LAW 324 Sports Law (4 Units) Spring 2023



SUBJECT TO CHANGE

Course ID: LAW 324 Sports Law

Units: 4

M/W 10:00 to 11:50 AM

Location: On Campus Room LAW 130

Instructor: Professor Ben Meiselas Office: Musik Buiding Room XXX

Office Hours: By Email Appointment on Fridays

Contact Info:

Undergraduate Academic Calendar Spring 2022

Classes Begin	Mon	January 9
Martin Luther King's Birthday	Mon	January 16
President's Day	Mon	February 20
Spring Recess	Sun-Sun	March 12-19
Classes End	Fri	April 28
Study Days	Sat-Tue	April 29-May 2
Exams	Wed-Wed	May 3-10
Commencement	Fri	May 12

Course Description

This course is designed to familiarize the students with the ways in which the American legal system uses a variety of tools to regulate sports. Areas of law that impact sports include contract law, tort law, statutory law, and constitutional law.

This course examines how various areas of law apply to recreational, collegiate and professional sports. We will emphasize the legal problems and issues faced by professionals in the sport and recreation industry today, including managers and athletes themselves. Students will use critical and analytical thinking to develop a basic understanding of areas of law that affect these industries.

Upon completion of this course, students will understand basic legal structure of multiple sports businesses and will be able to analyze the legal issues that permeate these organizations. This course will examine the relevance and application of various legal structures to all participants in particular sports enterprises. Topics will include, among others, Contracts, Title IX, Collective Bargaining, NCAA Compliance and Governance, Agency, Risk Management and Sports Marketing and Licensing.

Learning Objectives

This course will introduce students to major legal issues in the sports entertainment industry, and teach practical skills to navigate the field. The course will ask students to analyze legal issues from the perspectives of the athlete, the manager / management, and the industry as a whole. Students will:

- Understand legal terms, procedures, and issues affecting the professional sports industry.
- Identify and discuss litigation and legislation affecting sport organizations nationally and internationally.
- Discuss and understand strategies aimed at reducing the probability of injuries and lawsuits surrounding sport activities.
- Analyze and evaluate the application of the law in various sport context.
- Learn the basics of contract negotiation in the professional sports industry.
- Competently read and understand a sports management contract.
- Understand where the legal and economic interests of the athlete, the manager, and the industry compete with one another, and where they are congruent.

Prerequisite(s): None Co-Requisite(s): None

Concurrent Enrollment: None

Recommended Preparation: Law 210, Fundamentals of the U.S. Legal System.

Course Policies

Active participation in class discussions and exercises is expected. Regular and punctual attendance in class is required. Students are expected to have read the assigned readings for each class, and finished their case-brief assignments before class. If students are experiencing any difficulties in the course, they are encouraged to reach out to the professor.

Required Readings and Supplementary Materials

Suggested Textbooks:

- Spengler, J.O., et al. (2016). Introduction to Sport Law, 2nd Ed. Human Kinetics: Champaign, IL. ISBN: 9781450457002; ISBN: 9781492575542
- Pittman, Andrew, et.al. (2016). Case Studies in Sport Law, 2nd Ed. Human Kinetics: Champaign, IL.

Grading Breakdown

Assessment Tool (assignments)	Points	% of Grade
Case Briefs and Weekly Assignments	100	25%
Attendance and Discussion	100	10%
Midterm	100	30%
Final	200	35%
TOTAL	500	100%

Grading Scale

Course final grades will be determined using the following scale:

- A 93-100
- A- 90-92
- B+ 87-89
- B 83-86
- B- 80-82
- C+ 77-79
- C 73-76
- C- 70-72
- D+ 67-69
- D 63-66
- D- 60-62

Description and Assessment of Assignments:

59 and below

Exams

Exams will be short answer and essay based. Assessment of exams and case briefs will include:

- 1. Ability of student to identify key legal issues and prioritize between the main issue and peripheral considerations by the court.
- 2. Ability of student to identify and assess strengths and weaknesses in an opinion's reasoning.
- 3. Ability to identify and delineate key parts of a decision, including the procedural history, facts, issue, and holding. Student should know the role that each of these parts play in an appeal, and why they are important to the justices' ultimate decisions.
- 4. Ability of the student to analyze and consider the public policy implications of a case on any given issue.
- 5. Demonstrate a general understanding of the court's legal reasoning, and any connect the reasoning to a case's background, or political pressures.
- 6. Communicate responses to questions clearly and concisely in writing.

