**Duke University -- Letter Requesting Agent's Proposal to Represent Student-Athlete.**

 **DUKE UNIVERSITY**

**LETTER REQUESTING AGENT'S PROPOSAL TO**

**REPRESENT STUDENT-ATHLETE**

 February 8, 1989

 Dear Agent:

As you know, Anthony Dilweg would like to pursue a professional football career upon graduation from Duke University. He has asked Duke's Student-Athlete Counseling Committee to begin the process of reviewing the credentials of eight individuals, one of whom he expects to choose as his agent. You are one the agents selected by Mr. Dilweg.

The Student-Athlete Counseling Committee is chaired by Eugene J. McDonald, Executive Vice President, and includes Richard Maxwell, Professor of Law, and John C. Weistart, Professor of Law. The Committee will review the material submitted in your application for registration as an agent for Duke University student-athletes. In addition, we now would like to invite you to submit a written proposal to represent Anthony Dilweg. Please be advised that, if you have not completed and returned your application for registration, you must do so before your proposal will be considered.

It is the Committee's intent to review the written proposal over the next few weeks. The Committee will then provide its observations to Mr. Dilweg with the suggestion he narrow his list of prospective agents for personal interview. Agents selected by Mr. Dilweg will be asked to come to the campus and/or his home to be interviewed by him and others of his choice (e.g., his parents, coach, members of the Committee).

The Committee requests that any proposal be submitted by March 17, 1989, if possible. A proposal submitted after that date cannot be guaranteed full consideration by the Committee.

The Committee is determined to help Anthony Dilweg find the best possible agent for his needs, considering all relevant factors. For that reason, it would be helpful if you would address in your proposal as many of the following points as possible, plus any additional matter you consider relevant. While the list of potential considerations is rather long, we believe that this initial exchange of information may save both of us a good deal of time in the long run. In addition, the requested information will greatly aid the Committee's function of providing counseling to our athletes, a task that we regard as of utmost importance. We appreciate that you may choose not to answer each question in elaborate detail. This listing does, however, indicate matters that are of particular interest to the Committee.

1. In your opinion what is the likely draft selection of the player in the NFL? Does the player have any chance of being selected by a Canadian or other foreign professional football team or an indoor football team?

2. How many other player contracts have you negotiated for players selected as high as you envision this player to be selected? Please name them and the years that they were selected.

3. What is the total compensation package you would expect this player to receive next year?

4. What is your background in football? What connections do you have in the NFL and in other professional football leagues?

5. How long have you been an agent? What jobs did you hold prior to becoming an agent which taught you skills or helped you develop expertise relevant to the services you provide as an agent?

6. Please provide information about your fee structure and the range of services you offer. If you have this information in a pre-printed form, feel free to use that. In the alternative, you may provide a description which indicates your experience in the areas listed below and your fee for providing each service: (a) contract negotiation; (b) tax planning, tax return preparation and other accounting services; (c) financial and retirement planning and investments; (d) insurance; (e) estate planning; (f) endorsements; and (g) post-football career planning.

7. Which of the above services do you perform yourself? Who performs the ones that you do not perform yourself? What is the basic fee charged by those who perform services which you do not perform?

8. Are the fees for contract negotiation services based on the total salary or that portion of salary above the minimum league salary?

9. Is the player responsible for reimbursing your expenses in addition to paying the fees identified above?

10. If you handle player's funds, do you pay interest on escrow accounts?

11. Do your fees vary if a player goes to a foreign or indoor league, as opposed to the NFL? What services do you provide in addition to contract negotiation services for players in foreign and indoor leagues?

12. Have you ever sought to renegotiate a contract before its expiration? When do you feel contract renegotiation is justified?

13. Have you ever advised a client to hold out or withhold service while under contract? Why?

14. What type of incentive clauses or other provisions would you consider inserting into the player's contract?

15. Are you in favor of or opposed to mandatory drug testing in a player's contract? Why?

16. What impact does the expiration of the current NFL collective bargaining agreement -- without a new agreement yet in effect -- have on your contract negotiating technique?

17. If you represent two athletes drafted by the same team or playing on the same team, do you try to finalize contracts on both before either one signs? Why?

