



Max L. Forer

Partner

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 @MaxForer

“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 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. As a former D1 student-athlete, his practice also focuses on various sports-related matters, including IP licenses and assignments relating to name, image, and likeness (NIL), assisting athletes throughout their careers and in retirement with business and nonprofit ventures, and working with brands associated with sports on the sponsor side of influencer, signage, naming rights, and presenting sponsor agreements. Max continues to stay at the forefront of the fast-moving NIL 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 NIL legislation will bring.

Before joining Miller Nash, Max worked at a local firm where he advised clients on real estate, corporate, business, and intellectual property matters. 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.

Professional Activities

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

Education

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

- Articles Editor, *Oregon Law Review*

B.S., University of Oregon, 2011

Bar Admissions

Oregon, 2016

- Oregon State Bar, Member
- American Bar Association
 - Business and Real Estate Sections

Civic Activities

- Sport Oregon, Board Member
- Oregon Hillel, Board Chair
- Oregon Alumni Association, Member
 - Oregon Law Alumni Digital Advisory Committee
- Oregon Student-Athlete Mentor Program, Mentor
- Jewish Federation of Greater Portland, Member

Representative Experience

Sports, Media & Entertainment

- 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 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 obtaining \$9 million construction financing for hotel.
- Represented owner in obtaining \$11.2 million construction financing for hotel.
- Represented buyer in a loan and option to buy and purchase of \$12 million multifamily property.
- Represented owner in \$21 million refinance of multifamily property.
- Represented buyer in purchase of \$22 million multifamily property.
- Represented buyer in purchase of \$24 million multifamily property.

Business

- Represented seller in sale of local boutique fitness business.
- Represented company in recapitalization of shares and investor acquisition.
- Prepared and negotiated \$1.3 million sale and security documents for seller in sale of local technology business.
- Represented 12-member investment group in an acquisition of commercial property in the Pearl.
- Represented 33-member investment group investing in a purchase of a hotel and related properties.

Publications

- “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)
- “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

- “NIL and Collegiate Sports Medicine Town Hall,” National Athletic Trainers’ Association, Intercollegiate Council for Sports Medicine, panelist (Jan. 2023)
- “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

- Selected for inclusion in *Best Lawyers: Ones to Watch* (Portland, OR)
 - Business Organizations (including LLCs and Partnerships), 2022-present
 - Entertainment and Sports Law, 2022-present
 - Mergers and Acquisitions Law, 2022-present
 - Real Estate Law, 2023-present
- Selected for inclusion as an Oregon Super Lawyer—Rising Star, 2018-present

Personal Activities

Max played football for the University of Oregon from 2006-2011 where he played on teams that made it to the Las Vegas Bowl, Sun Bowl, Holiday Bowl, Rose Bowl, and the National Championship. Shortly after, Max was a gold miner for the Fairbanks Gold Company. When he’s not in the office, Max enjoys Portland’s delicious food scene and exploring the Pacific Northwest with his wife and two black labs, Dobby and Clover.