



# Max L. Forer

Partner

 503.205.2473
  Portland Office  
 max.forer@millernash.com

**“I approach client relationships with genuine care for the client’s needs and a team-oriented focus. My experience has taught me that clients truly appreciate extra effort, clear and direct communication, and thoughtful solutions.”**

Max Forer leads the sports, entertainment & media team at Miller Nash and provides advice and counsel to name, image, and likeness (NIL) collectives, educational institutions, professional sports teams, agencies, management companies, amateur and professional athletes, and other sports and entertainment individuals and businesses. He has experience structuring NIL deals with collegiate athletes, including group licensing and real estate deals, drafting agreements for promotional campaigns, negotiating with sports agents and large sports agencies, and continues to structure first of its kind NIL deals, some that have been replicated around the country. Max has also assisted professional sports teams with private and public event agreements, giveaways, influencer agreements, various services and production agreements, artwork commission agreements, and ticket-related issues. Additionally, Max gained significant in-house experience when he worked with a professional sports franchise and arena client where he acted as assistant general counsel for a period of time and advised the organization’s management on various legal matters, including strategy, contract negotiations, business operations, and compliance. Max is a former Division I college football player and continues to stay at the forefront of the fast-moving college and professional sports landscape, closely monitoring state, federal, and NCAA legislative changes and proposed laws and providing clients with actionable insight into how to address the inevitable changes that recent legislation will bring.

In addition, Max provides counsel on a wide variety of business and real estate transactional matters, including mergers and acquisitions, corporate finance, real estate financing, commercial leasing, purchase and sale agreements, commercial landlord-tenant disputes, easement agreements, and corporate governance matters for closely held businesses to Fortune 500 companies.

Before joining Miller Nash, Max served as a judicial extern for U.S. District Court Judge John V. Acosta and as a legal extern for Lane County Circuit Court Judge Curtis Conover. While in law school, Max worked at Octagon Football, International Sports and Entertainment Agency, where he gained experience editing NFL player contracts, waivers, and agreements.

## Education

J.D., University of Oregon School of Law, 2015

- Articles Editor, *Oregon Law Review*

B.S., University of Oregon, 2011

- Oregon Athletic Hall of Fame
- University of Oregon Football, 2006-2011
  - Two-year Letter winner and two-time Pac-10 Champion
  - Played in National Championship, Rose Bowl, Holiday Bowl, Sun Bowl, and Vegas Bowl

## Bar Admissions

Oregon, 2016  
Alaska, 2021

## Professional Activities

- NAIOP Commercial Real Estate Development Association, Oregon Chapter, Member, 2019-present
  - Developing Leaders Committee, 2021-2023
- Multnomah Bar Association
  - Young Lawyers Section
  - Business Law Section
  - Real Estate and Land Use Section
- Oregon State Bar, Member
- American Bar Association
  - Business and Real Estate Sections

## Civic Activities

- Sport Oregon, Board Member
  - Sport Oregon [Video](#): Featuring Max Forer
- Oregon Hillel, Board Chair
- Oregon Alumni Association, Member
- Oregon Student-Athlete Mentor Program, Mentor
- Jewish Federation of Greater Portland, Member
- Leadership Portland, Portland Business Alliance, Class of 2020

## Representative Experience

### Sports, Media & Entertainment

- Represented, prepared and coordinated with NIL collective in group licensing deal with 400 student-athlete and major sports apparel brands.
- Prepared and negotiated license and endorsement agreements between companies and student-athletes, engaging with athlete agents and agency counsel throughout the negotiation process.
- Represented Fortune 500 companies in the creation and set up of NIL ambassador programs to engage with student-athletes located at Division 1, Division 2, and Division 3 colleges across the country.
- Supported professional sports franchise and arena client through working in-house for a period of time, serving as assistant general counsel. Negotiated and prepared various contractor agreements, sweepstakes, location agreements, event license agreements.
- Lead attorney for PWCC Marketplace in its merger with Fanatics.
- Advised Division I institutions on NCAA regulatory requirements and policy recommendations related to NIL and the changes to college sports.
- Represented brand in connection with product collaboration and promotion with NBA player.
- Assisted NCAA member institution in drafting and negotiating employment agreement for athletic coaches.
- Successfully challenged the National Women's Soccer League's minimum age rule in U.S. District Court as an illegal boycott in violation of federal antitrust law on behalf of 15-year-old professional soccer player Olivia Moultrie. Trial team obtained a temporary restraining order and a preliminary injunction in this landmark case, prohibiting the NWSL and its teams from boycotting Moultrie due to her age. Achievements also included securing favorable rulings on significant questions arising out of federal antitrust and labor law, including that the NWSL and its teams did not constitute a "single entity" for antitrust purposes and that Moultrie's claim was not precluded by federal labor statutes and did not interfere with ongoing collective bargaining between the NWSL and the NWSL Players Association. Case culminated in the negotiation of a settlement ensuring Moultrie's right to continue playing in the NWSL, subject to the provisions of any final collective bargaining agreement.

