

# Advanced Sport Law

SPM6905 | 3 Credits | Fall 2023

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## Course Info

### INSTRUCTOR

**A. Michelle Clemon, J.D., M.S., SPHR**  
Email: michelleclemon@ufl.edu  
Preferred Method of Contact: **You may contact me through Canvas or email directly. I will try to respond within 48 hours.**

### OFFICE HOURS

On Zoom by appointment on Tuesdays (2:00-3:00 Central Time) or Wednesdays (2:00-3:00 Central Time)

### MEETING TIME/LOCATION

Access course through Canvas on UF e-Learning (<https://elearning.ufl.edu/>) & the Canvas mobile app by Instructure

## COURSE DESCRIPTION

This course is designed to further student understanding of foundational legal principles in the field of sport management, especially those principles governing contractual relationships, agency representations, and liability for wrongful conduct. This course builds on the basic principles of law students studied in the introductory Sports Law course.

## COURSE PREREQUISITES

The prerequisite for this course is SPM6726: Issues in Sport Law.

## REQUIRED AND RECOMMENDED MATERIALS

All required reading will be shared on Canvas. There is no required textbook for this course.

## COURSE FORMAT

The class will include lectures, cases, video material, discussion of issues, and occasional visits from executives involved in meaningful decisions affecting the sports business. (The latter are typically people who have cooperated in providing class material.) **The teaching method in this course is in alignment with how a typical law course is taught, where there are one or two exams designed to assess students' ability to analyze and synthesize fact patterns. Discussion posts are utilized to assess students' understanding of the course content, with an emphasis on the elements of the various contract, agency and tort claims covered in the material.**

## **COURSE LEARNING OBJECTIVES:**

By the end of this course, students will:

- Examine the role of contracts in sports management and be able to explain how contracts are formed and enforced.
- Differentiate the kinds of contracts commonly used in the field of sports management.
- Differentiate how agency relationships are formed and what duties the agency relationship imposes.
- Analyze hypothetical scenarios involving sports and recreation and predict what types of tort liability they might generate.

## **Course & University Policies**

### **COURSE INFORMATION AND POLICIES**

Please read this syllabus carefully. All quizzes, exams, assignments, discussion posts, and so forth must be submitted by the date listed on the syllabus. Quizzes and exams will only be available on the dates and times listed on the syllabus. Please put the relevant deadlines on your calendar! We will not accept assignments, quizzes, or discussion posts after the posted deadlines.

If personal circumstances arise that may interfere with your ability to meet a deadline, please let us know as soon as possible before the due date. Please keep in mind only university authorized excuses will be accepted, and documentation must be provided. Requirements for make-up exams, assignments, and other work are consistent with [University Policies](#).

Netiquette: Communication Courtesy: All members of the class are expected to follow rules of common courtesy in all email messages, threaded discussions and chats.

Please check the Course Announcements periodically for clarifications as needed.

### **UNIVERSITY HONESTY POLICY**

UF students are bound by The Honor Pledge which states, "We, the members of the University of Florida community, pledge to hold ourselves and our peers to the highest standards of honor and integrity by abiding by the Honor Code. On all work submitted for credit by students at the University of Florida, the following pledge is either required or implied: "On my honor, I have neither given nor received unauthorized aid in doing this assignment." The [Honor Code](#) specifies a number of behaviors that are in violation of this code and the possible sanctions. Furthermore, you are obligated to report any condition that facilitates academic misconduct to appropriate personnel.

### **EXAM MAKE-UP POLICY**

NO MAKEUP EXAMS will be given without an excused absence. Exams are to be scheduled and taken on Canvas. Directions for this process can be found on the Canvas course site. A cumulative final exam will be given during the last week of classes.

A student experiencing an illness should visit the UF Student Health Care Center or their preferred healthcare provider to seek medical advice and obtain documentation. If you have an illness, family emergency or death, please contact the [Dean of Students Office](#) and follow the DSO Care Team procedures for documentation and submission of a request for make-up assignment the [Contact My Instructor](#). The DSO will contact the instructor. Do not provide any documentation to the instructor regarding illness or family emergency. This is your personal

and protected information. The DSO is qualified to receive and verify the documents you provide. The instructor will follow the recommendations from the DSO.

## ACCOMMODATING STUDENTS WITH DISABILITIES

Students with disabilities who experience learning barriers and would like to request academic accommodations should connect with the [Disability Resource Center](#). It is important for students to share their accommodation letter with their instructor and discuss their access needs, as early as possible in the semester.

