

Justin Prochnow ([00:12](#)):

Hello, and welcome to Legal Food Talk. I'm your host, Justin Prochnow, a shareholder in the Denver office of the international law firm, Greenberg Traurig. And this is a podcast brought to you by our food, beverage and agribusiness practice to give you some insights and knowledge about the world of food, beverage and agribusiness.

Justin Prochnow ([00:37](#)):

Thank you for tuning in and joining us today for another episode of Legal Food Talk. We've covered a variety of different areas in our first episodes, ranging from hemp and CBD to endorsements and testimonials, to weight loss claims. Today we're going in a little bit different direction, and we're going to talk a little bit about horses. I'm joined today by one of my colleagues and fellow shareholders at Greenberg Traurig, Michael Nicodema from our New Jersey office. Welcome Michael.

Michael Nicodema ([01:14](#)):

Hey Justin. Good to see you.

Justin Prochnow ([01:16](#)):

Good to have you join us today. And one of the advantages of working at a large law firm, I always like to introduce us as a small boutique law firm of 2,500 lawyers in 40 plus offices in the US, and around the world. Look, we have 2,400 plus fellow attorneys and we get to know a lot of them, but we also work with a lot of people that we never get to talk to.

Justin Prochnow ([01:44](#)):

And so you and I have talked, certainly work together on some things over the years. But it's a great opportunity to find out a little bit more about you. So, why don't we start off by telling us a little bit about you and your practice prior to getting into kind of the equine law that we're going to talk about?

Michael Nicodema ([02:07](#)):

Sure. I guess what you would call me is a [inaudible 00:02:10] trial attorney. And that's all I do, jury trials, bench trials, trials of any subject matter. It could be intellectual property. It could be contract disputes, could be class actions. It could really be anything. And that's what I enjoy. And the benefit of that is that I've tried cases in many different jurisdictions with many GT firms across the country. So, I really got to know people in the firm and we've made a 2,500 person firm at least more cozy and smaller for me in that respect, because I know so many people and I really cherish all the relationships that I've developed over the years here.

Justin Prochnow ([02:46](#)):

Today we're going to talk a little bit about a newer practice group that we have here at Greenberg Traurig. It happens to fall under our umbrella group of food, beverage and agribusiness, which is one of the reasons we're talking about it here today. Not a lot of people might think that there's necessarily a correlation with the equine industry and the food beverage and agribusiness group. Hopefully we're not talking about those horses that are done with their time, and the old saying of what happens to horses when they're dead. We're not talking about that here. We're talking about a whole different type of practice here. Tell us a little bit about kind of in general, the equine industry group and how you kind of got it going?

Michael Nicodema ([03:37](#)):

Sure. We call it an equine industry practice, Justin, because what we've done is put together shareholders and associates from all the GT practice areas that even touch the horse world. And the way we promote ourselves is kind of a one-stop shopping. We have the best of the best, in tax, in real estate, in litigation, in entertainment law, and all of these areas in insurance touch the equine world. They touch the racing world. They touch the equestrian world. And I saw years ago, my wife's a show jumper, and I've been following her around for almost 20 years to all the big shows up and down the east coast. And I got to see that this is a world where they call it the sport of kings, show jumping, and the entities and people that own these horses have lots of other business interests where I thought GT could be of value to them.

Michael Nicodema ([04:35](#)):

And then about a year and a half ago, some folks in the Jersey office, including myself, collaborated with some folks in the West Palm office who had the same idea and we got together and we formed this group. We put together a business case. The firm was very supportive. We sent out an email in January 2020, asking our fellow shareholders and associates, if they had any contacts in the equine world, in the racing world, if they had any pending matters. And I guess it wasn't too big of a surprise that we got 150 responses. And there were so many people who either love horses or had contact with horses or were working on matters involving horses. And we saw how widespread this was, and we did our due diligence and we saw how much equine related industries contribute to the economy in the United States, and abroad.

Michael Nicodema ([05:29](#)):

And we put together this group, we started publishing a lot of alerts, these short articles about topical things that come up in the equestrian world and in racing, in dressage, in Polo, et cetera. We did a bunch of webinars on things that we thought of questions would be interested in, and it's kind of grown from there and we're doing pretty well right now.

