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SPMG 598-01 Law and Ethical Issues in Sport

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Goals of the Course

► To understand the basic structure and important features of the American legal system (not limited to sport law).
► To provide a basic knowledge and understanding of the various areas of law as they apply to amateur and professional sport.
► Specifically, to understand legal issues relevant to sports in the areas of tort, contract, antitrust, labor relations and collective bargaining, regulation of sports organizations, and intellectual property.
► To increase awareness of current legal issues in sport.
► To explore the various ethics principles that have played a prominent role in sport and entertainment

Attendance and In-Class Requirements

Every student is required to read the assigned material and be prepared to discuss the material in class. We will not necessarily discuss all the assigned reading in class, but questions on the exams will be based on all the material assigned. Cases listed on the syllabus that are not in the text will be provided. Attendance and class participation is expected. If you have to miss class, please let me know in advance if possible. An occasional absence (with advance notice) will not negatively impact your final grade. However, I reserve the right to make downward grade adjustments for repeated absences. In addition, you will prepare a short legal brief on one of the cases assigned for most of the classes during the first half of the course.

Class Presentation

During the second half of the course, you will work together to make a class presentation on one of the issues below. Presentation groups will be comprised of two or, if necessary, three persons. The presentation should last around 60 minutes and should report the findings of your research. You may be as creative as you want in making your presentation: handouts, props, or other creative means of expression are not required, but they will enhance your presentation and likely result in a higher grade. You may research your subject using any sources you choose, though a bibliography of all sources, and an electronic copy of your materials, must be turned in after your class presentation.

Topics to Be Selected

• Hot Topics in High School Athletics
  • The Rise of Free Agency in Pro Sports and the Death of Baseball’s Reserve Clause
  • Franchise Relocation, Ownership and Antitrust
  • Regulation of Sports Agents
  • The Collective Bargaining Process and Pro Sports
  • The Legality of Work Stoppages in Pro Sports
• Comparison of Collective Bargaining Agreements in Pro Sports
  • Intellectual Property Issues in Sports
• Drug Testing in Athletics (High School, College, and Pros)
  • Title IX and Intercollegiate Athletics
Discrimination Issues in Sports
• International Legal Issues in Sports
• Structure of Pro Sports Leagues and the Single Entity Defense to Antitrust Suits
• Broadcasting and Media Rights (College and Pros)

You must report your topic selection and presentation partner(s) by the beginning of the fourth class on February 6. Other topics may be chosen with my permission.

Midterm Exam

There will be an in-class midterm on March 19. The format of the test will be multiple choice and short answer, and it is designed to test your basic understanding of the material presented in the course up to that point.

Final Exam

There will be a take home final exam distributed on the final day of class, April 23. The test will be comprised of essay questions, and it is designed to test your synthesis and application of the material presented in the course. The exam must be turned in by e-mail no later than 7:00 p.m. on April 30. Additional instructions will be provided with the exam.

Ethics Exercises

One of the goals for the course is to examine the ethical issues in sports. Although the legal issues that arise in sports management and operations may involve ethics of a sort, the law usually has more modest objectives. Accordingly, we will spend time during the first part of the course discussing ethics explicitly using specific sports scenarios or questions. Hopefully, we’ll end up with as many questions as answers, and maybe we’ll have some fun in the process. You will also turn in a written ranking of 21 actual incidents or scenarios that have occurred throughout the history of baseball, in order of how ethical the behavior was.

Grading

Your grade in the course will be based on:

Legal briefs: 20% (five briefs at 4%) each
Midterm: 15%
Ethics Exercise: 10%
Class Presentation: 20%
Final Exam: 35%

January 9: Introduction, Fundamentals of the US Legal System, Legal Citation, Briefing

January 16: No Class—Martin Luther King Day

January 23: Fundamentals of the US Legal System (cont.), Business Structures, Employment Law
Readings: text, pp. 1-31, 53-60, 163-171
• Whither PEDs?

January 30: Negligence, Organizational Liability, Tort Defenses and Immunities
Re7ings: text, pp. 40-52, 60-94
• What’s In A Name?

February 6: Waivers and Releases, Premises Liability, Emergency Care
Readings: text, pp. 95-133, 146-162
• Ethics in Little League Baseball

February 13: Intentional Torts and Criminal Liability
• Competition Ethics: The Human Body Part Rule

February 20: Contract Formation and Termination, Waivers, Releases, and Participant Agreements
• How Much Is Enough?

February 27: Regulation and Governance in High School and Collegiate Athletics, NLIs and Scholarships
• Oral Argument in Brentwood Academy v. Tennessee Secondary Sch. Athletic Ass’n

March 5: No Class—Spring (??) Break

March 12: Organization and Regulation of Professional Sports; Antitrust
• An Historical Analysis of Ethics and Ethical Decision-Making in Major League Baseball

March 19: In-Class Midterm

March 26: Class Presentations

April 2: Class Presentations

April 9: Class Presentations

April 16: Class Presentations

April 23: Class Presentations

April 30: Final Exam Due