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Contents

Preface xix

Part I • Legal Issues in Amateur Athletics

Chapter 1 • Legal Issues in Interscholastic (High School) Athletics	3
§ 1.01 Introduction	3
§ 1.02 Youth Sports Organizations	3
[A] Organized High School Athletics	3
[B] Club/Travel Sports	4
[C] Olympic Development Programs	5
[D] Playing Professionally/Joining a Professional Club's Academy	6
§ 1.03 Legal Issues in Interscholastic Athletics	7
[A] Eligibility Rules and Judicial Deference	8
[1] Eligibility Rules Overview	8
[2] Judicial Deference	11
[B] Athlete Due Process Claims	12
[1] Procedural Due Process	12
[2] Predicates to Cognizable Procedural Due Process Claim	12
[a] Property or Liberty Interest	12
[b] State Actor Status	13
[c] Exhaustion of Administrative Remedies	14
[3] Majority Rule: Procedural Due Process Not Required Because of Absence of Property or Liberty Interest	15
[4] Exceptions to the Majority Rule	18
[5] The Minority Rule: Athletes Possess a Property Interest in Athletic Participation	19
[C] Athlete Substantive Due Process Challenges	20
§ 1.04 Athlete Equal Protection Challenges	22
[A] The Standards of Review	22
[B] Equal Protection: Rational Basis Standard of Review	23
[C] Equal Protection: Heightened Standard of Review	24
§ 1.05 The Constitutionality of Mandatory Drug Testing Policies	25
[A] Introduction	25
[B] Majority Rule: Drug Testing Policies Are Constitutional	26
[C] Minority Rule: Drug Testing Policies Are Unconstitutional	28
§ 1.06 Athlete First Amendment Claims	28

[A] Free Speech	28
[B] Freedom of Religion	33
Chapter 2 • Legal Issues in College Athletics	37
§ 2.01 Introduction	37
§ 2.02 College Athletics and the National Collegiate Athletic Association	37
[A] Introduction: Institutional Control and Governance	37
[B] Autonomy Schools and the NCAA's Amended Constitution	39
[C] The NCAA Enforcement Structure	40
[1] Classification of Violations	40
[a] Pre-August 2013: Major and Secondary Violations	40
[b] Post-August 2013 Classification: Levels I-III Violations	42
[2] The Infractions Process	43
[a] Enforcement Staff Investigation	43
[b] Committee on Infractions	44
[c] Infractions Appeals Committee	44
[3] Alternative Dispute Resolution Processes	45
[a] Negotiated Resolution	45
[b] Summary Disposition	45
[c] Independent Accountability Resolution Process	46
[4] Enforcement Penalty Structure	47
§ 2.03 The College Athlete and University Relationship	48
[A] Amateurism and the Collegiate Model	48
[B] Contractual Principles	49
[1] Introduction	49
[2] The Express Contract Terms and Conditions	50
[a] The National Letter of Intent	50
[b] Athletic Scholarships/Financial Aid Agreements	51
[i] Permissible Athletics Financial Aid	52
[ii] Reduction or Cancellation of Athletic Scholarships	52
[3] Rights and Obligations Arising from the Express Contract	53
[4] Contractually Implied Rights and Obligations	54
[a] Introduction	54
[b] Judicial Rejection of an Implied Duty of Educational Opportunity	54
§ 2.04 Are College Athletes Employees?	56
[A] Workers' Compensation	56
[B] Fair Labor Standards Act and Unionization	59
[1] Fair Labor Standards Act	59
[2] Unionization and the National Labor Relations Act	61
§ 2.05 College Athletes and Constitutional Rights	62
[A] Introduction	62
[B] Do Student-Athletes Have Protectible Property or Liberty Interests in Athletic Participation?	62

