

NFL LOCKOUT

Agreement could be far off still

BY SEAN JENSEN

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A Chicago-based attorney and mediator, while optimistic, is also skeptical as NFL owners and players continue a second round of mediation in their labor impasse.

Owners and players met face-to-face Friday in Minneapolis for a second day, with U.S. Magistrate Judge Arthur Boylan overseeing the talks. With details kept confidential, Robert Berliner warned a solution might not be right around the corner.

"It could take a long time in this case because I can't tell how their negotiating position is impacted by the various things that could happen," said Berliner, principal of Berliner and Associates. "Parties that ought to be moving toward a business deal could feel that their position in the judicial process — or the administrative process — can be more stubborn and more demanding. ... So you don't know who might feel stronger."

By all indications, both sides have dug in their heels. The NFL Players Association decertified March 11 when the collective-bargaining agreement expired after a brief extension. NFL owners quickly locked players out, shifting the drama to courthouses and eventually into the lap of U.S. District Judge Susan Nelson.

Berliner said neither side may be willing to budge right now because Nelson has said she would rule on the players' request for an injunction within the next few weeks. The National Labor Relations Board also is expected to rule on the league's charge that the union engaged in unfair labor practices.

Berliner said mediation — not litigation — is the safest route.

"Both sides have tremendous risks," he said. "[With mediation], they have the ability to craft their deal that will work for them, and they know what the outcome is.

"This is ultimately a business deal. These people are in business together. Like it or not, they need each other."

Owners and players previously met with George Cohen, the director of the Federal Mediation and Conciliation Service, for 16 days in Washington, D.C. But Boylan, appointed by Nelson, might have more power because he's a judge.

But, Berliner said, "If the parties are inflexible, then there's nothing a mediator can do."