Understanding Sports Law
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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.