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# Sports Law 2026

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## **Introduction**

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Herrick, Feinstein LLP



# INTRODUCTION

Contributed by: Irwin A. Kishner, Daniel A. Etna and Maxim Nowak, **Herrick, Feinstein LLP**

**Herrick, Feinstein LLP** provides a full range of legal services to clients worldwide from its offices in New York City, Newark, New Jersey and Pittsburgh, Pennsylvania. Herrick's sports law group works with the complementary practice groups on corporate, real estate, tax, IP, restructuring, employment, government relations and litigation aspects of sports law. The firm's attorneys have guided stakeholders in professional sports as they have made strategic investments in professional sports teams, as well as mixed-use developments and media rights, naming rights, sponsorship, concession services, stadium fi-

nancing and leasing, and other strategic operational and financing agreements. Herrick has represented major athletic teams and affiliated entities in transactions totalling over USD150 billion. In addition to the authors referenced, the firm thanks partner and chair of the insurance and reinsurance group, Alan R Lyons, partner Justin Blass and attorneys Barry Werbin, Joel Wagman, Daniel A Field, Tara Guarneri-Ferrara, Joshua J Schoch, Meaghan Roe, Jessie Root, Jermaine A. Brookshire, Jr and Adam Unger for valuable contributions.

## Contributing Editors



**Irwin A. Kishner** is a partner and co-chair of Herrick's sports law group and corporate department. Irwin has helped numerous sports industry deals, including team acquisitions and dispositions; stadium and arena

development; media contracts; internet and intellectual property rights; joint ventures; credit facilities; advertising, concession and sponsorship contracts; wagering matters; naming rights agreements; franchise transfers and financings sponsorship; personal seat licences; concessions transactions; and executive compensation and employment matters. Irwin has authored articles on prevalent issues in the world of sports, and lectured at universities and on expert panels on a variety of sports issues, and is frequently quoted in the media. He also serves on numerous boards of industry organisations.



**Daniel A. Etna** is a partner and co-chair of Herrick's sports law group. Dan has significant experience in sports law, including the sale and acquisition of domestic, English and Australian sports franchises; stadium

and arena development, construction and financing; and broadcast and digital media agreements. Dan advises on concession agreements, sponsorship and naming rights agreements, ticketing and personal seat licensing agreements, league-wide and individual team debt and equity financings, memorabilia sales agreements and sports-related joint ventures. Dan has counselled NBA All-Star and NFL All-Pro players in connection with their private investments. He has appeared in national media and has authored numerous publications, including scholarly guides and articles.

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**Maxim Nowak (Max)** is a partner in Herrick's litigation department. Max's practice focuses on regulatory defence, internal investigations, crisis management and commercial litigation. As a former in-house lawyer,

Max brings a commercially savvy perspective. He has deep experience representing corporate and individual clients across industries, including the sports industry, in high-stakes cross-border investigations, criminal matters, regulatory enforcement actions (SEC, CFTC, PCAOB, FINRA, DOL and States Attorney General), internal investigations and parallel litigation. Max also has extensive experience representing clients in a wide variety of complex commercial litigation in state and federal courts across the country.

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Sports have long been a meeting point for law, business and culture, but in the past, sports law dealt primarily with contractual and ethical concerns. However, as sports have become more prominent on a global scale, with an ever-increasing flow of capital into this sector, sports law has also changed. Today, corporate governance, capital markets, labour and employment, integrity and even criminal law can influence sports from the local start-up league to the largest global competitions.

## The Globalisation of Sports and Sports Law

Over the past century, sports have become increasingly international. As a result, global legal systems concerning sports have grown more complicated. Clubs, leagues, competitions and governing bodies now work across borders, look for investment worldwide, hire people from many countries and connect with fans everywhere. Legal disputes often cross different countries and legal systems.

Arbitration groups, federations and integrity units sometimes co-operate with courts and regulators, but sometimes they are at odds. Governments also insert themselves more often when political and governance issues like labour rights, competition, taxes, public health or security are impacted. All these layers mean that public law, private rules and contracts must work symbiotically, but this does not always happen in the most efficient or effective manner.

## Capital and Ownership

One key feature of sports law in 2026 is increasingly large and complex investments throughout industry. Wealthy individuals and private partnership groups are no longer the sole owners of professional sports organisations. Now, these entities attract equity investment from private equity, private credit, sovereign wealth funds and other similar investor classes that often have goals and time horizons that differ from those of the legacy owner.

This trend is happening across sports. European football, North American leagues, Asian teams, newer sports like pickleball and lacrosse, and even amateur college sports in the USA have all seen more interest from institutional investors. These investments have the potential to bring more money, professional management and new markets. Issues like owner-

ship restrictions, control, financial sustainability and conflicts of interest must be managed alongside the needs of the sports business.

