Sports agents behind-the-scenes work as important as the contract

On July 20, Seattle Seahawks offensive left tackle Russell Okung sent shock waves throughout the sports agent profession. His first-person story revealing his decision to go sans representation and handle his next contract negotiation by himself was posted on The Players’ Tribune website, a new media platform for professional athletes founded by retired Major League Baseball star Derek Jeter.

In his article, Okung stated that he decided to “free [his] agent” because he did not want to pay his agent’s 2.5 percent commission fee and will instead hire an attorney to provide legal advice and review the details of any contract proposal.

Okung concluded his essay by encouraging fellow pro athletes to follow his lead and “take ownership of your career and your livelihood.” I have a two-word retort for Okung and any of his colleagues who may actually think of following in his footsteps: bad idea.

There are so many things wrong with Okung’s plan I’m not even sure where to begin. Let me start with what may be the most obvious reason for abandoning his proposed strategy and instead utilizing the services of a knowledgeable and experienced sports agent — objectivity.

A player attempting to negotiate his own playing contract lacks any and all objectivity and will not be able to remove ego or emotions from the process. The great majority of professional athletes (and their families) inherently overvalues their individual skills and worth and possesses unrealistic expectations. Conversely, some players actually underestimate their market value and worth. Neither one of these scenarios will result in a positive outcome for the player who is representing himself in contract negotiations.

Moreover, a pro athlete with no prior negotiating experience will no doubt be eaten alive by the business-savvy front office personnel and attorneys representing the team. Even if a player hires an attorney to review the finer points of an agreement, only an agent experienced with contracts in that particular sport can adeptly navigate through the complexities and intricacies of sport-specific clauses, terms and language.

In addition to the contract and negotiating skills that an experienced sports agent brings to the table on behalf of his client, agents handle off-field issues that undoubtedly arise with players for no additional fee. By taking care of these nonplaying issues, an agent helps his client focus on playing the game and honing his skills and talents.

For example, a necessary skill for being a successful agent is learning how to respectfully and coyly run interference between the player and the team which employs his client. This is especially true in situations concerning playing-time issues, requests to be traded, requests to be released and disputes involving injuries.

In other cases, agents must run interference between players and greedy family members and other sycophants trying to sponge off of their perceived cash cow.

Another example of an agent helping with the off-field issues of his client for no additional fee arises when a player is released from a team. Experienced agents vigorously work their contacts list in order to find their client a new employer as quickly as possible. Do you think the lawyer who received a flat or hourly fee for contract advice has the contacts, knowledge, time and desire to help a player find a new job?

Moreover, can you imagine the cost the player would incur if he hired an inexperienced attorney to take on these duties for an hourly fee?

Depending on the particular sport, agents also help clients with equipment needs, supplement and nutritional needs, locating housing, securing offseason employment, handling travel and moving logistics and shipping vehicles. All of these services are handled by the agent gratis.

Additionally, players with agents have the added benefit of having someone in their corner on whom they can lean when things on and off the field are not going well. Agents often must take on the role of psychologist and provide pep talks to clients in need of positive reinforcement or mental attitude adjustments. Can you imagine what it would cost a player who called an attorney charging by the hour every time the player needed to vent or receive a boost in confidence?

Agents who are also attorneys often engage in more traditional legal work on behalf of their athlete clients for no extra fee. Common examples of these services include drafting and arguing appeals stemming from player suspensions and fines, handling landlord-tenant issues, drafting business agreements and dealing with intellectual property matters.

The fact of the matter is that if Russell Okung simply calculated on a per hour or flat fee basis all the work that an agent does at no additional charge, he would very easily see that the 2.5 percent commission which his agent charges pales in comparison to the costs Okung would incur if he paid a flat or hourly fee for the same services.

Not without blame in Okung’s decision to represent himself is the National Football League Players Association (NFLPA). According to the NFLPA’s website, it “has a long history of assuring proper recognition and representation of players’ interests,” and “it will do whatever is necessary to assure that the rights of players are protected.”

In fact, a big part of the NFLPA’s obligation to its members is to certify and regulate agents as well as collect annual fees from the agents. However, in March of this year, the NFLPA’s board of representatives unanimously agreed to form a committee which, in part, would analyze the feasibility of creating an in-house department to help members of the union negotiate contracts as well as provide advice to those players who wish to negotiate their own contracts.

How can the union ensure that the interests of its members are properly protected when it’s accepting fees from agents who wish to be certified, yet at the same time passively suggesting to players they don’t, in fact, need an agent?

Seems to me that instead of protecting the rights of its members, the NFLPA is ignoring those interests, creating confusion regarding adequate representation and ensuring that the players are not protected at all. Bad idea.