

Martin's case 'unique, in a number of ways'

By Liz Mullen, Staff Writer

Published November 25, 2013, Page 7 Font Size A A A | Print | Share |  Tweet  Like 

ON THE RECORD

DAVID CORNWELL
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David Cornwell got a call on Sunday, Nov. 10. For the longtime lawyer and agent, getting an emergency work call on a Sunday wasn't new, but the issue he was hired that day to consult on has become one of most explosive in sports.

Priority Sports & Entertainment agents Rick Smith and Kenny Zuckerman had called Cornwell about their client, Jonathan Martin, who had abruptly left the Miami Dolphins on Oct. 30. By the time Cornwell was brought in, reports were rampant that Martin had left the Dolphins to escape bullying and harassment from his teammates. Smith and Zuckerman needed help and asked Cornwell to advise them.

Cornwell, partner in the sports, media and entertainment practice of law firm Gordon & Rees, has represented athletes and agents in sensitive legal matters for about 15 years, finding himself in the middle of some of the biggest player issues in sports.

Of late, Cornwell has been advising Alex Rodriguez in his battle against Major League Baseball over his 211-game suspension. He's been a public thorn in the side of NFL Players Association Executive Director DeMaurice Smith. He lost a race for the union's top post to Smith in March 2009, and he's since been a vocal critic at the way Smith has handled collective bargaining and agent matters. He has also served as executive director of the NFL Coaches Association since February 2012, a role that now has brought questions about being in that position while also representing a player in a situation in which the Dolphins coaches' actions may also be examined.



Cornwell has been drawn into sports controversies before, and is also advising Alex Rodriguez.
Photo by: DREXNA NELSON PHOTOGRAPHY

Late last week, Cornwell agreed to an interview with SportsBusiness Journal regarding his role as Martin's attorney and the NFL's investigation into Martin's allegations. Although he could not reveal details of what happened to Martin — citing NFL special investigator Ted Wells' investigation — he did talk about a number of issues in the case.

■ Reaction after learning details of

Martin's departure from the Dolphins: My immediate reaction was the same as in any case: to protect the interests of the client and see if we have the expertise and ability to effectively protect the interest of the client. In this instance, we are also asked to represent his parents, in an advisory role. This is a pretty significant event for their son and they are very involved. We took on a representation that is kind of more global.

■ The matter: This is unique. In a number of ways. Obviously, the underlying issues are unique, to the extent they have been exposed. Jonathan is unique, also. I certainly have worked with numerous smart and thoughtful, insightful men who play professional sports, and Jonathan falls within that group. But what distinguishes him is that he confronted a situation in a way that we haven't seen in quite some time in professional sports. As I say, Jonathan's toughness is not an issue. In fact, what Jonathan represents is a very unique brand of strength. He was in an environment that was incredibly burdensome to him and I think we will find — and have found — from the reaction from people in and outside of sports that his feeling of being burdened by the harassment is common. But standing up and raising his hand and saying, "This is not OK" is unique. It took a remarkable level of strength because of the nature of the stereotype that people would expect him to fulfill. And he just wouldn't compromise, and that is incredible to me.

■ The role of Martin's parents, who are both attorneys, in the dispute: His mother is probably [involved] in a dual role, because of her experience. Not so much his father. She has had an very extensive and distinguished career in employment law.

■ Why Martin agreed to be interviewed by the NFL's appointed investigator, Ted Wells: This was a league and team event. I reached out to the team and [NFL general counsel] Jeff Pash and [NFL senior vice president of law and labor policy] Adolpho Birch and at that point, the league had indicated they were going to do an investigation and the Dolphins indicated they were going to cooperate and follow the league's lead. So we fell in line with our cooperation.

■ Why the NFLPA wasn't present at Martin's meeting with Ted Wells: I made the decision after spending time with Jonathan and getting an understanding of the issues and recognizing this was an opportunity to be candid. The nature of the discussion is and was such that the fewer the better to ensure that Jonathan had the opportunity to be candid while still preserving an environment that was a confidential environment. My job is not to decide issues based on other people's interests. My job is to represent my client, and I have done so.

■ The role of the NFLPA: They should work as they generally do with the management council in discharging their responsibilities to all players. And I am sure they will. We will not impede their ability to do so. I am not going to judge how they are doing what they are supposed to do. I represent Jonathan and they represent the interests of all players. I have had communications with the players association about a number of matters involving this. And it is not about me. It is not about De and me. It is about Jonathan, the Dolphins and all players.

■ Characterize your relationship with De Smith and the PA: I wouldn't characterize it. This is not about personal animus or relationships. It happens that, man to man, we don't see eye to eye. But I am sure he doesn't lose any sleep over it. Nor do I. We are capable of discharging our respective obligations to our clients without worrying what the other guy is doing.

■ Posting on Twitter after Richie Incognito's interview with Fox's Jay Glazer on "Fox NFL Sunday": That was a situation where I felt there was the opportunity for [misunderstanding from Incognito's comments]. I don't know what Richie meant, but I saw there was a possibility it could be misinterpreted, so I responded in a way that I thought was as minimal as possible but as expressive as possible.

■ Other consultants or executives on Team Martin: There are some unique and complicated social issues at play here, and there may come a time where we may have to explore bringing in some experts, but we are not there yet.

■ Media requests for Martin: There have been all sorts of requests. That is where the biggest surprise comes in, the extent to which I underestimated the reach of this story. It's more general media, as opposed to sports media, who have really been involved in this. But we are not focused on media now.

■ Who else Martin has talked to:

Jonathan's statement [on his interview with Wells on Nov. 15] really said it all. The Ted Wells interview was really the right place to be as detailed as he was. He still hasn't had the opportunity to sit down with [Dolphins owner] Stephen Ross and the executives at the Dolphins. That is not so much of a preordained process as much as Jonathan thinks it's the right thing to do. So, that is really our next step. As important as the media is, it's not part of the fundamental process here.



Martin's toughness is not an issue, Cornwell says.
Photo by: AP IMAGES

■ The potential for conflict with your position as head of the coaches association: I didn't think so initially. But as I got deeper involved, I saw the potential for not a legal conflict of interest, because I don't serve as legal counsel for the coaches association, but certainly there is a perception that there could be a conflict. So I discussed it with some of the executive committee members and we put a process in place that enables the coaches' interests to be represented. And I am making sure that they have the appropriate representation through this process.

■ Current communication with Martin: We are staying in contact. He is going through a very much-needed process, and I am not going to get into the details. I certainly stay in contact, as needed.

■ Does Martin want to resume a football career?: Absolutely. Does he want to and can he? Yes and yes.

■ What's next: We have to be careful not to try to create a crusade. I don't know what is coming next, but at this point, Jonathan has done what he thinks is appropriate and will be guided by that standard going forward. He is not trying to be a spokesperson. But he is happy and pleased to the extent that he has helped give a voice to others. That is a very significant byproduct of this. The implication of this case goes far beyond sports. The communications that we have received from people around the nation are just remarkable. It's unbelievable. By standing up and raising his hand and simply saying, "This is not OK," Jonathan has given a voice to people in a far-ranging spectrum, crossing lines of professions, race and religion, age. It's just extraordinary — the extent to which there is pent-up angst in America on this issue. Jonathan has proven he is an exceptional football player. But he is an even more remarkable man. He stood up for himself and a whole lot of other people, inside and out of sports.