

Issues in Sport Law
SPM 6726, Section 11D6
Time: Thursdays 3:00-6:00
Location: FLG 225
Spring 2019

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Office Hours: Mondays and Wednesdays 9:30am-11:30am; also by appointment

Course Objectives

This course is designed to introduce students to the legal structures, statutes, case law, and standards that establish legal responsibilities, rights, privileges, and controls related to the field of sport management. The objectives include:

- Understanding the U.S. legal system
- Conducting and using methods of legal research
- Analyzing the role of law in sport and other physical activity programs
- Assessing and evaluating specific standards, legislation, case law, governing bodies, and legal issues related to the sport industry
- Developing a legal argument based on legal research and case analysis
- Demonstrating an understanding of legal issues and applicable law through case presentations

Required Textbook

Miller, J. and Schoepfer, K. (2018). *Legal Aspects of Sports, 2nd Ed.* Jones & Bartlett Learning: Burlington, MA.
ISBN: 978128407247

Additional readings and cases will be provided by the instructor.

Course Policies

This course is primarily done in a combination of a lecture format and case study exercises that examine the application of relevant laws to issues in sports. Students are expected to arrive to class on time and behave in a manner that is respectful to the instructor and to fellow students. Please avoid the use of cell phones and restrict eating to outside of the classroom. The use of laptops and tablets are strictly prohibited during class. Any recording of class sessions (e.g. audio or video) is strictly prohibited without advance written permission of the instructor. Opinions held by other students should be respected in discussion, and conversations that do

not contribute to the discussion should be held at minimum, if at all. Students are expected to have readings (especially assigned cases) for each week done prior to class.

Class attendance is expected. Students will be informed of the due dates for projects and presentations well in advance of their due dates. **Therefore, extensions will not be given for assignments and late assignments will only be accepted for 24 hours after the due date and will receive partial credit.** Students are expected to make their presentations to the class during their designated class time. Make-up exams will not be offered and in-class activities, including quizzes, cannot be made up or taken early, unless the student has an excused absence pursuant to the university policy cited below. The only exception is an excused absence consistent with the university policies <http://gradcatalog.ufl.edu/content.php?catoid=10&navoid=2020#attendance> and appropriate documentation is required. It is the student's responsibility to make arrangements to make up an exam or missed assignment.

Course Grading

The final grade for this course is based on several categories of assignments each weighted differently and listed below.

Participation

A portion of your grade will be based on your participation in class discussions. Students are expected to have completed the assigned reading prior to each class. I also expect students to contribute to discussions about the readings and raise and answer questions about the assigned cases.

Case Briefs*

You will have **six** cases to briefs throughout the semester. During the first week of class, I will teach you how to brief a case. The purpose of the case briefs is to help students pull out the key components of a judicial decision and understand how courts interpret the law and arrive at their decisions. The due dates for each case brief are included on the schedule and are also listed below.

Brief #1: *Lowes v. California League of Professional Baseball*, 65 Cal.Rptr.2d 105 (Cal. App. 4 Dist. 1997)) due **Wednesday, January 16th**

Brief #2: *O'Brien v. Ohio State University*, 2007 Ohio App. LEXIS 4316 due **Wednesday, January 30th**

Brief #3 *Thomas v. NFLPA*, 131 F.3d 198 (D.C. Cir. 1997) due **Wednesday, September 26th**

Brief #4: *Dallas Cowboys Cheerleaders, Inc. v. Pussycat Cinema, Ltd.*, 604 F.2d 200 (2nd Cir. 1979) due **Wednesday, March 13th**

Brief #5: *Shaw v. Dallas Cowboys, et al.*, 173 F.3d 299 (3rd Cir. 1999) due **Wednesday, March 20th**

Brief #6: *Clarett v. NFL*, 369 F.3d 124 (2nd Cir. 2004) due **Wednesday, April 3rd**

Article Discussions and Questions

Reading cases is an excellent way to see how the court applies the law to a given set of facts. Law reviews articles are articles based in legal research that aim to present an argument of how the law should be applied or tackle the interpretation of the law. Both law review articles and cases complement each other and can further the understanding of various areas of law. For this course each student will be assigned a week to find a law review article that relates to a case being discussed that week. Students will be responsible for sending me the article a week in advance so that it can be disseminated to the class. Each week a student will lead the class discussion of that case and corresponding law review article.

The remaining students are responsible for reading the article and submitting two questions that arose during their review of the article.

Exams

There will be two exams for this course, a midterm and a final exam. The dates for each exam are listed on the course schedule. Exam content will reflect all assigned readings, handouts, class lectures and discussions. The format of the exam will be explained prior to the exam days.

Final Paper*

As a part of this course you will be required to pick a topic in sport law to write a research paper on. To reduce the desire to procrastinate (and also to help provide guidance along the way), the final paper is broken up into four parts to be completed throughout the semester. Instructions for the final paper and each of its parts will be provided by the instructor.