Justin Prochnow ([05:48](#)):

And what you're saying is exactly the overall microcosm of the overall food beverage in the agribusiness group, which is really a conglomeration of attorneys from a bunch of different practice areas that happened to represent companies in the food, beverage, agribusiness area. I mean, you have a few people like myself who have very specific expertise with regulations that address food and beverage companies.

Justin Prochnow ([06:26](#)):

But for the most part, you have a lot of attorneys that have their practice specialties and then happen to provide those services for companies in the industry. But it's a little bit more than that. I mean, it's not just having the best tax attorneys or the best real estate, but there is some specific knowledge that you gain after having worked with those companies that makes more sense to work with those types of attorneys than just your standard tax attorney. I mean, you want someone who's a little bit familiar with the industry to deal with some of those nuances.

Michael Nicodema ([07:03](#)):

Sure. You hit it right on the head, Justin. Like I always say to the group from the time we first formed it I said, "One of our mainstays has to be, you need to talk the talk of the horse world." You and I could like the same sports team, but it's much different than an equestrian having a connection with you beyond the fact that you're a good attorney, because you are in that world. And I've navigated that world for 20 years. I can go to the shows. I know the riders, I know the trainers, I watch Grand Prix jumping events. I know when the riders going to chip, because he came in too short or too long, using terminology from the industry. But like my wife always says, you can't fool an equestrian, so they need to be able to trust you and you need to establish credibility with them.

Michael Nicodema ([07:51](#)):

And this is one of these areas where you have to go out and see your clients. You have to be with them at the barns, be with them at the show grounds, show them that you care about them, show them that you're a regular person and that you can speak their language and that you are very sympathetic to their needs. It's not like most other endeavors.

Justin Prochnow ([08:10](#)):

So, I suppose spending a lot of time in Kentucky, maybe dropping by the occasional bourbon distillery in between horse farms.

Michael Nicodema ([08:20](#)):

Yeah. I guess. I haven't thought of it that way, but I think that's a benefit.

Justin Prochnow ([08:24](#)):

Well, and of course, and maybe that's a good segue into, we kind of really got this group going right at the beginning of COVID. So, probably hasn't been a lot of travel, at least since this group has really gotten off the ground until just now. So, maybe moving forward, that's kind of the, I would guess the goal is to do some of those things. But can tell us a little bit, I mean, you mentioned a few different areas for the neophytes and people who maybe don't have as much familiarity with kind of what different areas there are in the equine world. I mean, you mentioned Polo, you mentioned dressage. You've mentioned jumping, obviously there's racing like the Kentucky Derby. But give us a little bit of a primer on what the main different areas are for people that own horses and what they do with them.

Michael Nicodema ([09:27](#)):

Sure. I think in broad strokes, you can separate our practice into two areas, the racing world and the equestrian world. So, the racing world and the equestrian world, what they have in common is there are barns, there are barn owners, there are horses, they're a horse owners, there are breeding facilities, there are riders and there are trainers. And they all have very similar issues. The cultures of the equestrian world and the racing world is probably a little different. And the equestrian world, I would say include show jumping the Grand Prix show jumping, those are the events that you see on TV, where the horses are jumping over the big fences. Then there's dressage, which is a discipline where the horse and the rider must cooperate and synergize to do these very sophisticated, timely movements.

Michael Nicodema ([10:18](#)):

Then there's something called eventing where it's kind of like a decathlon for horses, which combines show jumping, dressage, and those type of things are all what are called equestrian sports. And some of

them are Olympic sports, dressage, show jumping and eventing are all Olympic sports. So, with that comes into play all that's involved in the Olympics and the celebrity of riders and the celebrity of some trainers. And that's where our entertainment lawyers are a great fit for this group. And they really provide tremendous value to clients.

Justin Prochnow ([10:54](#)):

Let's talk a little bit about the horse racing side of things. I've looked at this before. But right now in the US, and there's been such a change over the last couple of years now with things like the various apps where you can bet online on things, horse racing has been legal here in the US for quite a while. What types of things would companies be looking at for us to assist them with on the horse racing side of things?

