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M/W
6-15-7:30 p.m.
Check for room

SPORTS AND THE LAW **Syllabus – Spring 2016**

Your readings for the semester are as indicated herein. I am not assigning a textbook or distributing extensive copies of materials. All assigned readings are available online – your choice to print or read electronically.

The American Bar Association, the School of Law and I require regular and punctual class attendance. At the beginning of each class meeting, I will circulate an attendance sheet for you to sign. It is your responsibility to ensure that you have signed the sheet. **I WILL WITHDRAW YOU FROM THIS COURSE IF YOU ARE ABSENT FOR MORE THAN FIVE (5) CLASS PERIODS.**

NOTE: IT IS AN HONOR CODE VIOLATION FOR A STUDENT TO MISREPRESENT THE STUDENT’S ATTENDANCE OR THE ATTENDANCE OF ANOTHER STUDENT.

NOTE: First Class Assignment: Read first law review article: The Evolution of Techniques for Negotiation of Sports Employment Contracts in the Era of the Agent, by Daniel Faber, 10 U. Miami Ent. & Sports L. Rev. 165 (1993)

- I. Negotiations
 - a. The Evolution of Techniques for Negotiation of Sports Employment Contracts in the Era of the Agent, by Daniel Faber, 10 U. Miami Ent. & Sports L. Rev. 165 (1993)
 - b. College Coaches Contracts Revisited: A Practical Perspective by Martin J. Greenburg, 12 Marquette Sports Law Review 127 (2001).
 - c. National Football League Collective Bargaining Agreement at www.nflpa.com – hit “about us”. Focus on articles dealing with draft and rookies, the salary cap and injury.
 - d. Major League Baseball Collective Bargaining Agreement at www.mlbplayers.com – hit mlbpa info – then 2012 – 2016 CBA. Focus on arbitration, free agency and individual contract articles.
 - e. National Basketball Association Collective Bargaining Agreement at www.nbpa.org – hit cba. Focus on salary cap articles.
 - f. Green Bay Packers Income Statement information.

- II. Regulation of Agents
 - a. National Football League Players Association Regulations at www.nflpa.com – hit “about us” – then NFLPA Regulations Concerning Contract Advisors.
 - b. Major League Baseball Players Association Agent Regulations at www.mlbplayers.com – hit “mlbpa into” then Agent Regulations.
 - c. Uniform State Law at www.uniformlaws.org – hit Acts, then Athlete Agents Act (old and 2015 versions).

- d. Sports Agent Responsibility and Trust Act of 2004, 118 STAT. 1125, 15 USC 7801.
- e. Detroit Lions, Inc. v. Argovitz, 580 F. Supp. 542 (E.D. Mich. 1984)

III. Division I Universities and the NCAA

- a. National Letter of intent at www.ncaa.org/wps/wcmlm/connect/nli/nli.
- b. University of Alabama at Tuscaloosa (all at www.ncaa.org – hit “resources” – hit “search ncaa legislation and major infractions” – input relevant information)
 - 1. Public Infractions Report – June 11, 2009
 - 2. Infractions Appeals Committee Report – March 23, 2010
- c. University of Southern California – Infractions Appeals Committee – May 26, 2011 (at same as in b)
- d. General NCAA rules and manual
- e. Taylor v. Wake Forest University, 191 S.E. 2d 379 (N.C.App. 1972)
- f. Ross v Creighton University, 957 F. 2d 410 (7th Cir. 1992)
- g. Realignment and \$\$\$\$\$ (read various articles)
- h. Social media (read various articles)

IV. NFL – Workmen’s Compensation and Concussion Litigation

- a. Bruce Matthews v National Football League Management Council, Ninth Circuit, August 6, 2012 at www.ca9.uscourts.gov/datastore/opinions/2012/08/06/11-55186.pdf.
- b. Documents for NFL concussion litigation in federal court in Philadelphia (Judge Anita Brody) at www.nflconcussionlitigation.com.
- c. NFL Medications Litigation - Documents

V. Various cases – on antitrust, labor law and exemptions

- a. Flood v. Kuhn, 407 U.S. 258 (1972)
- b. National and American Leagues v. MLBPA (Messersmith), 66 Lab. Arb. & Disp. Settl. 101 (1976)
- c. KC Royals v. MLBPA, 532 F. 2d 615 (8th Cir. 1976)
- d. Mackey v. National Football League, 543 F. 2d 606 (8th Cir. 1976)
- e. Brown v Pro-Football, 116 S. Ct 2117 (1996)
- f. Wood v. NBA, 809 F. 2d 954 (2nd Cir. 1987)
- g. Clarett v. NFL, 369 F. 2d 124 (2nd Cir. 2004)
- h. American Needle, Inc. v National Football League, 130 S. Ct. 2201 (2010)
- i. The Curt Flood Act of 1998, 15 U.S.C. Section 27(a)
- j. Banks v NCAA, 977 F. 2nd 1081 (7th Cir. 1992)

VI. Media Rights

- a. Sports Broadcast Act, 15 USCA 1291 – 1294
- b. NCAA v Board of Regents of the University of Oklahoma, 468 U.S. 85 (1984)
- c. Chicago Pro-Sports and WGN v NBA, 95 F. 3rd 593 (7th Cir. 1996)
- d. New Boston Television v. ESPN, 215 U.S.P.Q. 755 (D. Mass. 1981)
- e. NBA v Motorola, Inc., 105 F. 3rd 841 (2nd Cir. 1997)
- f. NFL v Rondor, 840 F. Supp. 1160 (N.D. Ohio 1993)

Projects and Grading

1) Negotiation Problem (50%)

February 17 – Assignment of role.

March 7 – Deadline for Preliminary memo; Begin negotiations period.

April 4 – Negotiation Period ends.

April 13 – Submission of contract documents.

April 25 – Deadline for Evaluation memo.

2) 90 minute, open book essay exam (50%)