18. Do you have any clients who are comparable in skill and in position to this player? If so, how would you handle any potential conflict of interest between their respective interests?

19. Would you advise a person in the position of this player to look for a longer term contract offering greater security or a shorter term contract offering the opportunity to negotiate for a higher salary sooner if the player performs well?

20. What are the typical off-season employment activities of your clients? What type of career have your clients successfully pursued after their football careers ended? Please provide examples of each. Were you involved in arranging these opportunities?

21. If this player does not make an NFL club this year, will he have an opportunity to play in Canada or in another professional football league? If so, please describe your experience and accomplishments representing players in such leagues. Do you recommend playing in a foreign league or an indoor league as a means of reaching the NFL?

22. Do you pursue any professional activities other than sports agency? If so, describe the activities and representative clients.

23. What is the longest period of time you have retained a client? Please name the client? How many other clients have you retained for five years or more? Please name those clients.

24. Have you ever had a dispute with a client? Has such a dispute ever gone to court or arbitration? Please describe each dispute with a client which has gone to court or arbitration or which has caused you to lose a client.

25. If you handle investments for a client, please describe a prototypical plan for investing $100,000 in discretionary income you would recommend in 1989.

26. In concluding your proposal the Committee would welcome a brief narrative presentation describing why you believe you can best serve the needs of Anthony Dilweg. Please indicate the amount of personal attention he may expect from you in light of your existing clients and other activities.

Thank you for your interest in our student-athlete. We look forward to receiving your proposal. Please send your proposal to my attention at 502 Oregon Street, Jordan Building, Durham, North Carolina 27705.

 Sincerely,

 Jeffrey H. Potter

 Secretary, Student-Athlete

 Counseling Committee

cc: Anthony Dilweg

Student-Athlete Counseling Committee

E. J. McDonald, Chairman

R. C. Maxwell

J. C. Weistart

  **DUKE UNIVERSITY POLICY CONCERNING STUDENT-**

**ATHLETES OF DUKE UNIVERSITY AND AGENTS**

Duke University hereby adopts the following policy to assist student-athletes of Duke University in dealing with persons who seek to represent them as an "agent" in individual contract negotiations with professional sports teams.

 SECTION 1: SCOPE OF POLICY

It is the policy of Duke University to discourage any contacts between persons seeking to represent a student-athlete of Duke University in individual contract negotiations with a professional sports team unless he or she is first registered pursuant to this Policy, and thereafter remains registered in compliance with this Policy. The following shall be considered activities or conduct of agents:

A. Negotiating compensation and other benefits for Duke University student-athletes in individual contract negotiations with professional sports teams;

B. The giving of advice, counsel and information to individual Duke University student-athletes in the context of negotiating with or preparing for negotiations with professional sports teams;

C. Making representations as to a person's competence, skill or ability to negotiate on behalf of, to determine the potential professional worth of or to otherwise represent an athlete in the context of soliciting individual Duke University student-athletes to become clients; or

D. Any other activity or conduct which directly bears upon the agent's integrity, competence, or ability to properly represent individual Duke University student-athletes in individual contract negotiations.

 SECTION 2: REQUIREMENTS FOR REGISTRATION

A. Application

Any person desiring to obtain registration as an agent from Duke University must file an Application for Registration in the form attached as Appendix A.

B. Compliance with Regulations

Upon the filing of an Application for Registration, the applicant shall be deemed to have agreed with Duke University that:

(1) He or she will be bound by and shall conform with its Policy, and shall not evade, violate, or circumvent, either directly or indirectly, this Policy; and

(2) Any Registration issued by Duke University hereunder may be revoked if it is discovered that the application contains false or misleading statements.

C. Action on Application

Within fourteen days of the receipt of an Application for Registration, Duke University shall determine whether Registration shall be granted to the applicant or to seek additional information from the applicant. Grounds for denial for Registration shall include, but not be limited to, the following:

(1) Prior conduct of the applicant involving fraud, misrepresentation, embezzlement, misappropriation of funds, or theft;

(2) Prior conduct of the applicant involving violations of NCAA or Athletic Coast Conference rules;

(3) Making false or misleading statements in the Application for Registration; or

(4) Any other conduct which adversely affects the competence, credibility or integrity of the applicant in serving as an agent to Duke University student- athletes.