Michael Nicodema ([11:29](#)):

Well, on the horse racing side of things, you have a lot of syndication. Syndicating horses that are viewed to be very valuable and going to be real winners. And that involves contracts, that involves insurance, that involves all kinds of things that the folks in my group are just expert at. You have barns and all of the environmental issues, real estate issues that barns face. And we have shareholders in our group that are experts at that. You have the facilities, you have the racing venues where the horses compete and all the regulatory issues that they have and all the interaction with the riders, the trainers and the owners that they have. So, there are really a myriad of issues that corporate type issues, real estate issues, environmental issues, basic contract issues and celebrity status issues that are parcel of the racing world. And that our group at GT are well-equipped to handle.

Justin Prochnow ([12:28](#)):

Let's talk a little bit about COVID. COVID obviously has affected a lot of people, it affected everyone, obviously in 2020 to some degree. How did COVID affect the equine industry, both on the horse racing side of things, but also on the kind of equestrian side of things?

Michael Nicodema ([12:53](#)):

Sure. Oh, I think it affected it in a big way because shows were canceled. And then when shows were re-instituted, there were no crowds. And then there were limited crowds. That affected the vendors that sell their wares at shows. It's one of these economies where there's a lot of tentacles to it. And if you can't ride, if you can't compete, if you can't sell your wares at a show, that's a problem. And the same thing in the racing industry, it's all about the shows. It's all about the events. And with no crowds and no revenue coming in, there were big concerns and it affected the way we kind of positioned ourself and market ourself as a group as well. It's one of these areas where you have to see your clients, you have to gain their trust, you have to be credible, you have to talk the talk and we couldn't do that.

Michael Nicodema ([13:48](#)):

We couldn't travel, we couldn't see them. So, we had to figure out another way. And the other way was to do the alerts, do the webinars and broadcast them out to a large audience. And we really got business that way. And people would come in and say, gee, we didn't know GT had this equine industry group. And that's how we got our name out there in a market that wasn't very receptive to it at that point because of the COVID and the lockdown. But we wanted this group to succeed and we just found another way.

Justin Prochnow ([14:24](#)):

So, in 2021, are you seeing the equine industry picking back up after kind of probably a more stagnant 2020, again, as you said, there were races, obviously there weren't fans at the races, many of the areas were probably shut down. Are we seeing that coming back here in 2021? What was the Derby like this year, obviously compared to 2020 different, but how was the Derby compared to previous years? Where are we back up at full strength at that point?

Michael Nicodema ([15:00](#)):

No, we didn't have full crowds. And at all the equestrian events in the town that I live in Wellington, Florida, where you have the Winter Equestrian Festival, that's from January to March of each year. That's one of the biggest and best the Equestrian venues in the world. You'd see these events, the four-star the five star events, Grand Prix events, and which sparse crowds are no crowds. And it's not the same, but people have the energy, people have the energy to get things back going, to get things back to normal.

Michael Nicodema ([15:31](#)):

Horse sales are increasing. Many of the best horses that are used in Equestrian events come from either the Netherlands or Ireland. And you see the importing is increasing. The trainers or owners are going to these places, to these countries to look at horses and to buy horses. They're very hungry. They're very intent on getting this back together. And it's just going to take some time.

Justin Prochnow ([15:57](#)):

When we're talking about kind of some of the things, what are some areas of law that someone in the equine industry might not think of right away as something where they might need some kind of expert advice? What are some things that come up either that you've experienced, or that you found that companies in the industry have either been surprised or just not really thought about in advance with respect to the law governing equine activities?

Michael Nicodema ([16:33](#)):

Sure. I think one of them is intellectual property. That's probably something that's not on the tip of every equestrians tongue. It's not something they probably don't think about very often. But for example, we represent a client that makes custom jewelry for the equestrian world. And that jewelry is covered by copyrights and trademarks and design patents. These are things that we can do, and we're really good at, and we have a couple of folks, a couple of shareholders in our group that are intellectual property lawyers. That comes up very often, the trademarking, copyrights and to a lesser degree design patterns, but design patterns are important as well.

