

Baseball and the Law

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Baseball and the Law

Cases and Materials

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*To my mom and dad, Sally and Mel Schiff,
for teaching me the love of baseball
and encouraging me to pursue a career in law*

L.H.S.

For Rachel, Misty, and Jennifer

R.M.J.

“It’s a great day for a ball game. Let’s play two!”

—*Chicago Cubs shortstop and Hall of Famer Ernie Banks*

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Preface

Due to the lack of an organizing text, only a handful of law schools have ever offered a “Baseball and the Law” course.* We hope this casebook helps lead to a much longer list.

No book of any sort is ever the work of just the individuals whose names appear on the cover. This one is no exception. We are particularly grateful to our wives, Judith A. Jarvis and Leslee L. Schiff, who supported us through many long days and nights of writing and editing. Other family members also provided assistance, including Richard M. Berger, Mark H. Mellman, Amber L. Schiff, Erik L. Schiff, and Fred Schiff.

We owe many thanks to our publisher, Dr. Keith R. Sipe, and all the staff members at Carolina Academic Press. Their enthusiasm and constant encouragement have been most gratifying.

Special recognition is due to Professor Ross E. Davies of George Mason University, who reviewed Chapters 1–6, and Professor Douglas E. Abrams of the University of Missouri, who reviewed Chapter 7. Their comments greatly improved the final product.

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We also wish to express our appreciation to Professor Roger I. Abrams for allowing us to excerpt his essay *Even the Best Lawyers Must Know Baseball* and to Professor Howard W. Brill for permission to reprint his speech *Baseball and the Legal Profession*. Likewise, the photographs that appear throughout the book have been licensed from either Corbis Images or Getty Images.

A few final thoughts:

First, we welcome your feedback. You can e-mail us at schiff@baseballandthelaw.org and jarvisb@nova.edu.

* We know of 13 such schools: Capital University, Case Western Reserve University, Hamline University, Harvard University, IIT Chicago-Kent College of Law, Massachusetts School of Law, Rutgers University—Camden, South Texas College of Law, Texas Southern University, University of Arkansas—Fayetteville, University of Houston, University of Michigan, and University of Virginia.

Second, our research closed November 15, 2015. Due to space limitations, we had to be judicious (some might say ruthless) in deciding what to put in and what to leave out. If we omitted your favorite player or team, we apologize. Baseball in general, and baseball law in particular, is so rich with good stories that we easily could have filled several volumes.

Third, in editing the materials that appear herein, we employed the following conventions: (a) footnotes were either deleted or moved to the text; (b) obvious spelling or grammatical mistakes were corrected; (c) ellipses were used only when not using them would have left the reader with some uncertainty; and, (d) while we normally followed the *Bluebook*, we did not do so when circumstances called for a different approach.

Fourth, common abbreviations, such as “MLB” for Major League Baseball, “AL” for American League, and “NL” for National League, appear throughout the Notes. More esoteric abbreviations also occasionally pop up, but we believe readers will have no trouble deciphering them.

Fifth, except when the context required otherwise, we identified players by their best-known team and position.

Sixth, given that baseball is the country’s national pastime, we have assumed that anyone reading this book has at least a little bit of baseball knowledge. For those totally new to the game, cites to various primers can be found in Chapter 1A.

Lastly, we leave you with what we consider to be one of baseball’s greatest trivia questions: What occupational oddity do Babe Ruth, Willie Mays, and Hank Aaron have in common? The first reader who sends us an e-mail with the correct answer will receive a gift (so please include your mailing address).