Discussion and Attendance

Attendance is required. Discussion assessment will include:

- Attendance is required. Depending on the size of the class, students will be generally required to participate in discussion *each* time the class meets.
- Students will be required to engage with professor in the Socratic method of questioning.
- Students will be expected to come to class prepared with meaningful questions, ideas, and criticisms to discuss with their peers and the professor.

Case brief Assignment Instructions:

A case brief is a study tool used in law schools to understand caselaw and identify important takeaways from legal opinions. For the purposes of this course, the case brief assignment will require you to identify and summarize the following in each legal opinion. Please limit briefs to (500) words.

a. Basic Information: Name, Court, Parties (Plaintiff and defendant), Year.

b. The Facts

Here, summarize facts about the dispute that are **essential** to the decision and reasoning the judge explains. This section should not include peripheral details that are not important to the outcome, but rather only those facts that the judge indicates in their opinion are legally significant.

Ex. The case may state that "a woman slipped and fell on the wet floor in the Safeway grocery store on Fifth Avenue." However, your case brief need only describe the incident as "a woman fell on a wet floor in a grocery store.

c. The Issue

Identify exactly what legal question the court was being asked to decide. It is often helpful to state the issue in the form of a yes or no question. The court may identify explicitly what the legal issue is, but when they do not, in your own words, summarize what the two parties are disputing and what the court is deciding.

Ex. Does Congress have the constitutional power to enact the Civil Rights Act as a measure to regulate interstate commerce?

d. Rule

In your own words, what does the court decide and what about this opinion can be applied to future disputes with similar facts? What is the *law* or the *takeaway* from this case?

e. The Holding

Answer "yes" or "no" to the question posed in your statement of the issue with a complete sentence summarizing the outcome.

Ex. Yes, under the Commerce Clause, Congress has the power to remove obstructions and restraints to interstate commerce.

f. The Reasoning for the Majority Opinion

This portion of your case brief should include the rule of law the court relied on or developed to answer the question raised by the issue. You should also note the logic the court followed in applying that rule to the facts as well as which facts the court relied on in reaching its decision. If the court interpreted a statute, applied existing case law, or cited policy considerations in deciding the case, note that as well.

g. The Reasoning for any Dissenting or Concurring Opinions

This portion of your case brief should include the rule of law the court relied on or developed to answer the question raised by the issue. You should also note the logic the court followed in applying that rule to the facts as well as which facts the court relied on in reaching its decision. If the court interpreted a statute, applied existing case law, or cited policy considerations in deciding the case, note that as well.

Case-brief Format:

Case	
Court / Year	
Parties	
Facts	
Issue	
Legal Rule	
Holding	
Analysis / Reasoning	
Dissent/Concurrence	

Assignment Submission Policy

Case briefs and reflection essays are to be submitted as PDFs/Word Docs via blackboard by the start of class each week or as specified in the syllabus. Each case brief and reflection essay is worth 10 points, with two assignments excused at the student's discretion. This will result in a total of ten graded assignments out of twelve potential assignments.

Additional Policies

Students are expected to attend class ready to discuss the assigned reading materials.