Michael Nicodema ([17:16](#)):

I think when it comes to celebrity endorsements, when it comes around Olympic time the elite riders, you see them in the magazines, you see them endorsing saddles, you see them endorsing other products. Sometimes they endorse a supplement products, Justin, the kind you're familiar with, and they need representation as well. And it's not always apparent that our entertainment folks who are the best in the business, as far as I'm concerned, deal with this in other areas on a daily basis. And they can certainly deal with it in the equestrian space and in the racing space as well.

Justin Prochnow ([17:49](#)):

Now, when we're talking about, as you said, like the jewelry. Are we talking about jewelry for horses or are we talking about jewelry for people that own the horses?

Michael Nicodema ([17:59](#)):

Oh, it's for spectators, it's for the riders, the trainers, the humans. The horses have their own jewelry. They have bridles and saddles.

Justin Prochnow ([18:10](#)):

We don't see a lot of horses with sparkling earrings or anything like that.

Michael Nicodema ([18:15](#)):

No, not even our horses. I mean, I don't know. When I see my wife, I'm going to suggest her that we should get some jewelry for one of my horses and see if she looks at me cross.

Justin Prochnow ([18:26](#)):

There you go. So, does it seem like some of the shows that are picking up here, are we going to see more shows and things here, the second half of the year as a lot of states have kind of lifted their travel, not necessarily bans, but travel criteria and also just gathering criteria. Does it seem like we're going to see more of those types of things here in the second half of 2021?

Michael Nicodema ([18:55](#)):

We are on a couple of levels right now. So, the WEF season in Wellington ended in the end of March, and then all of the equestrians roll over into the Northeast and they go to [hits 00:19:07] and Socrates, and they go to the Vermont show and they go to Saratoga show and they go to the Lake Placid show. So, they're hitting all the Northeast shows. But we also remember it's an Olympic year, Justin. And I think on, I want to say July 23rd, they start. So, the teams, the countries, the equestrian teams have been getting ready for the Olympics. And they've been competing all over Europe and the United States and picking their teams and getting their teams ready for that. It's going to be very interesting. Because the last I heard there are going to be no crowds at the Tokyo Olympics, even local crowds.

Michael Nicodema ([19:40](#)):

So, that's going to be an interesting experience, because there's nothing like being at a Grand Prix show with a packed house and watching the best riders in the world compete and they're jumping these horses over meter 50, meter 60 fences, which is high. And the pageantry, the power, the athleticism between horse and rider involved in those events. You can see I love this, is just amazing. And to go to a Grand Prix show with a full house, a full audience watching it, it's just something that, it's hard to describe. I mean, I would go to, sometimes like on a Saturday during the middle of WEF and you'd be there and watching some nondescript grand pre-qualifier event, it'd be me and two other people in the stands. It would be 85 degrees outside and humid. And I love it. And I'd just sit there and watch.

Justin Prochnow ([20:32](#)):

Well, it's obviously always fun when you can parlay, look, we work hard enough and we work long enough that it's no fun if you're working on things that you don't have an interest in or enjoy. So, it's always fun when you can parlay those two together. We've got some other groups like the wine industry

group and Marc Baluda and his group. And of course he seems to have no shortage of people who will accompany him on visits to various vineyards and wineries around the Napa Sonoma area. I kind of get the same thing sometimes when I'm going to trade shows in Santa Monica or Las Vegas in the middle of the winter, people always seem to be willing to do that. But it's fun when you can combine an interest and love that you have with kind of the work that you're doing and then make it a little bit more fun when you're having to go to the office every day.

Michael Nicodema ([21:38](#)):

You're so right, Justin and I love taking our GT colleagues out to shows, especially when they've never been to one or not necessarily horse people. You just kind of sit back and watch them and they're looking around, they're trying to size up the situation they go, wow, I didn't know this existed. And by the end of the day, they're all beaming, let's go to another one. I mean, it's a kind of an atmosphere that's really infectious. And I don't think there's anything like it.

Justin Prochnow ([22:05](#)):

Yeah. I mean, those types of shows ... Look, I'm a huge sports fan. I had admittedly never been to the US open tennis tournament until two years ago, went out there for that. And it may have been my favorite sporting event I've ever been to, just because so much going on and you've got the little food booths and you've got the juniors playing out on court 18, and then you've got the men's doubles, and you've got all of these different events going on. And I would imagine that at an equestrian type of show, there's just so many different things going on, that it would just be fun to take it all in.

