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In the News: Samantha Barbas on Hulk Hogan, Nellie Drew on Tom Brady

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Smart faculty opinions become big national press

When the media need expert commentary on legal cases that make headlines, they have members of the UB Law faculty on speed dial. Sharing that expertise is a kind of public service, helping readers and viewers to understand what’s going on in the courtroom. It also helps to build the school’s reputation for great teaching and scholarship on cutting-edge legal issues.

While several of our faculty are regularly called by the press, nowhere has that been more apparent than in two high-profile cases this spring.

‘Tom Brady is all but done’

After the Second Circuit Court of Appeals reinstated a four-game suspension for New England Patriots quarterback Tom Brady, adjunct faculty member Helen “Nellie” Drew ’88 was quoted widely on the decision. Reporters for the Los Angeles Times, USA Today, the Providence Journal and MSNBC, among others, sought her expertise on the ruling, which came in response to allegations that Brady was aware of a scheme to underinflate game balls during last year’s NFL playoffs.

From MSNBC:

“The ramifications of the Second Circuit’s decision are far-reaching. It reinforces the commissioner’s authority to discipline players in a far-reaching manner as set forth in the collective bargaining agreement. The previous decision was shocking in that it ran counter to a long-established federal policy in which the courts defer to the results of private arbitration processes – particularly those that are the result of collective bargaining,” Nellie Drew, a sports law professor at the University at Buffalo, told MSNBC. “The decision also puts significant pressure upon the NFLPA to wrest away some of the commissioner’s broad authority over disciplinary issues in the next round of collective bargaining.

“From a legal perspective, Tom Brady is all but done. Can this decision be appealed? Sure. They can request an en banc hearing before the Second Circuit or even seek review in the Supreme Court. But it is highly, highly unlikely that such an appeal would be entertained by either court,” Drew said. “The appeals court holds tremendous weight, so the odds are stacked against Brady and the union at this point.”

‘A change in the cultural mood’

When a jury in St. Petersburg, Fla., awarded professional wrestler Hulk Hogan $140.1 million in his lawsuit against Gawker Media, some saw the award as a victory for privacy rights. (Hogan had sued after Gawker posted a video of him and a friend’s wife having sex.) A Washington Post story quoted Associate Professor Samantha Barbas on the long-term import of the outcome:

“Despite its unsavory aspects, “this case will be important because it indicates a change in the cultural mood,” said Samantha Barbas, an associate professor of law at State University at Buffalo who studies the mass media and privacy. The jury “is essentially saying too much free speech is dangerous. There are a lot of people who are disgusted with the way the media is corrupting the public sphere.”

Some of this is a backlash against the media, Barbas said, but it’s also personal. People increasingly fear the loss of control over their own images and information through hacking or unauthorized sharing via social media. “People are feeling very insecure about their own privacy,” she said.

Barbas was also quoted in the Associated Press, The New York Times, The Guardian, Time magazine and NPR.