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FROM THE GROUND UP

Kathleen Bogas has been part of employment discrimination cases since the foundation of the law

How Lem Barney led
Jim Acho to sports law

Kim Scott fought for
1,400 deported Iraqis



'I Came Out Punching'

How Lem Barney led Jim Acho to sports law, and taking on the MLB and NFL

BY BRENDAN MEYER

Jim Acho never asks for gifts from the athletes he's represented over the years, but he gets them anyway.

The walls of his home and work office are lined with framed and signed jerseys from clients like Hall of Famers Gale Sayers, Lem Barney, and Pat Summerall. There are two 7-foot high memorabilia cases filled with game-used helmets, signed baseballs, basketballs, footballs and bats.

There are so many gifts that Acho has run out of space—many sit in boxes in storage. But it's the folder in his desk drawer that holds the ones he prizes most.

"That's where I keep the handwritten letters that I've gotten from players, many of them legends, thanking me for the work I've done," Acho says.

Roughly a third of Acho's caseload for the past 22 years has been sports law. In 2002, he sued Major League Baseball and the Major League Baseball Players Association (MLBPA) on behalf of roughly 1,150 retired MLB players. He's also represented retired NFL stars like Sayers and Summerall in concussion claims.

"There's not a day that goes by that I don't get a call from a former player in some sport, with some issue, be it pension or medical benefit, concussion or disability," Acho says.

It's a career path the 52-year-old never imagined. Growing up, Acho had no interest in following his father's footsteps into law. He wanted a career in sports.

Acho played college basketball at the University of Saint Francis in Indiana, and afterward, coached at Madonna University. He had dreams of climbing the coaching ladder to Division I basketball. Simultaneously, Acho sold cars at a dealership owned by former Lion Mel Farr.



Acho in 2018 with
MLB All-Star pitcher
Ray Herbert.

James R. Acho

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"But I was not that good at selling cars, and my coaching career wasn't going anywhere," Acho says. His manager at the dealership, Lem Barney, encouraged Acho to pursue a career in law—but with an emphasis on sports.

"I will not only help you get into representing players," Barney told him, "I'll be your first client."

So, at 26, Acho quit the dealership to attend law school. And sure enough, on the day he graduated, Barney asked him to review a personal appearance contract. Acho did small work like this for his first couple years of practice, until 2002.

That's when Acho sued MLB and the MLBPA on behalf of 1,150 retired players who played from 1979 to 1980 and had been denied pensions and medical benefits.

"It was daunting. I was just a couple of years out of law school, taking on big-time New York City sports attorneys in Brooks Brothers suits like Rob Manfred, Donald Fehr and Michael Weiner," Acho says. "Either I was going to curl up in a ball and get my butt kicked, or come out of the corner punching. I came out punching."

Acho lost the case due to the statute of limitations, but the trial court in Los

Angeles and the court of appeals both said that, morally, his group was in the right and that the league should continue to work with them. In 2011, MLB granted the retired players a \$10,000-a-year contribution for life.

"That's the case that put me on the map," Acho says.

In 2017, Acho signed up 36 former NFL players and took on the NFL in concussion lawsuits. Of the first 20 cases he filed, he won 18, and won the other two on appeal. He has one left.

And that one might be his final big sports law case. Acho doesn't see anything big on the horizon, and has seen his caseload heavily skew toward municipal defense, labor and employment. He even resigned his sports law teaching job at Madonna University that he held for 13 years.

If Acho's sports law career is behind him, he's at peace with it. He accomplished a lot. On rough days, when it seems like the business is beating him down, Acho finds himself opening up the drawer in his home office to look at those handwritten letters.

"I'll reread them sometimes when I'm feeling down," he says. "They reaffirm my faith in what I'm doing." **SL**