Michael Nicodema ([22:45](#)):

Yeah. And even when things kind of go wrong and the people that show grounds are such experts that they know how to deal with this situation, but every now and then horses have their own minds. And every now and then a horse doesn't cooperate and you can see a horse in the middle of a round, dump the rider, jump the fence and take off to the parking lot. And you have to deal with that. And it's not a sport for the faint-hearted. It requires so much athleticism for rider and horse to cooperate.

Michael Nicodema ([23:13](#)):

You're dealing with a 12, 13, 1,400 pound animal jumping over something that's a meter 50 and jumping over 17 of them, because the courses are kind of long and they have a lot of fences in them. And by the time they're getting to the end, both the horse and the rider are tired and they still have to get to the end. It's just incredible to watch. The riders are just such tremendous athletes and the horses are just so finely tuned athletes themselves. It's just beautiful.

Justin Prochnow ([23:42](#)):

Well, I'm looking forward to taking it in, to date my knowledge and experience with horse events is based on Grace Jones in a View to a Kill. And she was having to reign in one of the horses who had gotten out of control. So, I do want to go out and see it, because it sounds really like a fun experience. Tell us before we wind up here, give us one more thing, just kind of about the horse thing ... I know I'm putting you on the spot here, but give us something that most people don't know that you think is kind of a unique, interesting thing about the equine industry.

Michael Nicodema ([24:24](#)):

I think one of the most interesting things I've found out over the years is how small it is. It looks huge on the outside, but it's one of these industries where there's a finite number of real top pros and owners and trainers. And everyone knows each other. And what I find great about that is I could be at the show grounds and waiting at the coffee truck in line with my wife. And one of the best riders in the world is right in front of me or right behind me on the same coffee line. The access to them, I think is different than in any of the major sports. It's just being part of something. I don't know what that something is, but to me, that access is just wonderful.

Michael Nicodema ([25:19](#)):

And I've met so many Olympic riders through my wife's trainer and just being involved in the sport for 20 years. And they're just very down to earth people. It's like you're looking at them doing something so hard and frankly, very dangerous and they're such experts at it. And then you talk to them and it's like talking to your next door neighbor. It's like nothing at all. It's just that access, being able to be part of their community without any barriers in the way. I love that. I think it's fantastic.

Justin Prochnow ([25:52](#)):

Well, Mike, thank you. It's been a great insight into a certainly new and emerging group here at Greenberg. And I say that from the standpoint of not new from the standpoint that we have attorneys with 10, 15, 20 years of experience, certainly doing it, but kind of knew from the standpoint of coalescing it all together into one group. It happens a lot. It's truthfully how we started the food and beverage group a few more years ago where it's not like I haven't been doing food and beverage work for the last 20 years.

Justin Prochnow ([26:28](#)):

But we never had really a formal group. And we ended up winning the Law360 group of the year in, I forget when it was, 2016 or 2017 and we didn't even have like a formal official group at the time. And it was kind of that, that helped me say like if we're winning awards, could we maybe make it an official group here? And it's difficult when you have such a large firm as ours. We have lots of experts in a variety of areas, but it really helps to kind of coalesce them together. So, I have a lot of admiration for what you've done so far with the equine group. And hopefully we only continue to grow it here.

Michael Nicodema ([27:08](#)):

Yeah, appreciate that, Justin. We're really committed to this group. We really want to do well for the firm. We have our group calls every other week on a Friday at 11 o'clock. And you would think who would show up for a BlueJeans call on a Friday at 11 o'clock? Well guess what? Even in the summer we get 20 to 25 people showing up. We have tremendous enthusiasm. I put together a separate associate team within our group to give them some guidance in business development, to work on the cases with us. They have taken a leadership role as well. Everybody's really enthusiastic, and I just hope it continues to grow. And I hope you'll come and join us on our calls and do a podcast with me soon.

Justin Prochnow ([27:52](#)):

All right. Sounds good. Well, thanks to everyone for listening in today. If you enjoyed it, please leave some comments on the platform you're listening on, and if you didn't enjoy it, let someone else make comments. Thanks again and tune in next time.