## Real Estate

- Represented property owner in \$49,237,500 construction loan for apartment complex with 14 entity property owner organization structure and cross-border investors.
- Represented owner in \$10.1 million refinance of office property.
- Represented owner in \$10.8 million combination refinance and construction loan of ministorage facility.
- Represented owner in obtaining \$14 million construction financing for hotel.
- Represented owner in \$21 million refinance of multifamily property.
- Represented buyer in purchase of \$24 million multifamily property.

## Business

- Assisted as part of transaction team representing Glacier Bancorp, Inc. in acquisition of Heritage Bancorp, a Nevada based bank holding company with assets of approximately \$842 million.
- Represented company in recapitalization of shares and investor acquisition.
- Represented 12-member investment group in an acquisition of commercial property in the Pearl.
- Represented 33-member investment group investing in a hotel and related properties.

## Publications

- “Name, image and likeness celebrates one year: How has it changed college athletics — especially golf?,” *Golfweek*, quoted (July 2024)
- “Connecting Gophers athletes to the money: These boosters are making it happen,” *The Minnesota Star Tribune*, quoted (Mar. 2024)
- “The Current State of NIL,” *Inside Higher Ed*, quoted (June 2023)
- “NIL Summit Generates Predictions of More Dramatic Changes on College Landscape,” *AP News*, quoted (June 2023)
- “A New Opportunity: NIL and Franchise Systems,” American Bar Association, Forum on Franchising, *The Franchise Lawyer*, coauthor (Winter 2023)
- “College Athletes Starring in Bank Marketing—NIL Rule Changes Mean New Opportunities,” American Bankers Association, *Bank Marketing Newsletter*, coauthor (Nov. 2022)
- “New Trend to Hire NIL General Managers Brings Benefits, Risks to Athletics Departments,” *Campus Legal Advisor*, coauthor (Nov. 2022)
- “New Trend to Hire NIL General Managers Brings Benefits, Risks,” *College Athletics and the Law*, coauthor (Oct. 2022)
- “Name/Image/Likeness Coming to Oregon K-12 Soon? Potential Impacts of the OSAA’s NIL Decision and Why Districts Need to Pay Attention Now,” Miller Nash, *News You Can Use*, coauthor (Feb. 2022)
- “A New Era in Sports Law,” Oregon State Bar, *Bulletin*, interview (Dec. 2021)
- “Always Hustling,” *Oregon Business*, interview (Nov. 2021)
- “Evolution of NIL—Donor Funded NIL Groups,” Miller Nash, *News You Can Use*, coauthor (Nov. 2021)
- “NIL Modernization Goes Live—Potential Impacts on High School Athletes,” Miller Nash, *News You Can Use*, coauthor (June 2021)
- “NCAA Name, Image, and Likeness Update: Key Considerations for NIL Policies,” Miller Nash, *News You Can Use*, coauthor (June 2021)
- “NIL Update: Oregon Passes SB 5,” Miller Nash, *News You Can Use*, coauthor (June 2021)
- “NCAA Name, Image, and Likeness Update,” Miller Nash Graham & Dunn, *News You Can Use*, coauthor (Mar. 2021)
- “Full Court Press: Highlights from the State Legislation Forcing the Issue on NIL,” *Harvard Journal of Sports and Entertainment Law*, coauthor (Aug. 2020)