## U MATTER, WE CARE

Your well-being is important to the University of Florida. The U Matter, We Care initiative is committed to creating a culture of care on our campus by encouraging members of our community to look out for one another and to reach out for help if a member of our community is in need. If you or a friend is in distress, please contact [umatter@ufl.edu](mailto:umatter@ufl.edu) so that the U Matter, We Care Team can reach out to the student in distress. A nighttime and weekend crisis counselor is available by phone at 352-392-1575. The U Matter, We Care Team can help connect students to the many other helping resources available including, but not limited to, Victim Advocates, Housing staff, and the Counseling and Wellness Center. Please remember that asking for help is a sign of strength. In case of emergency, call 9-1-1.

## COURSE EVALUATIONS

Students are expected to provide professional and respectful feedback on the quality of instruction in this course by completing course evaluations online via GatorEvals. Guidance on how to give feedback in a professional and respectful manner is available at <https://gatorevals.aa.ufl.edu/students/>. Students will be notified when the evaluation period opens and can complete evaluations through the email they receive from GatorEvals, in their Canvas course menu under GatorEvals, or via <https://ufl.bluera.com/ufl/>. Summaries of course evaluation results are available to students at <https://gatorevals.aa.ufl.edu/public-results/>.

## COPYRIGHT STATEMENT

The materials used in this course are copyrighted. The content presented is the property of UF and may not be duplicated in any format without permission from the College of Health and Human Performance, UF Levin College of Law, and UF, and may not be used for any commercial purposes.

## Getting Help

### HEALTH & WELLNESS

- [U Matter, We Care](#): If you or someone you know is in distress, please contact [umatter@ufl.edu](mailto:umatter@ufl.edu) or 352-392-1575 so that a team member will can out to the student in distress.
- [Counseling and Wellness Center](#): Visit or call 352-392-1575 for information on crisis services as well as non-crisis services.
- [Student Health Care Center](#): Call 352-392-1161 for 24/7 information to help you find the care you need
- Sexual Assault Recovery Services (SARS): Student Health Care Center, 392-1161.
- [University Police Department](#): Visit or call 352-392-1111 (or 9-1-1 for emergencies).
- [UF Health Shands Emergency Room / Trauma Center](#): For immediate medical care call 352-733-0111 or go to the emergency room at 1515 SW Archer Road, Gainesville, FL 32608

## ACADEMIC RESOURCES

- [E-learning technical support](#): Contact the UF Computing Help Desk at 352-392-4357 or via e-mail at [helpdesk@ufl.edu](mailto:helpdesk@ufl.edu).
- [Career Connections Center](#): Reitz Union Suite 1300, 352-392-1601. Career assistance and counseling services
- [Library Support](#): Various ways to receive assistance with respect to using the libraries or finding resources.
- [Teaching Center](#): Broward Hall, 352-392-2010 or to make an appointment 352- 392-6420. General study skills and tutoring
- [Writing Studio](#): 2215 Turlington Hall, 352-846-1138. Help brainstorming, formatting, and writing papers
- [Student Complaints](#)

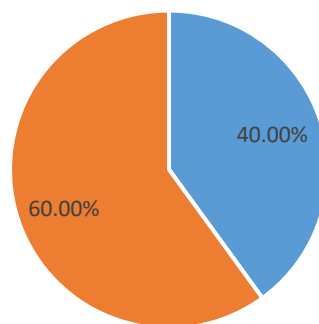
## INCLUSION, DIVERSITY, EQUITY, AND ACCESSIBILITY RESOURCES

It is my intent that students from all diverse backgrounds and perspectives be well-served by this course, that students' learning needs be addressed both in and out of class, and that the diversity that the students bring to this class be viewed as a resource, strength and benefit. It is my intent to present materials and activities that are respectful of diversity: gender identity, sexuality, disability, age, socioeconomic status, ethnicity, race, nationality, religion, and culture. Your suggestions are encouraged and appreciated. Please let me know ways to improve the effectiveness of the course for you personally, or for other students or student groups. The IDEA Representative for the Department of Sport Management is Dr. Christine Wegner ([christinewegner@ufl.edu](mailto:christinewegner@ufl.edu)).

## Grading

Evaluation Components (number of each)	Points Per Component	Approximate % of Total Grade
Discussion Posts (4)	50 pts each = 200 pts	200/500 (40%)
Exams (3)	100 pts each = 300 pts	300/500 (60%)

Grade Breakdown



## Exams

Three (3) exams will be given during the semester. Exam 1 will cover the Contracts materials. Exam 2 will cover Agency Law materials. Exam 3 will cover Torts materials. The format of the exams will be essays in which students react to fact patterns. Exam content will be based on material from lectures, PowerPoint slides, and other assigned readings (case law and assignments) from the weeks prior to that exam. NO MAKE-UP EXAMS will be given without an excused, approved absence. Exams will be given in Canvas. The grading rubric for the exams will be provided in Canvas. Any missed exam will result in a zero. If you have a conflict (that warrants a make-up) with the exam dates or times, you must inbox Professor Clemon on Canvas at least seven days prior to the exam to request a possible make-up time and date. Please provide specific information for your request. Make-ups will only be given for very rare, extenuating circumstances.