Regulators and federations have responded in diverse ways. Some leagues have strict rules about who can own teams and control media rights, while others are more open to encourage growth, regardless of investor type. Financial fair play rules, licensing and solvency requirements are now key legal tools. They aim to keep competition fair and ensure teams last, while also considering what investors need.

## Athletes and Labour

The athlete's status is central to sports law. In 2026, this status is undergoing reassessment and transformation in multiple jurisdictions. Athletes are no longer regarded solely as participants subject to fair play sporting regulations; they are also workers, brand-builders and, increasingly, rights-holders asserting their economic and legal interests, particularly because of the global proliferation of social media.

At the same time, athletes regardless of level have more commercial opportunities. Endorsements, image rights, digital content and personal branding are especially important. The rules and regulations governing these rights vary by region and sport, bringing both benefits and risks. Managing these interests remains a key part of sports law.

## Integrity, Ethics and the Rule of Law in Sports

Integrity is still a core part of sport, but it is an area of growing pressure. Match-fixing, corruption, doping and abuse scandals are ongoing problems for sports leaders and regulators, especially as online and application-based gambling becomes more prevalent. Modern technology, including easily accessible real-time data and global betting, has made both cheating and catching it more advanced. Notwithstanding the growth in legal sports betting, illegal gambling operations continue to thrive despite ongoing enforcement efforts.

Legal responses have adapted to these problems. Integrity units now collaborate with police, betting companies and international organisations around the world to monitor issues across sports and platforms. Disciplinary actions are watched more closely, with

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more attention to being open and fair. Decisions that used to be only about sports are now also reviewed under administrative and human rights law.

At the same time, protecting athletes' health and well-being is now a main legal concern. Teams, leagues and federations' duty of care, whether for injuries, mental health or protection from abuse, determines how the relevant stakeholders promulgate and enforce rules, train personnel and investigate and address complaints. The law is now used not only to punish, but also to prevent, future harm.

## Technology, Data and the Digital Sports Economy

For the past several years, technology has been transforming sport and creating new legal challenges at a rapid rate. Data has become one of, if not the, most valuable assets in sport; it is collected, analysed and monetised at remarkable scale. These newfound revenue streams create complex questions about data ownership, player and fan consent, privacy and limits on how data can be ethically deployed.

Artificial intelligence and analytics now play roles in advising ownership, management and players on coaching, scouting, training, major business decisions, refereeing and the fan experience. These tools make things more efficient and deliver new insights, but they also raise novel and complicated legal questions. As these evolving technologies become increasingly integral and available to the sports industry, ongoing concerns regarding transparency and intellectual property will assuredly intensify.

Broadcasting and media rights are still at the heart of sports business, but streaming and social media continue to disrupt traditional, regional licensing models (such as local cable). Sports law now must adjust to a world where content is global, instant, constant and interactive. As a general matter, the sports industry continues on an upward growth path due in large part to competition for media rights.

## Regulation, Competition and the Role of the State

As sports have become more important in the economy and culture, governments are more willing to regulate it directly. Competition and antitrust laws are a focus, featuring challenges to closed leagues, eligibility rules

and group sales. Courts and regulators must balance the unique aspects of sport with basic antitrust rules.

Tax, immigration and funding likewise influence sports law. Big events prompt organisers and governments to discuss public costs, promises for the future and social effects. Environmental and green laws are now more important, mirroring society's changing priorities.

The role of government in sport does vary around the globe. Some jurisdictions let sports organisations govern themselves, and others regulate more actively. Lawyers working internationally need to be aware of these differences.

## Society, Politics and Sports

The social role of sports is closely tied to its legal rules. Topics like gender equality, racial justice and free speech often arise. Women's sports have grown quickly, causing discussions about investment, media rights and pay disparities.

## Geopolitics and Sports

Prominent competitions and platforms can be used to convey political values, highlight diplomatic strains and reflect public opinion, whether intentionally or otherwise. Sanctions spread beyond national teams to club sides, athletes and officials, raising challenging legal questions around responsibility, proportionality and due process.

These developments challenge the notion that sport is separate from politics. Sports organisations now must be mindful of various international rules, standards and business norms and requirements, while keeping governance clear and defensible across occasionally different legal schemes. Mishandling any of these issues can affect stakeholders' access to competitions, contracts and opportunities.

## A Connected but Fragmented Legal Picture

Taken together, these chapters show that sports law is simultaneously related and differentiated. While many stakeholders face comparable challenges, methodologies for solving these challenges and their outcomes can vary widely because of differing laws and cultural norms. There simply is no singular set of rules or regulations that yield the same answer everywhere.

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