Smithbridge, LLP** a law firm specializing in handling legal matters for professional athletes and high net worth individuals. Smith has been practicing law for nearly nineteen (19) years and he has represented more than fifty (56) NFL, MLB and other professional athletes and coaches throughout the country.

Smith graduated from Seton Hall University with a Bachelor's degree in Accounting and obtained his law degree from Widener University School of Law in Delaware. His father was a teacher and high school football coach and his mother a homemaker, Smith worked throughout high school, college and law school to pay for his education.

For more than eight (8) years Smith has been protecting the **legal rights** of active and retired **NFL players** in matters ranging from financial losses, contract issues, insurance claims, criminal matters, real estate issues, business ventures, trademarks, endorsements, prep-nuptials, paternity and matrimonial issues. Most recently, Smith obtained an \$8.6 million dollar verdict against SunTrust Bank on behalf of 5 professional athletes including 3 NFL players, an NBA champion and a 3-time Gold medal athlete. He is currently representing four MLB players, three former NFL players and a current 2-time Pro-bowl player in additional lawsuits.

Over the past seven (7) years Smith has acted as the legal advisor to one NFL Team handling legal issues for its Players and their families and interacting with the Press, Media and NFL league personnel.

Over the past four (4) NFL football seasons, Smith has been asked to lecture NFL rookies and undrafted free agents on legal issues and conflicts of interest involving agents, financial advisors and money managers.

Smith has been featured on **television and radio** and quoted by TMZ, ABC news, ESPN, FOX TV, Philadelphia Inquirer, Philadelphia Daily News, Bloomberg's, Wall Street Journal, Legal Intelligencer, Employee Advocate, Courier Post, Burlington County Times, New Jersey Law Journal, Huffington Post, Law360, Philadelphia Magazine and Good Morning America.

Smith is currently appointed as **municipal prosecutor** in New Jersey for six (6) towns and over his career he has prosecuted more than 5000 cases in fourteen (14) towns, involving drugs, domestic violence, drunk driving, theft and traffic violations. Licensed to practice in both the State and Federal Courts of Pennsylvania and New Jersey, the Third Circuit Court of Appeals and the United States Supreme Court, Smith has also been called upon to handle legal matters in ME, NY, MD, VA, NC, GA, FL, LA, OH, IN, IL, TX, AZ, NV and CA.

Smith has been awarded the designation of "**Superlawyer**" in labor and employment law. An honor given to only the top 5% of attorneys in a State as voted upon by lawyers, judges and committees.

Smith has set national precedent in employment law Fakete v. Aetna; in a collective bargaining case Wilson v. United States Marshal Service and in a wrongful death case Lamont v. New Jersey State Police.

Smith has represented a National casino; a National College Fraternity and multiple insurance companies. He has also handled multi-million dollar contract disputes for a U.S. government defense contractor.

As an avid fundraiser, Smith sits on the **Board of Directors for non-profit 501(c)(3)** corporations started by NFL players.

Smith currently resides in the suburbs of Philadelphia with his wife, Tanya, their four children and their dog.

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Through unyielding effort and determination, I intend to re-organize, redirect and TRANSFORM the NFLPA to meet its original purpose and vision of representing, protecting and defending active and former NFL players.

I guarantee, under my supervision, the Union will EVOLVE to provide operational excellence to meet or exceed the objectives laid out below. A huge imbalance of power between the NFL and Players exists that the public, government and the media don't truly understand. Through my leadership, the Union will work to shift the balance of power back to the men who play the game, take the risks and make the physical sacrifices.

The **NFLPA must work harder for its Players**, enhance its own image and safeguard its members from the variety of unscrupulous businessmen and professionals that prey on them. The NFLPA must strike a better deal with the NFL regarding income distribution, health benefits, pensions and long-term wealth security for all Players. To accomplish this mission, the NFLPA must be willing to make a CHANGE, starting with its leader.

THE OBJECTIVES:

1. To receive fair and just **COMPENSATION** for Players based on the true profitability and revenue streams of the NFL.

A. For far too long the NFL has concealed the true revenue and profitability of the League. We will work vigorously to identify and include every avenue of revenue earned from the game of football and require distribution of this income among the players. In negotiating the current CBA, the NFLPA allowed certain revenue streams to be excluded from the All Revenues (AR) calculations which are used to determine the salary cap. Official team sponsorships and exclusivity deals are excluded from AR. There are significant other exclusions listed below, which are not considered for salary cap purposes. For example:

1. Personal Seat Licenses (PSL)

Article 12, Section 1 (a)(vi)(1) PSLs - Subject to Subsection 1(a)(vi)(6) and Subsection 4(f) below, AR shall not include PSL proceeds that are segregated and unequivocally dedicated to stadium construction or stadium renovation projects commenced after the date of this

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Agreement, and that have received a waiver of any applicable League requirement of sharing of "gross receipts."