[C] Does a Student-Athlete Have a Property Interest in a Scholarship?	65
[D] Student-Athletes' Liberty Interest	66
[E] Student-Athletes and Substantive Due Process	67
[F] Student-Athlete Fourteenth Amendment Claims against the NCAA	69
[G] Student-Athlete Freedom of Expression and Privacy Rights	69
[1] Freedom of Expression	69
[2] Religious Expression and the Establishment Clause	71
[3] College Athletes and Privacy	72
[a] Drug Testing and Privacy	72
[b] The Right to Privacy and the Media	73
§ 2.06 College Athletics and Antitrust Law	73
[A] Introduction	73
[B] Antitrust Law in College Sports: Before <i>O'Bannon v. NCAA</i>	74
[1] <i>NCAA v. Board of Regents</i>	74
[2] <i>Law v. NCAA</i>	76
[3] NCAA Student-Athlete Eligibility Rules	77
[C] <i>O'Bannon</i> and Its Progeny	78
[1] <i>O'Bannon v. NCAA</i>	78
[2] <i>Alston v. NCAA</i>	80
[3] <i>House v. NCAA</i>	83
Chapter 3 • Legal Issues Arising in International and Olympic Sports	85
§ 3.01 Introduction	85
§ 3.02 The Regulatory and Governance Framework in International Sport	86
[A] The Olympic Games — Structure and Governance	86
[B] The Court of Arbitration for Sport	87
[1] CAS Dispute Resolution	88
[2] Precedential Value	91
[3] Appeal from CAS Decisions	92
[C] The World Anti-Doping Agency	94
§ 3.03 Scope of Olympic Governing Body Authority in the United States	98
[A] The Amateur Sports Act	99
[1] Athlete Recourse	99
[a] Athlete Recourse Regarding United States Participation in International Competition	99
[b] Athlete Recourse Regarding Selection for Team Membership	101
[2] Right to Use the Name "Olympics"	102
[B] United States Center for Safe Sport	104
§ 3.04 International Athletes in American Sports Leagues	105

[A] Agreements between Leagues	105
[B] Athlete Recruitment	106
Chapter 4 • Coaching: Legal Issues and Relationships	109
§ 4.01 Introduction	109
§ 4.02 Representative Terms of Contractual Relationships	109
[A] Introduction	109
[B] Representative Terms	110
[C] Compensation	111
[D] Termination	113
[1] Termination Based on Team Performance	113
[2] Termination Based on Coaches' Conduct	114
[3] Termination for Violation of NCAA Regulations	115
[4] Termination for Abusive Conduct	115
[E] Reassignment Provisions	116
[F] Liquidated Damages Provisions	118
§ 4.03 Constitutional Law Issues	119
[A] Termination and Entitlement to Procedural Due Process	119
[1] A Property Interest — The Source of Due Process Rights	119
[2] A Property Interest Arising from Express Contract	120
[3] Other Sources of a Property Interest	121
[B] A Coach's Reputational Liberty Interest	122
[C] Substantive Due Process	124
§ 4.04 Coaches, Privacy, and Free Speech	125
[A] A Coach's Privacy Rights	125
[B] The Scope of a Coach's Free-Speech Rights	126
[C] Freedom of Religious Expression	127
[D] Defamation	128
[1] General Considerations	128
[2] Defamation and Coaches as Public Figures	129
[3] Defamation and Coaches as Private Individuals	130
Part II • Sport and Society	
Chapter 5 • Gender and Sex Discrimination Issues in Sports	135
§ 5.01 Introduction	135
§ 5.02 Historical Context	135
§ 5.03 Title IX — Participation Opportunities and Equitable Treatment	139
[A] Overview of Title IX	139
[B] Effective Accommodation	141
[1] The OCR's 1996 Clarification and the Three-Prong Test	141
[2] Prong 1: Substantial Proportionality	142
[a] Defining Participation Opportunities	143
[b] Countable Activities (Sports)	144
[c] Evaluating the Numerical Disparity	145

