

Courting the Yankees

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Legal Essays on the Bronx Bombers

Edited by
Ettie Ward

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Foreword

In early 1995, the Dean of my law school approached me about teaching Sports Law. I'm not sure that the Dean knew exactly what Sports Law was, but he knew that there was a great student demand for the course. When I said yes, I'm not sure I knew what Sports Law was, but I was a big sports fan and thought it might be nice to combine a personal interest with a professional one.

Seventeen years later, I'm still not sure I could come up with a precise or universally accepted definition of what Sports Law is or what it encompasses. However, I am convinced that it is a course worth including in the law school curriculum because it provides a great vehicle for educating law students. I am also convinced that it provides an equally good vehicle for educating the lay public about law.

For Supreme Court Justice Oliver Wendell Holmes was right. The law is a "brooding omnipresence." There is no area of human endeavor and (*Flood v. Kuhn* notwithstanding) there is no industry that is totally immune from the law. So if one wants to teach students a little labor law, contract law or even a little antitrust law, the world of sports provides a sugar-coated context in which students can learn law and see how an industry's needs shape the law or its application. Similarly, because the world of sports is subject to the commands and workings of our legal system, the sports fan who goes beyond the box scores invariably learns a little law.

This collection of essays bridges both worlds. Although the cases and topics discussed here might not be taught in the average Sports Law course, they do provide discussions about the law in the context of the sports world. Similarly, they are organized and focused in a way that invites the sports fan (even those of us who are not Yankees' fans) to read about sports and learn about the law.

Part I of the book focuses on some of the most famous Yankees. In James Devine's "Joe DiMaggio (And His Lawyer)," we hear about the Yankee Clipper's various legal problems, including his contract squabbles with the Yankees, his divorces and his sponsorship dealings with Mr. Coffee and the Bowery Savings Bank. In Joel Goldstein's "The Law and Yogi," we learn how Yogi Berra's sayings have crept into the law and how their use has made legal concepts more accessible. In Timothy Hall's "Mickey Mantle," we confront some of the legal and ethical issues involved in organ transplants, including the question of whether a long-term alcoholic should be entitled to a liver transplant and the role that his celebrity status might have played in his obtaining that transplant. In Robert Strassfeld's "George Steinbrenner," we learn about Steinbrenner's role as owner of a ship called the "Kinsman Transit" which, as Torts students know, caused great damage in the Buffalo area.

Part II focuses on notable incidents. It starts with Thomas Galligan's chapter, "A Most Dangerous Ball," about a variety of on and off the field injuries resulting from hit baseballs. Mitchell Nathanson's "The Tell-All Hurler" discusses the impact of Jim Bouton's bestseller ("Ball Four") on the sports industry. My chapter, "An Inquiring Woman," explores the problems raised when a female reporter sought equal access to the Yankees' locker room. In "The Catcher Who Fell to Earth," Ettie Ward discusses the

litigation that arose after Thurman Munson's tragic death in a Cessna airplane crash. Paul McGreal's chapter, "The Pine Tar Incident," examines what happened after the Yankees invoked a technical rule to nullify a George Brett homerun.

Part III focuses on some notorious instances of scandalous behavior. In "Crimes and Misdemeanors," Phyllis Coleman discusses various crimes committed by Yankees and their fans, from streaking to murder. In "Affairs of the Heart," Michael Flannery discusses a variety of family issues (including sex scandals and drug use) involving former Yankees. In "Unlucky Numbers," Ron Rychlak discusses some run-ins that Yankees (including George Steinbrenner and Mickey Mantle) had with the Commissioner's office as a result of gambling. In "Foul Language," Mark Kende deals with speech-related legal problems. Finally, in "The Czar's Court," Charles Palmer discusses the interactions between the Baseball Commissioner and the Yankees over the years. Once again, the story is not limited to the players; George Steinbrenner is also a featured participant

Part IV deals with issues related to Yankee Stadium. In "Up From Baltimore," Maura Flood tells the story of how the Yankees evolved from the demise of the original Baltimore Orioles. Gregory Stein tells the story of Yankee Stadium in "The House That Ruth Built." Last, in "Greener Pastures," Rebecca Bratspies deals with what is, today, a common problem in sports: a team's demand (here, the Yankees) for a new or improved stadium.

Finally, in Part V, the book deals with more global issues. In "Cornering the Market," Edmund Edmunds discusses *Toolson v. The New York Yankees* and the interplay of sports and antitrust law. The issue of sports and race relations is discussed by Tim Davis in "Breaking the Color Barrier." In "The Tax Man Cometh," Jack Williams takes on a variation of the adage that there are few things in life that are certain except death and taxes. Finally, in "A Global Enterprise," Alex Glashauser discusses international issues raised by the recruitment of foreign players and the baseball teams' trips abroad.

Regardless of whether you think baseball or litigation is the true national pastime, this book should provide interesting reading for baseball fans, lawyers, and those in both categories.

Jan Stiglitz
San Diego, October 2002