Honorlock will proctor your exams this semester. Honorlock is an online proctoring service that allows you to take your exam from the comfort of your home. You DO NOT need to create an account, download software or schedule an appointment in advance. Honorlock is available 24/7 and all that is needed is a computer, a working webcam, and a stable Internet connection.

To get started, you will need Google Chrome and to download the Honorlock Chrome Extension. You can download the extension at [www.honorlock.com/extension/install](http://www.honorlock.com/extension/install). When you are ready to test, log into the LMS, go to your course, and click on your exam. Clicking Launch Proctoring will begin the Honorlock authentication process, where you will take a picture of yourself, and show your ID. Honorlock will be recording your exam session by webcam as well as recording your screen. Honorlock also has an integrity algorithm that can detect search-engine use, so please do not attempt to search for answers, even if it's on a secondary device.

Good luck! Honorlock support is available 24/7/365. If you encounter any issues, you may contact us by live chat, phone (844-243-2500), and/or email ([support@honorlock.com](mailto:support@honorlock.com)). If you encounter issues within the LMS, you may contact Your School's Online Support Services team at their number.

## Discussion Questions and Discussion Boards

Students will take part in four (4) discussions during the semester. See list of deadlines below. Students will be put into groups (dependent on the size of the class) and required to post an Initial Post based on the instructions/subject matter but must also post subsequent posts/responses to their group member's posts. Points will be given for your initial post AND your responses to group members. Posts should be well reasoned, articulate, on time, and supported by examples and concepts learned each week. You can respond to your group members with ideas, questions, or your view on their posts. All students are expected to follow rules of common courtesy in email messages, discussions, chats etc.

## GRADING SCALE

More detailed information regarding current policies can be found in [UF Grading Policies](#).

Letter Grade	Grade Percentage	GPA Impact of Each Letter Grade
A	93-100%	4.0
A-	90-92.9%	3.67
B+	87-89.9%	3.33
B	83-86.9%	3.0
B-	80-82.9%	2.67
C+	77-79.9%	2.33
C	73-76.9%	2.0
C-	70-72.9%	1.67

D+	67-69.9%	1.33
D	60-66.9%	1.0
E	Below 60%	0

## STUDENT PRIVACY

There are federal laws protecting your privacy with regard to grades earned in courses and on individual assignments. For more information, please see the [Notification to Students of FERPA Rights](#).

## Weekly Course Schedule

Disclaimer: This syllabus represents the tentative plans and objectives for the course. As we go through the semester, those plans may need to change to enhance the class learning opportunity. Such changes, communicated clearly, are not unusual and should be expected. **Accordingly, students should monitor Canvas and rely on it for any updates/changes made to the syllabus.**

### MODULE 1: INTRODUCTION TO CONTRACTS AND FRAMEWORK

Module Objectives: In this module we will offer an introduction for how to think about law and an introduction to contracts that includes Contract Formation as well as issues of Consideration and the Bargain Principle. This module is about developing core competencies in reading and synthesizing cases and in offering a background on what contract law is, the existence of a promise, its elements, and bargained for exchange.

Welcome and Introduction to Contracts

Week 1: 8/23-8/27

Contracts

READINGS: Contracts in Sport and Physical Activity (Available on Canvas)

Week 2: 8/28 - 9/3: Avoidance and Excusing Performance

READINGS: The Cancellation of Non-Conference College Football Games during the Pandemic: Force Majeure or Greed? (Available on Canvas)

PODCAST EPISODE: Performance Excuses Podcast: <https://www.cali.org/lesson/17012>

Week 3: 9/5 - 9/10: Contracts Against Public Policy, Interpreting Contracts, Parole Evidence

READING(S): Interpreting contracts: <https://gowlingwlg.com/en/insights-resources/articles/2018/the-key-points-on-contractual-interpretation/>

PODCAST EPISODE: Parole Evidence Podcast: <https://www.cali.org/lesson/17137>

Week 4: 9/11 - 9/17: Contract Breach and Conditions, Intro to Remedies, Foreseeability and Certainty

READINGS: Contract Remedies: Foreseeability, Precaution, Causation and Mitigation (Available on Canvas)

PODCAST EPISODE: Foreseeability Podcast: <https://www.cali.org/lesson/18810>

Week 5: 9/18 – 9/24: Remedies: The Mitigation Principle, Non-Performance, Assignment and Delegation

READINGS: The Argument for Self-Help Specific Performance (Available on Canvas)

PODCAST EPISODE: Mitigation Podcast: <https://www.cali.org/lesson/18844>

Week 6: 9/25– 10/1: Contracts and Third Parties  
READINGS: Fair or Foul Play? (Article available on Canvas)

**MODULE 2: CONTRACT APPLICATION**

Module Objectives: In this module we offer some practical application of many of the issues that we have analyzed in contract law. We begin with an overview of arbitration generally and then apply it to a baseball setting. Next, we have a series of case studies that offer real world examples of situations in which contracting plays a role in business. Law shapes a number of these opportunities.