[3] Prong 2: History and Continuing Practice of Program Expansion	147
[4] Prong 3: Fully Accommodating Interests and Abilities	149
[C] Equitable Benefits and Treatment	150
[1] Athletic Financial Assistance (Scholarships)	151
[2] Equivalence in Athletic Benefits and Treatment	151
§ 5.04 Single-Sex Teams — Title IX and Constitutional Dimensions	155
[A] Title IX	155
[1] Noncontact Sports	155
[2] Contact Sports and the Title IX Exception	157
[B] Constitutional Claims	157
[1] Fourteenth Amendment Equal Protection Claims	158
[2] State Constitutional Claims	161
[3] “Reverse” Discrimination Claims	161
[4] Freedom of Association and Freedom of Assembly	162
§ 5.05 Other Gender and Sex Discrimination Issues in Sports	162
[A] Introduction	162
[B] Employment Discrimination	163
[1] Title IX Claims	163
[a] Gender-Based Unequal Pay	163
[b] Gender-Based Retaliation	163
[2] Equal Pay Act Claims	164
[3] Title VII Claims	167
[C] Sexual Harassment in Sports	169
[1] Liability of Educational Institutions under Title IX	169
[a] Actual Notice (i.e., Knowledge) by an Appropriate Person	170
[b] Deliberate Indifference	171
[c] Severity of the Discrimination	172
[d] Illustrative Cases	173
[2] Professional Sports	175
[a] League Policies	176
[b] Education and Treatment	177
[c] Sanctions and Appeals	178
[d] Same-Sex Domestic Violence	179
§ 5.06 Transgender Issues in Sport	179
[A] Introduction	179
[B] Olympic Sports and CAS Determinations	180
[1] Dutee Chand	180
[2] Caster Semenya	181
[3] The 2020 [2021] Olympics	182
[C] Other Levels of Competition	184
[1] Title IX Regulations	184

Chapter 6 • Race and Racial Discrimination Issues in Sports	189
§ 6.01 Introduction	189
§ 6.02 Exclusion Based on Race	189
[A] Early Exclusion	189
[1] Reconstruction Era African American Athletic Achievement	189
[2] Exclusion under Law	190
[3] “Gentlemen’s Agreements” to Exclude	191
[B] Desegregation in the Sports Industry	193
[C] Positional Stacking on Desegregated Teams	193
[D] Challenging Racial Discrimination in Post-Civil Rights Era Sport	195
[1] The Statutory Framework	195
[2] Reluctance to Sue	196
[3] General Inefficacy of Litigation	198
[a] Disparate Treatment Theory	198
[b] Disparate Impact Theory	202
[E] Extra-Legal Approaches to Incentivizing Equal Opportunity in the Sports Industry	203
[F] The Particular Problem of Discriminating in Roster Construction	205
§ 6.03 Race in Modern Collegiate Athletics	207
[A] African American Disproportionality in Revenue- Producing Collegiate Sports	207
[B] Issues of Race in Collegiate Admission and Eligibility	209
§ 6.04 Native American Names, Mascots, and Images	213
[A] NCAA Policy	214
[B] Native American Names, Mascots, and Images in Professional Sports	215
“Cleveland Indians”	215
“Washington Redskins”	217
[C] Individual Sports Governing Bodies	219
[D] Individual States’ Policies	219

Part III • Legal Issues in Professional Leagues

Chapter 7 • League Governance, Commissioner Authority, and Antitrust	223
§ 7.01 Introduction	223
§ 7.02 Origins of American Professional Sports Leagues	223
§ 7.03 The Commissioner	225
[A] Origin of the Office of the Commissioner	225
[B] General Scope of Commissioner Authority	226
[C] Commissioner Authority: Personal Conduct	230
[D] Protecting the Reputation of the Game	231

