

## CAREER SPOTLIGHT: KIRK BERGER

Kirk Berger is the Associate Counsel for the National Basketball Players Association. JD from Benjamin Cardozo School of Law, BS in Sports Management (Sports Law Concentration) from New York University.

### QUESTIONS & ANSWERS

#### **1. Please briefly explain your career path and what led you to where you are today.**

From an early age, I knew I wanted to have a career in basketball, specifically focusing on team building and the Salary Cap. While in middle and high school I became intrigued with team building and the general system of the National Basketball Association (“NBA”) as a rabid Nets fan—constantly focused on how the Nets could improve from a roster standpoint. Little did I know this would lead to a very informal education in their Collective Bargaining Agreements (“CBA”) and Salary Cap. With a goal of working directly with player contracts and the Salary Cap in mind (and a college essay on why I wanted to be the next Arn Tellem ironically enough), I joined NYU’s Sports Management program. The program was more focused than many other college sports management programs, as I needed to declare my major when applying to NYU.

At NYU, I had several internships focused on basketball, but caught my “big break” when I was able to intern at Excel Sports Management as a junior in college. I converted a one-semester internship into a two-year internship—going from getting coffee and handling expense reports to maintaining the agency’s Salary Cap database and assisting in draft and free agency prep work.

During my time at Excel, I had contemplated working for NBA teams but ultimately decided to attend law school to broaden my skill set and increase my value in the industry. Early on while at Cardozo, I visited with the National Basketball Players Association (“NBPA”) and was able to turn an informational interview into an internship offer for my 1L summer. At the NBPA I was able to assist individual player agents in contract negotiations and vastly improve my understanding of the CBA. I went back to the NBPA during my 3L year and spent the year working part-time as a legal department intern, assisting preparation for the upcoming CBA negotiations. I was able to secure a full-time offer in December of that year and have been with the NBPA since.

**2. What is something that has changed since you began working in sports law, and how has that change impacted your current job in the industry?**

SOCIAL MEDIA (and the internet generally).

Since joining the NBPA in 2015 (and following the NBA closely well before that) the proliferation of social media has made the entire industry move at the speed of light. Reporting on NBA-related issues has moved from the pages of morning publishing such as USA Today and the New York Times, to Twitter and Instagram. From a transaction perspective, NBA free agency (which begins on June 30) now moves even quicker than it did when I joined the NBPA in 2015. As one of my primary areas of focus is the Salary Cap, my days/nights in early July are consumed by it.

The internet in general has made information and educational resources related to the Salary Cap and player contracts more readily available than ever, leading to more informed media, fans, and prospective interns!

**3. What was your first “win” that made you confident that you belonged in your job or the industry overall?**

My first “win” was helping with CBA negotiations in 2016–17, culminating in the current 2017 CBA. I was able to have my voice and opinion heard and saw a personal impact on negotiations and the final product of the 2017 CBA. The CBA saw vast improvements to our Salary Cap system which has helped players achieve more equitable outcomes in contract negotiations.

**4. What impact would you like to make on the sports entertainment industry throughout your career?**

I would like to continue to prepare athletes as much as possible for their careers post-basketball. Whether that preparation comes from improvements to our CBA to help players increase their earning potential, or increased readiness for players to transition from playing into a different career path, I would retire happy knowing that I have made improvements for players in their everyday life that expands beyond the four corners of the court.

**5. What is the biggest risk that you've taken in your career? How has that risk helped you in your career or what lessons did you learn from it?**

I believe the biggest risk was how I pursued my career path. I did not pursue a broader legal background with the hope that I could leverage it into a career in Sports Law down the road. Rather, I went full steam ahead at something I knew I wanted to pursue, knowing that I had limited options in terms of the number of organizations I would ultimately find employment.

**6. What is one of the biggest misconceptions in your industry?**

That you need to be an athlete or have played basketball to succeed professionally. It certainly helps in some respects when connecting on a personal level with players (or for agents recruiting players), but it is by no means a prerequisite. Instead, focus on what will separate you from others looking to break into the industry. Develop a niche or area of expertise that will then allow you to show your value and worth.

**7. What is one piece of advice that you would give to students trying to break into the sports and entertainment industry?**

In an interview, when asked: “why do you want to work here?” NEVER answer with “I am a fan of the sport.” We are all fans, otherwise, we wouldn't care whether we worked in the legal department for UPS, NBC, or the NBPA. Instead, focus on your niche. If you want to work in basketball because you love the Salary Cap or analytics say so—ultimately your niche will end up separating you from the thousands of other applicants.

And if you are yet to develop a niche, do so immediately. Having a specialty or focus on the particular sport you want to work in will separate you from those who don't and prove to your prospective employer that you are more than a fan.