- “2020: New Odyssey for America’s Businesses—Navigating State Compliance Requirements in a Virtual World,” National Association of Credit Management, coauthor (Jul. 2020)
- “NCAA’s Name, Image and Likeness Modernization Presses Forward,” Miller Nash Graham & Dunn, *IP Law Trends* (July 2020)
- “\$55M to COVID-19-Impacted Tenants for Rent Relief,” Miller Nash Graham & Dunn, *From the Ground Up* (June 2020)
- “Oregon Appellate Cases - Multiple Adjustments, Single Jurisdiction - Part 2,” Oregon State Bar, *Oregon Real Estate and Land Use Digest* (June 2018)
- “LUBA Remands Multiple Property Line Adjustment Approval to Align with Bowerman,” Oregon State Bar, *Oregon Real Estate and Land Use Digest* (Dec. 2017)
- “Oregon Appellate Cases - Multiple Adjustments, Single Jurisdiction - Part 1,” Oregon State Bar, *Oregon Real Estate and Land Use Digest* (Oct. 2017)
- “No Mulligans for Landowners Once Consent Is Given to a ‘Trespasser,’” Oregon State Bar, *Oregon Real Estate and Land Use Digest* (Dec. 2016)

## Presentations

- “Pressing Topics and Looming Challenges in College Athletics: A Legal Briefing for Colleges and Universities,” Miller Nash, webinar (Jan. 2024)
- “Navigating College Athletics’ Legal and Regulatory Environment,” NIL Summit (June 2023)
- “Legal Playbook: Navigating Contracts and Negotiations,” University of Oregon, Taking Flight: The Future of Women’s Sports Business (May 2023)
- “Career Exploration and Professional Planning,” University of Oregon School of Law, panelist (Feb. 2023)
- “NIL and Collegiate Sports Medicine Town Hall,” National Athletic Trainers’ Association, Intercollegiate Council for Sports Medicine, panelist (Jan. 2023)
- “Landscape and Impacts of NIL Intellectual Property,” Dallas Bar Association, Intellectual Property Law Section (Oct. 2022)
- “Protecting Your Student Athletes,” NIL Summit (June 2022)
- “The New Age of Sports,” Multnomah Bar Association, CLE webinar, co-presenter (Mar. 2022)
- “Goals and Goal Setting,” Oregon Hillel, October Board Chair Call, co-presenter (Oct. 2021)
- “Make Your Own Luck in Law School,” University of Oregon School of Law, Pre-Orientation Program (Aug. 2020)
- “Oregon Law Summer Sports Institute,” University of Oregon School of Law, featured speaker (July 2020)
- “Name, Image, and Likeness Rules Update: NCAA Final Report and Recommendations,” Miller Nash Graham & Dunn, webinar (May 2020)
- “NCAA Name, Image, and Likeness Rules: What Institutions Can Do Now to Prepare for the NIL Rules,” Miller Nash Graham & Dunn, webinar (Mar. 2020)
- “International Issues and Navigating Evolving CBD Policies and Licensing Issues When Working with Athletes,” Seattle University School of Law/*Seattle University Law Review*, CLE Symposium (Feb. 2020)
- International School of Beaverton “Culture Week,” Career Workshop (Jan. 2020)
- “It’s in the Name! NIL Discussion on Rule Changes,” Sports Lawyers Association (Jan. 2020)

## Recognition & Honors

- Named to *Portland Business Journal’s* 40 Under 40 list, 2023
- Selected for inclusion in *Best Lawyers: Ones to Watch*<sup>®</sup> (Portland, OR)
  - Corporate Law, 2024-present
  - Real Estate Law, 2023-present

- Business Organizations (including LLCs and Partnerships), 2022-present
- Entertainment and Sports Law, 2022-present
- Mergers and Acquisitions Law, 2022-present
- Selected for inclusion as an Oregon Super Lawyer—Rising Star, 2018-present

### **Personal Activities**

Before beginning law school, Max was a gold miner for the Fairbanks Gold Company. When he is not working, Max is a gold panning guide at his wife’s gold panning business, Gold Daughters, in Fairbanks Alaska, helping guests pan for gold. Max also enjoys Portland’s delicious food scene and exploring the Pacific Northwest and Alaska with his wife (Jordan), son (Jack), and two labs (Dobby and Daffodil aka Daffy).