

COUNSEL'S CORNER

Protect your house during recruiting

By **SAMANTHA EKSTRAND**
NFCA Legal Counsel

The end of the playing season marks the beginning of another “season” — recruiting.

As a former volunteer assistant for a Division I team, I used to relish the fact that I had nothing to do with recruiting. I believed I had the best job on staff because I only had to coach.

What a luxury! No summer tournaments, no coordinating official visits or junior weekends, no home visits (remember those?). I just went to practices and games and I loved it.

NOW, AS AN attorney working with coaches, I view recruiting as one of the most critical parts of the job. Recruiting can make or break you.

Some of you may be thinking that I am talking about talent. When you are out on the recruiting trail, you are looking for good hitters, fast pitchers, quick-reacting catchers and the like.

Yes, skills are important. You need to bring in talented players to build your championship team. You have to replace the players who are graduating. Your depth chart and positional needs do matter. However, you need more than a player with a good arm; each recruit needs to be a good match for your coaching style, your program and your school.

Identifying who has a good arm is relatively easy compared to assessing who is a good fit for your team. How do you know? How *can*

Recruiting is more than a summer tour of softball fields. Recruiting is the key to the future of your program and your job security. It is about building both championships and culture.

you know? There is not a quick and easy way to learn about a player’s personality, values, coachability and expectations. It takes time and what we call, “due diligence.”

IN LAW, due diligence is defined as a measure of prudence taken by a reasonable person in a certain circumstance. In business, due diligence applies when gathering information to analyze the risk of an investment or transaction.

In a negotiation, due diligence describes the duty of each party to confirm the expectations and abilities of each side to meet the conditions of the agreement. I contend that *all* of these due diligence definitions can be used in your approach to recruiting.

1) Be wise and take your time in your search for prospective players.

2) Collect as much information as you can before you invest your time and energy into this person as a member of your team.

3) Be clear in your communication. Confirm what this prospective player’s expectations are and their ability to meet the demands of being a student-athlete at your school and in your program.

And don’t stop there. You should

employ due diligence in evaluating the recruit’s parents. These days, most parents do not drop off their child in August or September and pick them up for the holidays. Parents now tend to be very involved in their college student-athlete’s experience.

Not only involved, some parents complain directly to you, your AD, even your president or provost. From the outset, you need to know if these parents are reasonable. Do they trust your experience and judgment as a coach? Do they listen? Do they have strong opinions?

DO THEY SHOW respect to the people around them? How do they interact with their child? With others? How do they describe their own child and her softball experience?

If they speak ill about a coach or a teacher, it does not take a giant leap of intellect to predict that you could likely be the next subject of criticism. You need to know who you are bringing into your program.

Think little pigs letting in the wolf dressed in Grandma’s clothing. Some appear kind and gentle on the outside, but they are fierce and vicious beneath the surface.

The key action to remember here is that you are opening the door. Once the wolf is in your house, he or she is in. Recruiting is the mechanism by which you are opening the door into your world. Be aware, be vigilant, be selective.

Who can give you an honest opinion about this player, her family and even forecast how they will fit into your program? Hopefully, you



Samantha Ekstrand, the legal counsel whose services are included with NFCA membership, co-founded the law firm of Ekstrand & Ekstrand with her husband Bob in 2002.

She oversees the firm’s management, evaluating prospective cases, advising on case strategy, assisting clients and managing crisis situations. She also drafts and reviews contracts, negotiates employment contracts and separation agreements, analyzes potential legal claims pre-litigation, performs risk management for organizations and prepares simple wills and trusts.

Ekstrand received her Juris Doctor from Duke Law School, and received a master’s in history from Duke University, where she worked as a staff editor for the Duke Law Journal and served as a volunteer assistant coach for seven years with the Duke women’s lacrosse team. She is also a former high school teacher.

have developed trusted sources of information on the recruiting trail — travel ball coaches, high school coaches, those who have competed against this player.

YOU ALSO HAVE your own instinct. My mom calls this her ability to “blink” someone, referring to Malcolm Gladwell’s bestseller, “Blink.” Gladwell writes about our ability to “think without thinking.” Using a small amount of information or perception, we can arrive at a reliable conclusion. Gladwell also terms this “thin-slicing,” intuitive judgment in an instant.

SEE PROTECT PAGE 19

HAVE A LEGAL QUESTION OR A TOPIC YOU WANT ADDRESSED?

Email your legal questions and topics to NFCA Legal Counsel Samantha Ekstrand via nfca@nfca.org. Selected questions and topics will be addressed in future editions of Counsel’s Corner in Fastpitch Delivery.



PROTECT YOUR HOUSE DURING RECRUITING

CONTINUED FROM PAGE 14

Others simply say they trust their gut. When you sit down with a recruit and her parents, what does your gut say?

IN MY OPINION, a balance of due diligence and “blinking” is the formula for good recruiting. You should do your homework about prospective players — not just their stats, but who they are and what they are like.

I also believe that if your instinct is sending up red flags, you should listen and not try to rationalize that the talent

you see is worth the headache you don't feel yet.

AND REMEMBER that each spot is gold. I have heard more stories about coaches making an exception of some sort, even doing a good deed, picking up a player for that last spot, thinking that that spot has less of an effect on the team than the top few.

Not true. That last spot can make or break you.

It took one wolf to eat three pigs. Every spot, every jersey, every person involved in your program can make a powerful impact, for better or for worse.

If you are a high school, travel ball or junior college coach reading this

article, your role in the recruiting process is critically important. You are the purveyor of information. Your personal and professional reputation is on the line with each recommendation you make.

WHILE THIS DOES not give you license to sink a kid or a college coach, you need to be honest with all parties in the recruiting process. This is not an easy job. You need to help frame reasonable expectations for the prospective player and her family. You also need to provide truthful assessments when talking with college coaches.

AT THE CORE of this process,

you are probably in the best position to give your opinion of whether this is a “good fit.” Your opinion is not the final decision, but it is a piece of the calculus.

Recruiting is more than a summer tour of softball fields. Recruiting is the key to the future of your program and your job security. It is about building both championships and culture. You need talent to win, or perhaps talent to coach to win.

I encourage you to look beyond the talent, to the person in the uniform and her parents in the stands, who are either cheering or bleacher-seat coaching. Do you want to open the door to your house to these multi-year guests?