Article 12, Section 1 (a) (10) (C) - Revenues from the PSLs sold by the New York Jets and New York Giants that are dedicated to the construction of New Meadowlands Stadium, including the amortization to League Years during the term of this Agreement of such previously sold PSLs (which amounts are projected as of the effective date of this Agreement to be approximately \$43 million for the 2011 League Year).

2. Stadium and practice facility naming rights

Article 12, Section 1 (a)(viii)(1) Naming Rights/Cornerstone Sponsorships Subject to Subsection 1 (a)(viii)(3) and Subsection 4(f) below, AR shall not include naming rights and cornerstone sponsorship proceeds that are dedicated to and used for stadium construction or stadium renovation projects commenced after the date of this Agreement, and that have received a waiver of any applicable League requirement of sharing of "gross receipts."

3. Revenues derived from wholesale merchandising opportunities

Article 12, Section 1(a) (ii) (B) - Revenues derived from wholesale merchandising opportunities (i.e., the manufacture and distribution of merchandise to third-party retailers) conducted by Dallas Cowboys Merchandising ("DCM") other than any related royalty payments to any League entity, Club or Club Affiliate (which amounts are projected as of the effective date of this Agreement to be approximately \$80 million for the 2011 League Year);

4. Premium Seat Revenues ("PSR")

Article 12, Section 1 (a) (vii)(1) - Premium Seat Revenues ("PSRs"). (1) Subject to Subsection 1 (a) (vii) (3) and Subsection 4(f) below, AR shall not include PSR proceeds that are dedicated to and used for stadium construction or stadium renovation projects commenced after the date of this Agreement, and that have received a waiver of any applicable League requirement of sharing of "gross receipts."

B. Teams **MUST** be required to spend 100% of the salary cap. Because the NFLPA agreed to allow Teams to pay only 89% instead of 100%, the NFLPA cost its Players millions of dollars in salary.

For example, 2014 season: The Top 5 cheapest teams avoided spending **\$88,417,584**. Add in the next 5 cheapest teams and owners saved **\$128,117,084**. Looking at the top half of the league, 16 teams saved a total of **\$156,683,782** in 2014 because of the current C.B.A.
SOURCE:www.spotrac.com/nfl/cap

Teams who DO NOT fully exhaust the salary cap in any given season MUST be penalized by the League and required to pay that money to the Team's Players THAT season.

2. All **TEAM ATHLETIC TRAINERS should be part of the NFLPA**. The HEALTH and WELFARE of the Players is most important. The current system has multiple flaws that present conflicts of interest and sub-standard care for Players. For example:

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A. Athletic trainers are part of the Team, while the team doctors are independent contractors of the Team. Each is paid, directed and controlled by the Team, NOT by the NFLPA. The enrollment of trainers in the NFLPA will safeguard players from the conflicts of interest which currently exist between the players and the trainers, coaches, team owners and the NFL. With the trainers as part of the Union and working WITH players, there will be better diagnosis and handling of injuries, a better processing of medical benefits and proper handling of disability and workman's compensation claims.

For example: In Major League Baseball any trainer who holds a contract with a Major League Club is eligible for membership in their Union. This should be mandatory in the NFL.

B. In negotiating the current CBA, the NFLPA gave up millions in order to ensure better medical benefits. The NFLPA could have had these medical benefits without giving up so much. The NFL should have been forced to provide these benefits without the Players making a monetary concession in salary cap. **I will work to make sure that the Players will never have to give up money in order to protect their health and welfare.**

C. The CBA requires medical personnel working in the NFL to have a "CAQ" (Certification of Added Qualification) in sports medicine. Essentially this is a piece of paper that says you possess some "additional qualifications" in sports medicine. While the League wants Players to believe they receive better care through this designation, the reality is that this designation doesn't require a doctor to have ANY actual on-field, sideline or training room experience in the NFL. This has caused a major deficiency in medical care, benefits and claims.