In the event that an applicant is denied Registration by Duke University pursuant to this Section, Duke University will take appropriate action to discourage contact between its student-athletes and the applicant concerning matters of agent representation. In addition, the applicant will not be permitted to enter the property of Duke University for the purpose of seeking to represent one of its student-athletes as an agent.

D. Representation of Players Pending Granting or Denial of Initial Registration

Duke University may, in its discretion, authorize, subject to revocation, any person who has filed an Application for Registration to make contact with a specific student- athlete pending the granting or denial of Registration in the event that such action is deemed to be in the best interests of the student-athlete.

E. Form of Registration

Upon approval of an applicant's Application for Registration, the agent shall receive a written Registration in the form attached hereto as Appendix B. Such Registration, however, shall not be considered in any way as conferring liability upon Duke University for any acts or conduct of the person registered, whether or not such acts or conduct fall within the activities governed by this Policy.

 SECTION 3: INDIVIDUAL CONTACTS BY REGISTERED AGENT

Any person who has been granted Registration pursuant to Section 2 above shall be permitted thereafter to contact student-athletes of Duke University for the purpose of discussing their potential professional careers (after their eligibility has expired), provided he or she has advised, in advance and in writing, the Secretary of the Student-Athlete Counseling Committee, 102 Cameron Indoor Stadium, Duke University, Durham N.C. 27706 of the first contact of any kind to be made and of any subsequent face-to-face meetings to be held and liable for, and shall hold Duke University harmless from, any damages or claims arising from his or her activities as an agent for Duke University student-athletes.

 SECTION 4: REQUIREMENTS CONCERNING AGENT'S CONDUCT

It is of utmost concern to Duke University and its student-athletes that persons serving as agents hereunder conduct themselves in a manner which will:

(1) Assure the most effective representation possible in individual contract negotiations;

(2) Avoid any conflict of interest which could potentially compromise the best interests of Duke University student-athletes; and

(3) Avoid any involvement of Duke University student-athletes in actions which could jeopardize their eligibility under NCAA or Atlantic Coast Conference rules, except in a situation where full disclosure of the potential consequences of loss of eligibility has been made to the student-athlete, and the student-athlete has indicated that he or she fully comprehends such consequences.

(4) Act in accordance with North Carolina State law prohibiting contact, other than by mail, with a student-athlete who has eligibility remaining, or the relatives of that student-athlete.

Therefore, an agent shall be required to:

(1) Disclose upon request all information relevant to his or her qualifications to serve as an agent, including educational background, special training, experience in negotiations, past representation of professional athletes and coaches, and relevant business associations or memberships in professional organizations;

(2) Maintain the highest degree of integrity and competence in individual negotiations with professional sports teams;

(3) Become and remain sufficiently educated in the areas of professional sports structure and economics, applicable collective bargaining agreements and other governing documents, and basic negotiating techniques and in developments in sports law and related subjects;

(4) Fully disclose any and all relationships, including but not limited to financial or employment relationships, with professional sports teams;

(5) Fully comply with applicable local, state, and federal laws;

(6) Fully comply with applicable NCAA and Atlantic Coast Conference rules; and

(7) Fully comply with this Policy and amendments hereto.

An agent should not:

(1) Hold or seek to hold, either directly or indirectly, a financial interest in or a position of employment with any professional team in a sport in which he or she is seeking to represent a Duke University student-athlete;

(2) Fail to disclose in writing to a student-athlete, prior to accepting representation of such student-athlete, the names and current positions of any management personnel whom he or she has represented or is representing in matters pertaining to their employment by or association with any professional team in a sport in which he or she is seeking to represent a Duke University student- athlete;

(3) Engage in any other activity which creates an actual or potential conflict of interest of the individual negotiations in question;

(4) Conceal material facts from a student-athlete which relate to the subject of the individual negotiations in question;

(5) Engage in unlawful conduct and/or conduct involving dishonesty, fraud, deceit, misrepresentation, or other conduct which reflects adversely on his or her fitness as an agent or jeopardizes the effective representation of Duke University student-athletes;

(6) Provide or offer to provide anything of significant value, including a lavish meal or other form of entertainment, to a Duke University student-athlete;

(7) Provide or offer to provide anything of significant value to any other person in return for a personal recommendation of the agent's selection by a Duke University student-athlete;

(8) Provide false or misleading information, including but not limited to information regarding continuing eligibility to participate in intercollegiate athletics (under NCAA or Atlantic Coast Conference rules), to any person in the context of solicitation for selection as the agent for any Duke University student-athlete;

(9) Use titles or business names which imply the existence of professional credentials which he or she does not actually possess; and

(10) Attempt to contact, in person or by telephone, any Duke student-athlete whose eligibility has not expired. Furthermore, this prohibition shall apply to members of the student-athletes' family.

