

## ***Journal of Issues in* Intercollegiate Athletics**

### **Illegal Procedure: A Sports Agent Comes Clean on the Dirty Business of College Football**

By Josh Luchs and James Dale. Published 2012 by Bloomsbury USA, New York, NY. (273 pages).

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Until he was suspended by the National Football League Players Association, Josh Luchs made his living as a sports agent representing NFL players, a profession he chronicles in his new book, *Illegal Procedure*. The book is an expansion of an earlier article Luchs wrote, along with George Dohrmann, which appeared in a 2010 issue of *Sports Illustrated* and purports to be an indictment of big time college football, its coaches, the colleges, the NCAA, and NFL agents, to name a few of his targets.

Luchs outlines his early days as a ball boy for the then LA Oakland Raiders and the ambition that made him forego a college education to instead embrace a career of chasing 19 and 20-year-old college football phenoms around the country in the hopes of landing them as clients. *Illegal Procedure* paints a predictably unsavory picture of his chosen profession, but it also portrays its author in a particularly unsavory light. As a sports agent, Luchs' "expertise" seems to have been confined to "loaning" college athletes money before their eligibility was up, "partying with great looking LA girls," playing endless hours of video games with college athletes, providing housing and food for prospective clients and fudging the truth in an effort to secure their business. All of this Luchs admits to doing. And while it takes two to tango – many college football players associated with Luchs knew exactly what they were doing – Luchs seemingly has no appreciation for the way his *own* behavior has contributed to the problems of big time college athletics.

*Illegal Procedure* plows no real new ground; Luchs and his co-author make note of several books and articles that outline similar behavior. They blame the usual suspects for this mess; the NFLPA, college coaches who make "too much money" (and by the way, failed to recommend Luchs' to their players), the NCAA, and other agents who also skirt the rules and pay players in the hopes of representing them when they sign their first big time NFL contracts.

While Luchs' criticism of the current system abounds, he also purports to offer solutions and suggestions for making it harder for people like him, with misguided priorities and a willingness to break the rules, from operating as runners (a paid middleman for player agents) and agents. But his suggestions for cleaning up the business are curious. He blames the NFLPA for the system's "unfairness" yet acknowledges the NFLPA was suspicious of his "business practices" from the beginning. The very institution he describes as feckless in policing the industry is the same institution that suspended him for 12 months, thus doing a big favor to college coaches, players and other agents who choose to abide by the industry's code of professional conduct.

Luchs' criticism of the NFLPA is off base for another reason. While certainly an imperfect organization, the NFLPA has made great strides in making it more difficult for people as unscrupulous as Luchs from operating as runners and agents in the NFL. Agents now have to be certified. Agents no longer can charge what they want for their services. It's stipulated that players can't be charged more than 3% of the value of their contract by agents negotiating a deal on their behalf. Other steps taken by the NFLPA to curb questionable practices include the institution of a standard contract that all agents and players sign as well as a standard contract that each player signs with his team. A recent regulation requires agents to have an undergraduate and a Master's or Law Degree in order to be certified (Luchs did not even have an undergraduate degree). These are just a few of the protections the NFLPA and its lawyers have built up over the years to combat overreaching on the part of player agents.

While neither the NCAA nor the NFLPA can prevent people like Luchs from entering the business, both organizations have tried to make it more difficult for individuals like Luchs and those who would emulate his practices from joining the profession. While Luchs offers suggestions to both entities on how to achieve this, neither group has the budget necessary to police the field in the way Luchs recommends.

Luchs also overstates the profits that NCAA schools make off their athletic programs while understating the value of a college athletic scholarship – and the value of a college education. As the father of two boys who play basketball, I can assure Mr. Luchs that I would welcome a college or university to "exploit" my son with an athletic scholarship. Stating that "these athletes receive nothing" is the common refrain heard from the chorus of critics who regularly call out the NCAA for its shortcomings, much the way Taylor Branch did in his seminal article, *The Shame of College Sports*. This is not to say that the Branch article, Luchs' book, and other voices exposing the corrupting influences in college athletics, do nothing to help police the industry. They do. Nor do I argue that college coaches are underpaid or that there are some athletes who are undervalued in the market we call "college athletics".

What I would argue is that people like Luchs who have no appreciation whatsoever for the value of a college education should stay as far away as possible from college athletics. After reading *Illegal Procedure*, I was struck by how little enduring value Luchs provided his clients. That's the message of this book. If I have a son who is a big time college football player, I want him to read this book to know from whom he needs to stay away. If I'm a football coach at a big time program, I want to read this book to know who I want my players protected from and if I'm with the NFLPA I want to read this book to find out who I need to scrutinize more closely.