3. EDUCATE each and every player about financial stability, wealth preservation and long-term planning. This will include programs such as income deferment (utilized in the NHL and NBA), annuity options, and variable pension contribution rates. The Union will provide pamphlets and materials to Players to help explain and simplify the need to protect a Player's career earnings. It is a complete disgrace that Sports Illustrated found that after two years of retirement, 78 percent of NFL players are bankrupt or under financial stress. By educating its Players and helping to protect their finances, the Union will be in a better bargaining position with the NFL.

4. CREATE an open line of communication to inform all Players and provide a community forum to raise issues and concerns about income, injuries, safety, benefits and rights. Currently, there is no system to allow players to discuss the issues affecting them. We will create a secure and protected framework such as an APP, Chat room or Internet service to allow Players to talk openly about issues and get answers to important questions. The Union must guarantee that each Player is informed and that

each Player's opinion matters. With ONE UNIFIED VOICE, the Union is stronger, more supported and better positioned to challenge the NFL.

5. Hold a **COMPREHENSIVE** and informed discussion about an 18-game season. A move to an 18 game season should not be taken lightly or used as a bargaining chip unless that is truly what the Players want. The Union must inform the Players of all the benefits and pitfalls of such a decision. There needs to be a full statistical analysis regarding the financial and medical risks associated with an 18 game regular season versus the current schedule. With the pros and cons written in black and white, the Players can consider all of the facts and present ONE VOICE to the League.

6. COMPREHENSIVE REVIEW of the current retirement package for former players and how we can improve benefits, help preserve wealth while not bankrupting the current system or have it affect the current NFL players.

7. ESTABLISH an educational team which can help Players recognize and capitalize on their value as an NFL player. This educational program will help Players understand and implement marketing plans to maximize the income and benefits they can receive from being in the NFL. This would include lessons on endorsements, speaking engagements and personal appearances.

8. INSTRUCT players on the importance of their NAME and their OPPORTUNITY to play a professional sport. Not all players can be role models or even want to be for that matter. But on a whole, the actions of each individual Player get applied to the League and for each mistake, transgression or criminal act, ALL Players are impacted. The Union must create a culture of accountability and responsibility for each Player's actions. The Union's efforts will enhance the public's opinion of Players, will increase income opportunities for Players and will grow and improve the game of football.

9. CONSTRUCT a regimented security protocol that each player MUST follow when presented with a legal situation. This will allow the Union to provide immediate legal advice and protections, HELP avoid or at least minimize any media or press involvement and WILL safeguard the Player from the potential impact of their legal involvement.

10. BUILD an Investigatory/audit team to routinely research and audit all "certified" financial advisors to ensure that they are following all Union and League rules as well as the fiduciary obligations of their profession. Too many players have been swindled by financial advisors, money managers and insurance salesmen while the Union offered absolutely NO assistance.

11. REDUCE the current Union dues in order to be fair to all of the Players. Less than ten (10) years ago Union dues were \$5,000 and that money was refunded to the Player. Players also received royalty checks. NOW the dues have TRIPLED. The Players get NO REFUNDS. The Players pay the Union **OVER \$25,000,000 a YEAR** in dues.

The Union has other income streams from licensing, agent fees and rental on its building. I will review and audit the NFLPA's finances and provide Players with an explanation as to how their dues were TRIPLED and then supply them with a budget for the NFLPA so we can reduce dues, provide better and more efficient services and cut costs so the MONEY that the Players fight so hard to earn STAYS in THEIR POCKETS.

SUMMARY:

The Player reps elected a former player to run the Union. Then they elected a lawyer lacking any experience in helping or fighting FOR NFL Players. Each time the leadership of the NFLPA was out-matched, over-powered and under-prepared to fight the NFL and its owners. The Union has cost its Players hundreds of millions of dollars in revenue and health benefits. This time the Union needs THE PLAYERS' lawyer, to fight for what I know they deserve.

I have taken on and DEFEATED big businesses. I have personally out-litigated huge, national law firms. I recently recovered over \$8.6 million dollars for five (5) professional athletes from the unscrupulous bank and professionals that took advantage of them. I have set national case law against corporate America. I have prosecuted and defended thousands of criminal matters of the kind and nature that impact NFL players on an almost daily basis. I have advised and counseled NFL players for one NFL team over the past seven (7) years. AND most importantly, I have handled legal matters for more than fifty-six (56) professional athletes and coaches, mainly in the NFL.

It is time for the Union to elect someone who understands football Players, is ready to fight for them AND has BOTH the legal background and experience to win.