SPORTS LAW SYLLABUS

Instructor: Susan N. O’Malley, JD Email: omalley.susan@gmail.com

Class meetings: Mondays and Wednesdays 2:00PM - 3:15PM

Office Hours: By appointment

Course description

Sports law is a broad based mixture of laws that apply to athletes and the sports they play. It is not a singular legal topic with generally applicable principles, but incorporates a variety of legal areas. This course will introduce students to these core areas of law relevant to the business of sports.

Course Objectives

- Introduce students to the core areas of law relevant to the business of sports.
- Further develop students ability to be critical thinkers.
- Further develop a student's ability to identify and argue both sides of an issue.
- Develop a better understanding of the conflicts that arise in the decision-making process in sports, while legally sound, may not be ethical.
- Introduce students to the rudiments of locating and using legal source material.

Required reading

For this course, the case method will be used to study sports law. Each week you will be required to read the court cases listed on the syllabus. Read each case thoroughly before attending class, as this will be the area of law discussed for that particular week. The court cases can be obtained through LexisNexis Academic, which is available on line at the CofC library. Please notify the professor if you are having difficulty obtaining the cases.

The professor will assign additional reading(s) throughout the course.
Class grading structure

There will be three exams at the end of every topic section, and a group sports law paper/presentation.

Group Sports Law Paper/Presentation 45%

The group sports law paper/presentation will focus on a current sports law issue and present both points of view. This will be done by identifying points of view on the topic that currently exist in the media (both written and digital), legislation, and court cases. The group will present the issue and points of view in a clear and compelling 18-20 page paper and group presentation. Papers will be evaluated for depth and quality of research, organization, form (including grammar and spelling) and substantive content. The paper will then be presented in one of the final classes. This paper and presentation will account for 45% of your grade. A portion of the grade will include peer evaluations.

<table>
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<tr>
<th>Topic Due</th>
<th>January 28</th>
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<tr>
<td>Bibliographies Due</td>
<td>February 18</td>
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<tr>
<td>Final papers Due</td>
<td>April 15</td>
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Exams: 15% for each exam, for a total of 45%

You will be required to complete an exam at the end of each topic discussion (i.e. Contracts). The format used in answering these exams will be the IRAC method. The IRAC methodology is a concise way to answer hypothetical questions in legal analyses. IRAC is an acronym that stands for Issue, Rules, Application and Conclusion. We will discuss this further in class. At the beginning of our regularly scheduled class, I will provide a topical or hypothetical sports law issue. You will have 75 minutes after the topic has been posted to analyze the issue (regularly scheduled ending of class) These are considered individual exams, which means you may not consult with anyone during this 75 minute period. The response will be limited to 2 to 3 pages, depending on the issue(s) presented. EACH of these exams will be worth 15% of your grade. (total 45%)

Exam dates:

February 11
March 18 - on line
April 10

Class Attendance and Participation 10%

This is an interactive class therefore, attendance and participation, are expected for all classes, along with an on time arrival. Recognizing that we meet times, it would be unrealistic to think that something will come up in your lives that does not allow for perfect attendance. Therefore
every student will receive 1 excused absence and one unexcused absence (the “not today” absence). Otherwise perfect attendance and quality participation is expected. This will account for 10% of your grade.

Technology

You may bring a computer to class for course note taking/ activities only. The computer May Not be connected to the internet at any time during class. Cell phones and pagers must be silent during class. No unauthorized use of computers, cell phones, texting, pagers, etc. will be permitted or tolerated, Unauthorized use will result in a complete forfeiture of the 10% grade for participation.

January 9
Review of Semester

January 14 - 16
“What is Sports Law” Davis
I. Contracts

A. Formation; offer, acceptance
   Los Angeles Rams Football Club v. Cannon
B. Interpretation
   Pasquel v Owen
C. Plain meaning
   Tollefson v. Green Bay Packers, Inc

January 23, 28 and 30

II. Standard Players Contracts (SPK)
   National Football League Standard Players Contract
   a. Injury
      Tillman v. New Orleans Saints
   b. Bonus
      Alabama Football Inc. v. Stabler
   c. No cut
      Muchak corp. v. Cunningham
      Minn. Muskies Inc. v. Hudson
   d. Players right to terminate their contract
      National and American Leagues of Professional Baseball clubs v. Major League Player Assn,
   e. Remedies for breach (money, restitution or specific performance)
      Philadelphia Ball Club v. Lajoie
      Boston Celtics v. Shaw
January 28 – PAPER TOPICS DUE

February 4
III. Commissioner’s Authority

A. Role of the commissioner
   Journal Article: “PROFESSIONAL SPORTS LEAGUE COMMISSIONERS’ AUTHORITY AND COLLECTIVE BARGAINING” Parlow
   
   Peter Rose v. Bart Giamatti
   Finley v. Kuhn
   Molinas v NBA

February 6
IV. Agents

A. Standard Representation Agreements
   Zinn v. Parrish
   Brown v. Woolf

February 11 First Exam

February 13, 18 and 20
V. Torts

A. Negligence
   Kleinknecht v. Gettysburg college
   Bourque v. Duplechin

B. Recklessness
   Hackbart v. Cincinnati Bengals, Inc. (1977)
   Hackbart v. Cincinnati Bengals, Inc. (1978)

C. Assault and Battery
   Grigas v. Clauson
   Manning v. Grimsley

D. Defenses
E. Spectator Injuries
   Schentzel v. Philadelphia National league club
   Costa v The Boston Red Sox Baseball club
FEBCUARY 18 BIBLIOGRAPHIES ARE DUE

February 25, 27 and March 11
VI. Labor Law and the Collective Bargaining Agreement
A. National Labor Relations Act (NLRA)

B. Collective Bargaining Agreements
   Review table of contents of NFL Collective Bargaining Agreement (CBA) found on www.nflplayers.com
   a. Duty to Bargain
      Mario v North American Soccer league
   b. Grievance Arbitration in Professional Sports
      MLB Ass’n v. Garvey

Journal Article, SPORTS ARBITRATION AND ENFORCING PROMISES: BRIAN SHAW AND LABOR ARBITRATION

March 13
VII. Antitrust Law
   The Sherman Antitrust Act
   Flood v. Kuhn
   Mackey v National Football League

March 18 ON LINE EXAM

March 20 Group Day

March 25
VIII. Location of Franchises
   Cases to be assigned

March 27 - April 1
IX. Negotiations

April 3
X. Amateur Athletes
A. Amateur status and the right to play
   Brian Oldfield v. Athletic Congress
B. Amateurs and the constitution
   NCA v. Tarkanian
April 8
XI. Title IX
A. The great gender debate
   Cohen v. Brown University
   Kelly v. University of Illinois

April 10 EXAM

April 15 - 24
IN CLASS PRESENTATIONS