[1] Gambling	231
[2] Performance Enhancing Drugs	235
§ 7.04 Antitrust Restrictions on League Governance	238
[A] Antitrust Law Basics	238
[B] The Unique Case of Commercial Competition in Sport	238
[C] MLB's Antitrust Exemption	240
[1] An Unprincipled Approach?	241
[2] The Curt Flood Act of 1998 and its Scope	242
[D] Sherman Act Section 1 and Concerted Action	244
[1] The Single-Entity Defense to Antitrust Challenges	245
[2] Unreasonable Restraint of Trade Analysis	247
[E] Sherman Act Section 2 and the Phenomenon of Upstart Leagues	249
 Part IV • Professional Athletes 	
Chapter 8 • Labor Law, Labor Relations and Collective Bargaining	255
§ 8.01 Introduction	255
§ 8.02 The Origin of Collective Bargaining in Professional Sports	256
§ 8.03 Exclusive Bargaining Unit	257
§ 8.04 Scope of Collective Bargaining	258
§ 8.05 Principal Subjects of Collective Bargaining	259
[A] Maximum Salaries	260
[B] Player Freedom of Movement	261
§ 8.06 The Uniform Player Contract	263
§ 8.07 Concerted Action	264
[A] Strikes and Lockouts	264
[B] War Chests	266
§ 8.08 Unfair Labor Practices	267
§ 8.09 Labor Arbitration	270
§ 8.10 Labor Management Relations Act Preemption	273
§ 8.11 The Labor Exemption from Antitrust Law	276
[A] The Statutory Labor Exemption	276
[B] The Non-Statutory Labor Exemption	277
[C] Navigating the Nexus of Antitrust and Labor	279
[D] Federal Jurisdiction over Labor Disputes	281
Chapter 9 • Agents (Representing Athletes)	283
§ 9.01 Introduction	283
§ 9.02 Agency Principles: Defining the Athlete-Agent Relationship	284
[A] The Agent as a Fiduciary: Common Law Agency Principles	284
[B] Breaches of Fiduciary Obligations	285
[1] Duty of Reasonable Care and Good Faith	285
[2] Loyalty and the Avoidance of Conflicts of Interests	286
[3] Fiduciary Obligations: Duty of Honesty and Fair Dealing	289

§ 9.03 Legislation Governing Agent Conduct	291
[A] Pre-UAAA State Legislation	291
[B] Federal Regulation	292
[C] The Uniform Athlete Agents Act (UAAA)	293
§ 9.04 Player Association Regulations	296
§ 9.05 Agent-to-Agent Legal Disputes	298
[A] “Client Stealing”	298
[B] Regulation of Fees	300
§ 9.06 Mandatory Arbitration	301
[A] Agent-Player Disputes	301
[B] Agent-to-Agent Disputes	302
§ 9.07 Ethical Considerations	304

Part V • Health and Safety

Chapter 10 • Health, Safety and Disability Issues in Sport	309
§ 10.01 Introduction	309
§ 10.02 Coparticipant Liability	309
[A] Introduction	309
[B] The Majority Approach — An Elevated Standard of Care	310
[1] The Reckless and Intentional Conduct Standard	310
[2] The Primary Assumption of the Risk Doctrine	312
[3] The Contact Sport Exception	313
[4] The Rationale for the Majority Rule	315
[5] Inherent Risk	316
[C] The Minority Approach: A Negligence Standard	317
§ 10.03 Criminal Law’s General Abstention from Sport	318
[A] Introduction	318
[B] Prosecuting Athletes for In-Game Conduct	319
§ 10.04 Liability for Injuries to Spectators	323
[A] Introduction	323
[B] The “Baseball Rule”	324
[C] The Inherent Risk Approach	328
[D] Inherent Risk and the Duty Not to Increase Such Risks	331
[1] Inherent Risks	331
[2] Duty not to Increase Inherent Risks	332
[E] Premises Liability Not Involving the Sport	333
§ 10.05 Liability of Educational Institutions	334
[A] Introduction	334
[B] Liability of Coaches and Other Institutional Personnel	334
[1] Instruction and Training	334
[a] High Schools	334
[b] Colleges and Universities	336
[2] Emergency Medical Assistance	337