- Part I: Topic Submission, due **Wednesday, January 3rd**
- Part II: Case briefs of 3 cases relevant to your topic, due **Wednesday, February 20th**
- Part III: Article summaries of 3 law review articles, due **Wednesday, March 27th**
- Part IV: Paper, due **Wednesday, April 24th**

****Briefs and other writing assignments should be submitted in Turnitin via Canvas, unless otherwise instructed. If a student is deemed to have plagiarized, he or she will be given a zero for the first assignment. A second finding of plagiarism can result in a report to the Student Conduct Committee. Please be sure to properly cite all sources directly quoted and paraphrased in each assignment using the APA style. Citation style guides can be found on the library's website. If you are unsure about how or whether to cite something, please ask the instructor for guidance.***

Course Grading

Assignment		Total Points
Participation (10 classes) x 10pts each		100
Article Discussion		150
Article Question (4) x 50		200
Case Briefs (6) x 75 pts each		450
Exams (2) x 300		600
Final Paper	Part I 50pts Part II 75pts Part III 75pts Part IV 300pts	500
Total		2000

Grading Scale

Total Points	Percent	Grade	Grade Points
1867-2000	93.4-100	A	4.0
1866-1799	93.3-90.0	A-	3.67
1734-1798	86.7-89.9	B+	3.33
1668-1733	83.4-86.6	B	3.0
1600-1667	80.0-83.3	B-	2.67
1534-1666	76.7-79.9	C+	2.33
1468-1533	73.4-76.6	C	2.0
1400-1467	70.0-73.3	C-	1.67
1334-1399	66.7-69.9	D+	1.33
1268-1333	63.4-66.6	D	1.0
1200-1267	60.0-63.3	D-	.67
0-1199	0-59.9	E	0

***Do not ask the instructor questions regarding your grade. Rounding up is completely under the discretion of the instructor. If you want to challenge a grade, please come to the professor with evidence from the textbook or case materials to justify your grade change request.**

Accommodations for Students with Disabilities

Students with disabilities requesting accommodations should first register with the Disability Resource Center (352-392-8565, <http://www.dso.ufl.edu/drc/>) by providing appropriate documentation. Once registered, students will receive an accommodation letter which must be presented to the instructor when requesting accommodation. Students with disabilities should follow this procedure as early as possible in the semester.

Course Evaluations

Students are expected to provide feedback on the quality of instruction in this course by completing online evaluations at <https://evaluations.ufl.edu/>. Evaluations are typically open during the last two or three weeks of the semester, but students will be given specific times when they are open. Summary results of these assessments are available to students at <https://evaluations.ufl.edu/results/>

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 (<https://www.dso.ufl.edu/sccr/process/student-conducthonor-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. If you have any questions or concerns, please consult with the instructor or TAs in this class.

Counseling and Wellness

Contact information for the Counseling and Wellness Center: <http://www.counseling.ufl.edu/cwc/Default.aspx>, 392-1575; and the University Police Department: 392-1111 or 9-1-1 for emergencies.

Course Schedule

This schedule is a tentative outline of the reading, projects and assignments that will be covered throughout the semester. If there are changes or amendments to this schedule, you will be told well in advance of any assignments that may be due.

Date	Readings	Assignment
Week 1 January 10	Introduction Intro. To the Legal System Handout	
Week 2 January 17	Chapters 2 and 4 <i>Nabozny v. Barnhill</i> <i>Sanders v. Kuna Joint School District</i> <i>Friedman v. Houston Sports Association</i>	Case Brief #1 Due 1/16
Week 3 January 24	Chapters 3 and 5 <i>Bearman v. Notre Dame</i> <i>Hackbart v. Cincinnati Bengals</i> <i>Rodriguez v. L.A. Fitness</i>	Final Paper, Part I Due 1/24
Week 4 January 31	Chapter 8 <i>Vanderbilt University v. DiNardo</i> <i>Ross v. Creighton University</i> <i>Taylor v. Wake Forest</i>	Case Brief #2 Due 1/30
Week 5 February 7	Chapter 11 <i>Argovitz v. Simms and Detroit Lions</i> <i>Hilliard v. Black</i>	
Week 6 February 14	Chapter 6 <i>Cohen v. Brown University</i> <i>Simpson v University of Colorado</i> <i>PGA Tour v. Casey Martin</i>	Case Brief #3 Due 2/13
Week 7 February 21	Constitutional Law <i>Tarkanian v. NCAA</i> <i>Ludtke v. Kuhn</i> <i>Vernonia v. Acton</i>	Final Paper, Part II Due 2/20
Week 8 February 28	Midterm (excludes Constitutional Law)	
March 7	Spring Break	
Week 9 March 14	Intellectual Property <i>Keller v. EA Sports</i> <i>NBA v. Motorola</i>	Case Brief #4 Due 3/13
Week 10 March 21	Antitrust Handout <i>Federal Baseball Club of Baltimore v. NL</i> <i>Flood v. Kuhn</i> <i>Fraser v. MLS</i>	Case Brief #5 Due 3/20

Week 11 March 28	<i>NCAA v. Board of Regents of Univ. of Okla.</i> <i>NCAA v. O'Bannon</i> <i>Law v. NCAA</i>	Final Paper, Part III Due 3/27
Week 12 April 4	Handout <i>Mackey v. NFL</i> <i>Brown v. Pro Football</i> <i>Messersmith and McNally Arbitrations</i>	Case Brief #6 Due 4/3
Week 13 April 11	Course Wrap-up Exam Review	
Week 14 April 18	Final Exam	
Week 15	Final Paper Due	Final Paper Part IV, Due 4/24