

## Who is Judge Susan Nelson, the holder of legal NFL's fate?

USA Today

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March 29, 2011

Link: [http://www.usatoday.com/sports/football/nfl/2011-03-28-judge-susan-nelson\\_N.htm?loc=interstitialskip#](http://www.usatoday.com/sports/football/nfl/2011-03-28-judge-susan-nelson_N.htm?loc=interstitialskip#)

The impasse between the NFL and its players has already taken several twists and turns, now the legality of the NFL lockout and potential antitrust violations will be decided by a rookie federal judge with little experience in either arena.

Not that anybody expects that to matter on April 6 in St. Paul. That is when U.S. Judge Susan Nelson hears a request from 10 NFL players for a temporary injunction to stop the lockout imposed by league owners on March 12. The work stoppage followed the breakdown of negotiations before a federal mediator in Washington.

Former U.S. attorney Thomas B. Heffelfinger believes that if 10 years of facilitating cases as a federal magistrate demonstrated anything, Nelson will thoroughly examine the facts and arguments before rendering a fair, informed decision.

"There's no doubt she's in control of the courtroom," said Heffelfinger, whose office argued numerous cases before Nelson. "She has a reputation of being open to arguments and being very decisive. She's had enough big matters before her that the size (of this case) won't put her off. This is a case that will be heard on the law, not the noise."

Nelson, 59, was nominated by President Obama last year and took her seat on the federal bench in December. She came to preside over this labor standoff between billionaire owners and millionaire players thanks to a computer's random assignment. She received the case after two judges recused themselves. She can audible by handing off the dispute to another jurist or even the National Labor Relations Board, which is looking into the NFL's charge that the now-decertified [NFL Players Association](#) didn't bargain in good faith.

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It will mark her second sports case in 15 months, following last year's *Dryer v. NFL* suit involving compensation over the use of former players' likenesses. She also gained attention as part of the legal team that helped the state of Minnesota beat the tobacco industry when she was in private practice.

**"She's been around the courthouse and understands the politics of being a judge," said antitrust specialist Jack McLean of Bartko Zankel Tarrant & Miller in San Francisco.**

**"It's hard to say which way she might go. She could decide this now or let the NLRB decide this as a labor issue and as a master of these policies in the United States. But her first (major) decision is whether to leave the status quo or deciding what's there and making a decision because (the facts) are so clear."**

Nelson's background is less clear, which is not surprising considering how federal judges guard their privacy. What's known is that the married mother of two sons and [University of](#)

[Pittsburgh](#) Law School graduate practiced in Pittsburgh and New Haven, Conn., before spending 16 years with the Minneapolis firm of Robins, Kaplan, Miller & Ciresi. She then became a magistrate in 2000.

She was recommended by Minnesota Sen. [Amy Klobuchar](#) (D) to succeed James Rosenbaum, who had served on the court since 1985. Senate politics stalled the nomination for more a year according to the *Minneapolis Star Tribune*, before it and several other nominations were approved by unanimous consent in late December. She took office on Dec. 21.

[New York University](#) sports law professor Bob Boland believes her nomination may suggest a left-leaning political stance — perhaps giving some hope to the players union — but it's far a reliable predictor of how she'll rule.. And while her decision on the lockout and antitrust issues could have a huge impact on the NFL and its players, the uniqueness of sports labor issues pretty much limits it to that world.

"Judges stay pretty close to what they are at first," said Boland. " She's a brand-new judge and not quite a known commodity because she has dealt with cut-and-dried cases (as a magistrate).

"This is a major one with a million variable parts. Sports cases are so topsy-turvy that it's hard to say that a political bent will lead to a probable outcome."