[3] Increasing Inherent Risks	339
§ 10.06 Sovereign and Qualified Immunity	339
[A] Sovereign Immunity — Introduction	339
[B] The Basics of the Sovereign Immunity Defense	340
[1] Governmental Entity Status	340
[2] Governmental Function	341
[3] Exceptions and Waiver	343
[C] Qualified Immunity	346
[1] Introduction	346
[2] The Basics of the Qualified Immunity Defense	346
[a] Within the Scope of the Official’s Employment	346
[b] Discretionary or Ministerial Acts	348
[c] The Reckless or Intentional Act Exception	351
§ 10.07 Enforcing Pre-Injury Liability Waivers	354
[A] Introduction	354
[B] The Enforceability of Parental Pre-Injury Liability Waivers	354
[1] The Impact of Parental Constitutional Rights	354
[2] Statutory Provisions	356
[3] Public Policy	357
[a] The Status of the Defendant	361
[b] Binding Effect on Parents?	363
[c] When the Injury Occurs	364
[C] Pre-Injury Waivers by Adult Participants	364
[1] Introduction	364
[2] Waivers Are Strictly Construed	365
[3] The Required Language	366
[4] Public Policy	367
[5] Unconscionability	368
[6] Gross Negligence and Willful Conduct	368
[D] Pre-Injury Liability Waivers in College Athletics	369
[E] Pre-Injury Liability Waivers in Professional Sports	369
§ 10.08 Disability Issues in Sport	370
[A] Introduction	370
[B] Participation Rights	371
[1] Increased Risk to the Impaired Participant	371
[2] Increased Risk the Impaired Participant Poses to Other Participants	373
[3] Fundamental Modification of the Game	374
[4] Prosthetics in Competition	376
[C] Disability and Employment	378
[1] Addiction	379
[2] Mental Health	380
[D] Facility Access	383

Chapter 11 • Injury Compensation	387
§ 11.01 Introduction	387
§ 11.02 Workers' Compensation	387
[A] Introduction	387
[B] Accidental Injury Arising in the Course of Employment?	390
[C] Recovery for Cumulative Trauma and Jurisdiction Issues	391
[D] The Co-Employee Bar on Employee Tort Actions against Third Parties	392
[E] Intentional Conduct and Fraudulent Concealment Exceptions	393
[1] The Intentional Conduct Exception	393
[2] The Fraud Exception	395
§ 11.03 Liability of Physicians and Trainers	396
§ 11.04 Compensation for Concussion-Related Injuries	399
[A] Introduction	399
[B] High School and Youth Organizations	399
[C] College Athletics	402
[D] Professional Sports — NFL and NHL Concussion Litigation	404
[1] NFL Concussion Litigation	404
[2] NHL Concussion Litigation	406
§ 11.05 Defective Equipment and Products Liability	407
[A] Introduction	407
[B] Negligence and Strict Liability	409
[1] Design Defects	409
[2] Manufacturing Defects	412
[3] Failure to Warn and Inadequate Warning	413
[C] Warranty Claims	416

Part VI • Intellectual Property Issues in Sport

Chapter 12 • Intellectual Property	421
§ 12.01 Introduction	421
§ 12.02 Athlete Publicity Rights	422
[A] Introduction	422
[B] Foundations of the Right of Publicity	422
[1] Defamation	422
[2] Right of Privacy	424
[3] Federal Statutory Rights: The Lanham Act	425
[C] Effectuating the Right of Publicity	426
[1] Identifiability	426
[2] Injury	428
[D] Limitations on the Right of Publicity	429
[1] First Amendment Limitations	429
[a] Newscasts	429
[b] Artistic Expression	430

[i] Balancing Right of Publicity and the First Amendment with Respect to Works of Art	430
[ii] The Transformative Use Test	431
[E] The First-Sale Doctrine	433
§ 12.03 Trademark Protection and Infringement	434
[A] Introduction	434
[B] Trademark Infringement	435
[1] Team Names	435
[2] Merchandising	437
[3] Trademark Dilution	439
[4] Fair Use	441
[5] Ambush Marketing	442
§ 12.04 Sports Broadcasting	445
[A] Introduction	445
[B] Copyright Law as a Basis to Protect Broadcasts	446
[C] Limits of Copyright Protections	447
[D] Sports Broadcast Infringement: A Technological Cat and Mouse Game	448
Table of Cases	451
Index	465

Preface

This book is about the legal issues and concepts that emerge from relationships existing within American sport. It captures the legal doctrine and rules arising from judicial decisions, state and federal legislation, and the private law created by associations and other sport entities.

