

## Larger Rosters Would Protect NFL Players' Health

By **Colin Cloherty**

December 7, 2017, 1:45 PM EST

Few fans are surprised by a lackluster Thursday Night game, and the recent Cowboys-Redskins game fits the mold. As announcer Chris Collingsworth also pointed out during the broadcast, the game demonstrated another NFL problem: injuries.

Washington started their 21st different offensive line of the season (the Redskins have only played 12 games). After right tackle Morgan Moses was carted off during the first half, the Redskins moved on to their 22nd different offensive line of the season. Sound familiar? It's not déjà vu. The Redskins lost to the Cowboys in their first meeting under similar circumstances. Kirk Cousins said he first met his newly signed offensive tackle in the locker room the morning of the Oct. 29 game against the Cowboys. The Redskins had three starters and a primary backup out with injuries on the 53-man active roster, so they had to sign two offensive linemen that week, adding to a group that already had two players who had been signed off waivers. All of which prompted head coach Jay Gruden to say, "Who the hell are those masked men over there?" as he walked onto the practice field, according to the Washington Post. The patchwork offensive line gave up four sacks in each game, including one forced fumble on Thursday night. The Redskins lost both games and now have little hope of making the playoffs. On his weekly radio show, Cousins admitted how hard it is to "bring a guy in quickly and have him get caught up to speed." These guys had to learn an offense in a few days (or less!) and protect a quarterback paid \$24 million a year against an NFL defensive pass rush. That's tough duty — I should know.

I was the guy signed "off the street" a few years ago. I'm an attorney now, but I was reminded of this bizarre NFL practice recently by Bears' tight end Zach Miller's gruesome leg injury. While it now appears that Zach will not lose his leg, thank God, and will be able to recover, the incident brings up an experience I had replacing Zach on the Jacksonville Jaguars in 2011. It's a good example of how misguided NFL roster rules endanger player safety, and short-change replacement players, coaches and fans.

When Miller played with the Jags in 2011, he suffered a season-ending injury, and the team was short on tight ends. I played tight end for the Colts and 49ers the prior two seasons, but I had been at home since being cut by the 49ers in training camp, working out on my own and waiting for a team to call. After joining the Jags active roster, I tried to learn the playbook as fast as I could while also learning my



Colin Cloherty

way around the organization. It's quite a challenge to get up to speed so quickly. Let's just say there is a reason you spend an entire offseason and a six-week preseason with a team before the season opener.

I ended up playing quite a bit for the Jags, even scoring a special teams touchdown. It was a great opportunity for me. But as a guy who had played for NFL teams the prior two seasons, I can tell you I would have much rather been on a roster for the whole season getting ready to play — and getting paid for it. It would have been better for the team as well, since I would have had time to learn the plays and the terminology more fully. But for me and dozens of other skilled NFL-quality players, that wasn't possible, due to the NFL's unrealistic rules on roster size.

The NFL limits rosters to a maximum of 53 players — only 46 of whom can dress for the game. Teams are permitted to carry even fewer players. No one ever seems talk about roster size in the hours and hours of NFL coverage, but a team completing the brutal 16-game schedule with the same 46 players is unimaginable. Just look at the Giants, who had to replace their entire receiving corps earlier this season. Or the Texans, who faced a similar challenge with their tight ends. So when injuries strike, and players go down, teams have to reach into a pool of practice squad or recently cut players to bring in someone who may not know their system and, in some cases, may not have even played football in months.

To make it through a game, coordinators are often forced to limit their gameplans or limit their personnel. The lack of chemistry between Eli Manning and his new wide receivers, or between the Redskin O-Linemen, is obvious. The result is an inferior product for fans.

If you play fantasy football, you are aware of the injury problem. Who do you start on your team when your star player is on the injury report? Will he come back on time to play Sunday? And have you looked at those injury reports? Imagine the heartburn GMs and coaches have. Every week, dozens and dozens of players are listed. Some are ruled out, but most are listed as “questionable.” During the week, no effort is spared to get a fallen member of the active roster back on the field. There are doctors, trainers and physical therapists. There are wraps, ointments and braces. Prescription painkillers and alternative painkillers. There are toradol shots and whirlpools, chiropractors and masseuses. Anything and everything to get back on the field. So, the “questionable” usually play, which often is, well, questionable.

The small roster size creates health risks for players, who often have no choice but to play hurt. I witnessed the constant pressure to “play through pain” firsthand during my four-year career in the NFL. I saw teammates playing with broken ribs, pinched nerves, torn muscles and, yes, possible concussions. A player is “slow to get up” or is limping off the field with the help of trainers. Then, lo and behold, a few series later, he's back in the game as if nothing happened. He's simply playing through pain.

From Pop Warner football on, football players learn that there is a difference between being “hurt,” where you are in pain but can continue to play because doing so will not make the injury worse, and “injured,” where continuing to play could exacerbate the injury. The NFL's problem is that during the course of a season, there are no ready replacements for the injured. College teams, whose rosters often total over 100 players, operate on a “next man up” mentality. In the NFL, it's not always “next man up,” it's often “least injured man up.”

So the injured play. Apparently, athletic tape, an opioid and some smelling salts heal all. Sometimes players fight through the pain out of sheer toughness and pride. Sometimes players do it out of fear of losing their jobs. Sometimes they do it for their teammates, because there is no one else available. It's this final scenario where the small roster size risks further injury, and often shorter careers. And since

there are few guaranteed contracts in the NFL — unlike other major sports — a player who gives his all for the team and is badly injured will often be rewarded with an injury settlement and a ticket home.

So, the tight roster rules create a constant churn at the lower levels of NFL rosters, and there are always players who are brand new to the organization. I should know, because, as I mentioned, I've been that guy — that guy who scores a touchdown in an NFL game after being signed “off the street.” The announcers loved it — couldn't stop talking about it and raving about the incredible opportunities provided by the NFL. The fans love a nice underdog story from the sideline reporter during a timeout. But it's a terrible way to run the most profitable professional sports league in the country.

The cliché is that NFL stands for “Not For Long.” If the physical toll of NFL football wasn't enough, small rosters and tight practice squad rules push some capable players out of football entirely (there is no AAA ball, no “D” League, no minor league system but for college football) while requiring incredible sacrifices from those that remain. And if injuries hit particularly hard, there's always someone working out at home on his own dime who will be next week's feel-good story.

It's a system that is unfair to players, coaches and fans alike. Expanding NFL active rosters to say, 63 players — plus a 22-man practice squad — would make the game safer for players and improve the fan experience. Assuming the owners do not attempt to reduce current players' salaries to keep their overall salary costs even, a roster expansion would cost teams money. But playing the pauper regarding players' salaries would be a poor PR move after handing the commissioner a \$40 million yearly salary. Lest we forget, the NFL took in \$13 billion dollars in revenue in 2016 and is projected to make even more in 2017. It can afford to protect the players. With ratings falling, it cannot afford to short-change the fans.

It's time to protect players. It's time to improve the product for fans. It's time to expand the NFL roster.

---

*Colin Cloherty is an associate with Wiley Rein LLP who previously played in the NFL as a tight end for four years. He counsels and represents government contractors and other companies on a broad range of legal issues, including bid protests, contract claims, and complex litigation in federal and state courts. He also has experience representing corporate clients in compliance and governance.*

*The opinions expressed are those of the author(s) and do not necessarily reflect the views of the firm, its clients, or Portfolio Media Inc., or any of its or their respective affiliates. This article is for general information purposes and is not intended to be and should not be taken as legal advice.*