Week 7: 10/2-10/8: Arbitration, Mock Arbitration Review  
READINGS: Sports Labor Relations: The Arbitrator's Turn at Bat (Available on Canvas)  
Can NFL Players Obtain Judicial Review of Arbitration Decisions on the Merits When a Typical Hourly Union Worker Cannot Obtain This Unusual Court Access (Available on Canvas)

Week 8: 10/9 -10/15: Contract Licensing, Drafting  
READINGS: Intellectual Property Rights, Licensing and Merchandising in Sports (Available on Canvas)

**MODULE 3: AGENCY LAW**

Module Objectives: In this module, we focus on a few principles that we believe are foundational to the study of business organizations: agency formation, fiduciary duty, and various principles of attribution. All of us enter into relationships, but only some of those relationships invoke legal regulation. We examine why agency relationships and partnerships subject to legal regulation. Many of the rules governing business organizations are directed at the inward-looking consequences of the relationship. In addition to rules about the inward- looking consequences of the relationship, each business organization has default rules about outward-looking consequences. We explore and synthesize legal doctrine on these issues.

Week 9: 10/16 - 10/22: The Law of Agency, Agency Theory and Loyalty, Actual and Apparent Authority  
READINGS: Maybe Jerry Maguire Should Have Stuck with Law School (Available on Canvas)

Week 10: 10/23 - 10/29: Agency Law and Inherent Agency Power, Inherent Authority and Undisclosed Principle, Agency-Torts and Duties, Agency Law and Vicarious Liability  
READINGS: Jay-Z Has 99 Problems, and Being a Sports Agent May Be One (Available on Canvas)

**MODULE 4: TORT LAW**

Module Objectives: Torts law has two major objectives: (1) to compensate the victims of a tort victims and (2) deterrence. The law of torts can be broken into its general doctrinal elements. Ultimately, these readings strengthen your ability to evaluate and analyze tort claims, apply case law to factual situations and to interpret and predict legal risk based on an analysis of legal doctrine to business practices.

Week 11: 10/30 - 11/5: Introduction to Torts  
READINGS: Teaching Torts with Sports (Available on Canvas)

Week 12: 11/6 - 11/12: Elements of Negligence and Defenses  
READINGS: Exertional Rhabdomyolysis and the Law: A Brief Review (Available on Canvas)  
Sport Event Operators Must Deliver Promises to Avoid Gross Negligence (Available on Canvas)

Week 13: 11/13 - 11/19: Recreational Use Statutes, Duty-Dram Shop Liability, Duties to Control Others, No Duty to Rescue/Control Others  
READINGS: Torts & (and) Sports: Participant Liability to Co-Participants for Injuries Sustained during Competition (Available on Canvas)

Week 14: 11/20 - 11/26: Causation, Damages and Defenses  
READINGS: Assumption of Risk: An Age-Old Defense Still Viable in Sports and Recreation Cases (Available on Canvas)  
Foreseeability and Flying T-Shirts (Available on Canvas)

Week 15: 11/27 - 12/3: Assumption of the Risk and Injuries to Athletes and Spectators, Right of Publicity and Athletes  
READINGS: Taking One for the Team (Available on Canvas)  
Athletes' Right of Publicity in Game Performances and Sports Broadcasting (Available on Canvas)

Week 16: 12/4-12/8: Last Week of Classes & Reading Days

Week 17: 12/9-12/12: Third Exam (Last Exam of Semester)



**IMPORTANT DEADLINES**

Assignment	Points	Due Date
Introductory Discussion Board Post	50	Initial Discussion Post Due on 8/26 Discussion Responses Due on 8/28/22
Contracts Initial Discussion Board Post and Discussion Responses	50	Contracts Initial Discussion Board Post Due on 10/6/22 Discussion Responses Due on 10/9/22
Contracts Exam	100	10/16/22
Agency Discussion Board Post and Discussion Responses	50	Agency Discussion Board Post Due on 10/20/22 Discussion Responses Due 10/23/22
Agency Law Exam	100	10/30/22
Torts Discussion Board and Discussion Responses	50	Torts Initial Discussion Board Post Due on 11/10/22 Responses Due on 11/13/22
Torts Exam	100	<b>12/13/22</b>