 SECTION 5: OVERSIGHT

A. Duke University has appointed a three-person Committee to counsel potential future professional student-athletes at Duke University pursuant to NCAA rules and to enforce this policy.

B. Complaint; Filing

A complaint against any registered agent shall be initiated by the filing of a written statement of reasons by the Committee. Such complaint shall be based upon information received by the Committee from any person having knowledge of the action or conduct of the agent in question, including student-athletes, other agents, or other persons associated with professional or college sports. The complaint shall be sent to the agent. The complaint shall contain a specific description of the action or conduct giving rise to the complaint and shall make reference to the provisions of this Policy alleged to have been violated.

A complaint must be filed by the Committee within one year from the date of the occurrence of the facts which give rise to the complaint or within one year from the date on which the facts become known to the Committee, whichever is later.

C. Answer

The agent against whom the complaint has been filed shall have thirty days following receipt of the complaint in which to file a written answer to the complaint. Such answer shall be sent to the Student-Athlete Counseling Committee, 102 Cameron Indoor Stadium. The answer must contain admissions or denials as to the facts alleged in the complaint and shall also assert any facts or arguments which the agent wishes to state in his or her defense. The answer may contain a request for a hearing before the Committee.

D. Hearing

If the agent against whom a complaint has been filed under this Section files an answer containing a request for a hearing before the Committee, such a hearing shall be held in Durham, North Carolina within thirty days following receipt of the answer at a date and time set by the Committee. Notice of the date and time of the hearing shall be sent to the agent no fewer than seven days prior to the date of the hearing.

At the hearing, the Committee shall review and, if necessary seek to clarify for the agent the evidence concerning the agent's action or conduct alleged to be in violation of this Policy. The agent shall then have the opportunity to respond with any evidence, either through testimony or otherwise, in support of his or her defense.

E. Action on Complaint

Within thirty days after receipt of the answer (in the event a hearing is not requested) or after a hearing is held, the Committee shall exonerate the agent or inform the agent of the nature of its intended action if it finds all or part of the complaint to be true. Its action may include one or more of the following:

(1) Issuance by the Committee of an informal reprimand to be retained in the agent's file at Duke University;

(2) Issuance of a formal letter of reprimand which may be made public;

(3) Suspension for a time certain of the agent's Registration hereunder; or

(4) Revocation of the agent's Registration hereunder.

F. Finality of Decision

The decision of the Committee shall constitute a final disposition of the matter.

 SECTION 6: EFFECTIVE DATE; AMENDMENTS

The effective date of this Policy shall be September 1, 1985.

These Regulations may be amended from time to time at the discretion of Duke University.

7. References

a. Please list below the names, addresses, and telephone numbers of three persons, not related to you and not engaged in business with you, who have known you for at least the last three years and who can attest to your character.

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b. Please list below the names, addresses, and telephone numbers of at least two entities which can attest to you financial credit:

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 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

8. Other Services

a. Please indicate what services you offer to athletes, in addition to contract negotiation services.

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b. Do you handle players' funds? \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(Yes or No)

If so, are you bonded? \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(Yes or No)

If yes, please provide details as to the amount of the bond, the name and address of the surety or bonding company, etc.:

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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 **APPENDIX A**

 **APPLICATION FOR REGISTRATION**

**AS AN AGENT FOR**

**DUKE UNIVERSITY STUDENT-ATHLETES**

I,\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 ...................(Full Name)...................(Social Security Number)

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_(\_\_\_\_\_)\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(Business Address).................. Zip.................. Telephone

hereby apply for registration as an agent for Duke University student-athletes.