Collectively, the principles of law discussed in this book comprise what is commonly referred to as sports law, which covers an array of substantive legal doctrine. Certain of these substantive concepts are introduced to law students during their first or second years of law school (*e.g.*, contracts, constitutional law, and torts). Other principles encompass doctrine to which most law students will have had limited exposure (*e.g.*, antitrust and labor law) before enrolling in a survey sports law course. The challenge in drafting this book has been striking a balance between articulating these concepts so that they are accessible to multiple audiences while exploring the complexity of the legal issues that frequently arise in sports. We hope this book strikes a satisfactory balance as it strives to provide an in-depth yet accessible overview of the law of sports.

The primary audiences for this treatise are law students, law professors, and practitioners. As alluded to above, law students taking sports law are confronted with learning and applying several familiar and unfamiliar bodies of law in a single course. This treatise will assist students in synthesizing these discrete bodies of law. It should also prove beneficial to students seeking a deeper understanding of unfamiliar and often complex doctrine and how it is uniquely situated in sports.

This book will also serve as a helpful resource to law professors who teach sports law and to practitioners. Sports law is also often taught by adjuncts who frequently specialize in either amateur or professional sports law matters, but not both. Thus, some sports law professors may lack a comprehensive and in-depth knowledge of legal issues traversing both amateur and professional sports. This treatise will facilitate these professors acquiring knowledge of areas of law outside their respective fields of expertise. We anticipate this book will also provide a quick reference to practitioners who will find that the referenced cases, statutes, and other materials provide a point of departure for engaging in a more detailed examination of topics within sports law.

Because sports law encompasses a vast array of different substantive areas, we elected to adopt an organizational structure that attempts to coherently present the material. To facilitate this, the treatise uses a similar structure to that employed in the leading sports law casebooks. In most instances, the material is organized according to the level of sports participation — high school, college or professional. Thus, Chapter

1 focuses primarily on the legal issues resulting from conflicts (*e.g.*, eligibility disputes) frequently arising in the relationships between high school athletes and their schools. Much of the discussion revolves around the constitutional law dimensions of this relationship.

While constitutional law issues are explored in Chapter 2 — which examines the legal issues emerging from college athletes' relationships with their universities — the chapter also offers an overview of the legal principles that govern the contractual aspects of the relationship. These relationships are examined against the backdrop of the NCAA's significant, yet shifting, governance role in college athletics. Similarly, Chapter 7 illustrates legal issues (*e.g.*, league governance and commissioner authority) unique to professional sports.

Where substantive issues and the rules governing their resolution transcend the level of sports participation, this book addresses the relevant principles typically without regard to the level of the sport. This approach is illustrated by Chapter 11, which addresses tort liability, where many of the salient concepts apply irrespective of the level of participation. Similarly, Chapter 5 explores legal principles involving gender equity issues, which at times are unique to a particular level of sport and at other times arise regardless of the level of sport.

While this book's primary focus is on articulating the current legal principles governing relationships in sport, it often discusses the historical evolution of such rules in order to contextualize and foster an understanding of today's controlling principles. Therefore, the treatise presents the doctrine adopted by the majority of courts. Where there is a significant divergence in judicial approaches regarding what is the predominant view, however, we state both majority and minority rules and the rationales supporting each.

This book can serve as a helpful companion to a casebook or as a stand-alone resource. It summarizes the rules of law emerging from the principal cases found in the leading casebooks. The materials are not restricted, however, to an articulation of those rules and cases. It attempts to frame the factual and legal contexts in which such cases arise and such rules are developed to demonstrate the relationships between the array of concepts extant in sports law.

It is not unusual for legal casebooks to pose provocative and challenging questions without providing answers or guidance on how to discover the answers. This book raises such questions, but also provides answers. In addition to providing an up-to-date articulation of law as described in the text, the book contains extensive footnotes that support the propositions in the text and provide resource materials, which may prove particularly helpful to practitioners and researchers. To increase its value to readers, the treatise provides a detailed table of contents that will serve as a quick roadmap of the book's content.