Before making and signing this application, I have read the Duke University Policy concerning Student-Athletes of Duke University and Agents, a current copy of which has been provided to me along with this application form and is incorporated herein by reference. I agree to be bound by and conform to this Policy.

I ask that my answers to the following questions, including my answers to the questions found in my application for certification as an NFLPA contract advisor or my questionnaire for registration as an agent for Duke University student-athletes attached hereto and incorporated herein by reference, be considered as part of this application. I recognize that making false or misleading statements in this application may lead to denial of my application or revocation of my registration.

I also agree that all statements, agreements, and representations made in this application are made for the benefit of Duke University and its student-athletes, both present and future, and that the information herein may be provided by Duke University to its student-athletes, as well as to other colleges/universities and their student-athletes who request it. I further agree that this application and the registration issued hereto, if one be issued, and the Duke Policy Concerning Student-Athletes of Duke University and Agents, shall constitute a contract between Duke University and me.

1. Please provide one of the following: (1) a copy of your completed application for certification as an NFLPA contract advisor; or (2) your completed questionnaire for registration as an agent for Duke University student-athletes attached as Appendix A-1 to this application.

2. Have you been involved in or accused of participating in any action alleged to have been in violation of the rules of the NCAA, any Conference, or any university or college? \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(Yes or No)

If yes, indicate the nature of the complaint or charges, the results of any investigation, and any other information you believe is relevant.

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3. Professional Sports Experience

 a. Please list below the names of all athletes and coaches you are now representing or have represented in the past five years in individual contract negotiations with professional sports teams, indicating the dates of such representation and the team(s) involved. If the total of your clients for this period exceeds ten, you need list only your present and former clients in any sport in which you are seeking to represent a Duke University student-athlete and such additional clients in the sports of football (other than those listed in your NFLPA application), basketball, baseball or soccer as are necessary for your list to contain ten names.

 b. Do you have any applications for Bar admission currently pending? \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(Yes or No)

 If yes, please state where you have applied and the status of that application:

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 c. Have you ever been disbarred, suspended, reprimanded, censured, or otherwise disciplined or disqualified as an attorney, as a member of any other profession, or as a holder of any public office? \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(Yes or No)

 If yes, please describe each such action, the dates of occurrence, and the name and address of the authority imposing the action in question:

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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 d. Are any charges or complaints currently pending against you regarding your conduct as an attorney, as a member of any profession, or as a holder of public office? \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(Yes or No)

 If yes, please indicate the nature of the charge or complaint and the name and address of the authority considering it:

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 e. Has your right to practice before any governmental office, bureau, agency, commission, etc., ever been disqualified, suspended, withdrawn, denied, or terminated? \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(Yes or No)

 If yes, please explain fully:

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 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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5. Other (Than Legal) Occupations

 a. Are you a member of any business or professional organizations which directly relate to your occupation or profession? \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(Yes or No)

 If so, please list:

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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 b. Please list any occupational or professional licenses or other similar credentials (i.e., Certified Public Accountant, Chartered Life Underwriter, Registered Investment Advisor, etc.) you have obtained other then college or graduate school degrees, including dates obtained:

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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 c. Have you ever been denied an occupational or professional license, franchise or other similar credentials for which you applied? \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(Yes or No)

 If yes, please explain fully:

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 d. Do you have currently pending any application for an occupational or professional license, franchise or other similar credentials? \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(Yes or No)

 If yes, please describe and indicate status of each such application:

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 e. Have you ever been suspended, reprimanded, censured, or otherwise disciplined or disqualified as a member of any profession, or as a holder of any public office?. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(Yes or No)

 If yes, please describe each such action, the date(s) of occurrence, and the name and address of the authority imposing the action in question:

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 f. Are any charges or complaints currently pending against you regarding your conduct as a member of any profession, or as a holder of public office? \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(Yes or No)

 If yes, please indicate the nature of the charge or complaint and the name and address of the authority considering it:

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 g. Has your right to engage in any profession or occupation ever been disqualified, suspended, withdrawn, or terminated? \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(Yes or No)

 If yes, please explain fully:

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

6. All Applicants

 a. Have you ever been convicted of or pled guilty to a criminal charge, other than minor traffic violations? \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(Yes or No)

 If yes, please indicate nature of offense, date of conviction, criminal authority involved, and punishment assessed:

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 b. Have you ever been a defendant in any civil proceedings, including bankruptcy proceedings, in which allegations or fraud, misrepresentation, embezzlement, misappropriation of funds, conversion, breach of fiduciary duty, forgery, or legal malpractice were made against you?

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (Yes or No)

 If yes, please describe fully and indicate results of the civil proceeding(s) in question:

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 c. Have you ever been adjudicated insane or legally incompetent by any court? \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ If yes, please provide details:

(Yes or No)

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 d. Were you ever suspended or expelled from any college, university, law school, or graduate school? \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ If so, please explain fully:

(Yes or No)

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 e. Has any surety or any bond on which you were covered been required to pay any money on your behalf? \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ If so, please describe circumstance:

(Yes or No)

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 f. Are there any unsatisfied judgments of continuing effect against you (other than alimony or child support)? \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ If yes, provide full details:

(Yes or No)

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 **APPENDIX A-1**

 **QUESTIONNAIRE FOR REGISTRATION**

**AS AN AGENT FOR**

**DUKE UNIVERSITY STUDENT-ATHLETES**

 PLEASE ANSWER ALL QUESTIONS THOROUGHLY

1. General

 a. Full name of applicant:

 b. Have you ever been known by any other name or surname (including a maiden name)? \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(Yes or No)

 If so, state all names used and when used:

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 c. Date of birth \_\_\_\_\_/\_\_\_\_\_\_\_\_\_\_/\_\_\_\_\_ ................

 d. Birthplace \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

2. Education

 a. Law or other graduate school attended:

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(School)................ (City & State)

 Dates of Attendance: .................From: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ To: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Month/Year .................Month/Year

 Degree: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date Awarded: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 b. Colleges or Universities attended:

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(Name)................ (City & State)................ (Dates Attended) (Degree)

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(Name)................ (City & State)................ (Dates Attended) (Degree)

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(Name)................ (City & State)................ (Dates Attended) (Degree)

 c. High School Attended:

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(Name)................ (City & State) (Date Degree Received)

3. Current Occupation/Employment

 a. I am currently: (Check One)

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Employed by: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_(\_\_\_\_\_)\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(Name of Employer)................ (Address) (Telephone)

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(Dates of Employment)

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(Nature of Employment)

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Self-Employed

 b. If self-employed, please state nature and location of business:

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 c. Please list below the names of employers, addresses, positions held, and dates of all employment you have had for the past five years:

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

4. Lawyers and Law Graduates

 a. Have you been admitted to the Bar in any jurisdiction?

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(Yes or No)

 If so, please list jurisdictions and dates of admission:

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(Jurisdiction)................ (Dates of Admission)

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(Jurisdiction)................ (Dates of Admission)

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(Jurisdiction)................ (Dates of Admission)

|  ATHLETE'S NAME AND ADDRESS |  DATES |  TEAMC(S) |
| --- | --- | --- |
|  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
|  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
|  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
|  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
|  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
|  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
|  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
|  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
|  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
|  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  |

 b. Upon the filing of this application, it shall be deemed that you have agreed with Duke University that Duke University may contact any of the athletes and coaches listed in subparagraph (a) for their impressions on whether registration should be permitted in your case. Please advise in the space below whether special circumstances exist such that you would prefer that certain of your former clients not be contacted, and describe those circumstances (on a separate sheet of paper if necessary).

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Please mail this application to the following address:

 Student-Athlete Counseling Committee

 Duke University

 102 Cameron Indoor Stadium

 Durham, North Carolina 27706

 **APPENDIX B**

 **DUKE UNIVERSITY AGENT REGISTRATION**

DUKE UNIVERSITY, relying upon an Application for Registration previously filed, hereby grants Registration to \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ to act as an agent pursuant to the Duke University Policy Concerning Student-Athletes of Duke University and Agents adopted September 1, 1985, and amended from time to time thereafter. This Registration is effective beginning as of the date hereof, and shall continue in full force and effect until and unless suspended, revoked, or terminated in accordance with this Policy.

Dated at Durham, N.C. this\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_, 19\_\_\_\_\_.

 DUKE UNIVERSITY

BY: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Chairman, Student-Athlete

Counseling Committee