	Topics/Daily Activities	Readings/Preparation	Deliverables
Week 1	Introduction to the U.S. Legal System,	Read <u>Introduction to Case Briefing</u> , and review case brief template Derrick Rose Adidas Contract Article – Part 1	Reading on briefing cases Read Derrick Rose Adidas Contract Article – Part 1
	overview of course. In	https://www.si.com/nba/2018/02/06/derrick-rose-adidas- sneaker-contract-details-cavaliers-knicks-bulls	Read Litigation vs. Arbitration Article.
	explanation of how to brief a legal opinion and what you can learn from legal opinions.	Litigation vs. Arbitation: https://www.lexisnexis.com/community/insights/legal/b/thought-leadership/posts/six-key-differences-between-litigation-and-arbitration	
Week 2	Introduction to Contracts and Sports Law	Detroit Lions, Inc. v. Argovitz, 580 F. Supp. 542, 1984 U.S. Dist. LEXIS 19582 Fleming v. Kent State Univ., 2014-Ohio-3471, 17 N.E.3d 620, 2014 Ohio App. LEXIS 3399, 38 I.E.R. Cas. (BNA) 1720, 2014 WL 3936796 Definition of Contract: https://www.law.cornell.edu/wex/contract#:~:text=A%20contract %20is%20an%20agreement,consideration%3B%20capacity%3B%2 Oand%20legality.	Read <i>Detroit Lions Inc v. Argovitz</i> and <i>Fleming v. Kent State</i> , brief one before class in accordance with the case briefing format in the syllabus.
Week 3	Contract Negotiation	Sample NBA contract:	Review sample NBA and NFL contracts, prepare for an in-class exercise negotiating a contract.
	and Employment Law: Negotiation Exercise	Sample NFL contract https://www.sec.gov/Archives/edgar/data/1573683/00010474691 3009713/a2216998zex-10 3.htm	After class: Submit a 500-word reflection on the negotiation exercise, due before the beginning of class week 4.
		Derrick Rose Contract Case Study: https://www.si.com/nba/2018/02/06/derrick-rose-adidas-contract-terms-payment-clauses-cavs	
Week 4	Overview of Labor Law and Professional Sports	First 28 pages of the following law review article: https://lawreview.law.ucdavis.edu/issues/45/4/Articles/45- 4 Feldman.pdf Article 17 of the NFL CBA – Anti-Collusion (Pages 137-141) Article 43 of the NFLA CBA – Non-Injury Grievance (Pages 256-260) https://nflpaweb.blob.core.windows.net/media/Default/NFLPA/C BA2020/NFL-NFLPA CBA March 5 2020.pdf Colin Kaepernick Grievance https://a.espncdn.com/pdf/2017/1015/KaepernickGrievance r.pd f	After class: Submit a 500-word reflection summarizing the key legal issues in the Kaepernick grievance due before Week 5.
Week 5	Anti-trust Issues and Contracts in Professional Sports	https://www.npr.org/sections/money/2017/10/25/560032942/ep isode-579-is-the-ncaa-an-illegal-cartel https://www.pbs.org/wgbh/frontline/article/does-the-ncaa-rule-college-sports-like-a-cartel/ Flood v. Kuhn, 407 U.S. 258, 92 S. Ct. 2099, 32 L. Ed. 2d 728, 1972 U.S. LEXIS 138, 1972 Trade Cas. (CCH) P74,041	Read supplemental articles, also read <i>Flood v. Kuhn</i> and <i>O'Bannon v. NCAA</i> , brief one before class.
		O'Bannon v. NCAA, 802 F.3d 1049, 2015 U.S. App. LEXIS 17193, 166 Lab. Cas. (CCH) P10,814, 2015-2 Trade Cas. (CCH) P79,311	
Week 6	Anti-trust Issues and Collective	Brown v. Pro Football, 518 U.S. 231, 116 S. Ct. 2116, 135 L. Ed. 2d 521, 1996 U.S. LEXIS 4047, 64 U.S.L.W. 4554, 131 Lab. Cas. (CCH) P11,588, 1996-1 Trade Cas. (CCH) P71,445, 96 Cal. Daily Op.	Read and brief Brown v. Pro Football before class.
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	Bargaining in Professional	<u>Service 4419, 152 L.R.R.M. 2513, 96 Daily Journal DAR 7174, 96</u> Daily Journal DAR 8318, 10 Fla. L. Weekly Fed. S 14	Read Alston decision before class.
	Sports	Daily Journal DAK 6516, 10 Fig. L. Weekly Feg. 5 14	
	Ope. 13		
		https://www.supremecourt.gov/opinions/20pdf/20-512_gfbh.pdf	
		https://www.supremecourt.gov/opinions/20pui/20-512_grbn.pur	
Week 7	Midterm		
Week 8	Introduction	Friedman v. Houston Sports Ass'n, 731 S.W.2d 572, 1987 Tex. App.	Read and brief Friedman v. Houston before class.
	to Torts Law	<u>LEXIS 6535</u>	
	and Sports Management		
Week 9	Risk	Lowe v. California League of Prof. Baseball, 56 Cal. App. 4th 112,	Read and brief Lowe California League of Prof. Baseball before class.
	Management Issues in	65 Cal. Rptr. 2d 105, 1997 Cal. App. LEXIS 532, 97 Cal. Daily Op. Service 5283, 97 Daily Journal DAR 8521	
	Professional	Service 3263, 97 Daily Journal DAN 8321	
	Sports:	Review Article 43 of the NFLA CBA – Non-Injury Grievance (Pages	
	Athlete Protections	256-260)	
	and Injuries	https://nflpaweb.blob.core.windows.net/media/Default/NFLPA/CBA2020/NFL-NFLPA CBA March 5 2020.pdf	
	,	BAZUZU/NFL-NFLPA CBA March 5 ZUZU.pdf	
		Read article:	
		https://bleacherreport.com/articles/10002767-report-jawuan-	
		james-considering-grievance-over-lost-wages-after-broncos- release	
		release	
Week 10	Intellectual	Dallas Cowboys Cheerleaders, Inc. v. Pussycat Cinema, Ltd., 604	Read and brief Dallas Cowboys v. Pussycat Cinema
10	Property Issues in	F.2d 200, 1979 U.S. App. LEXIS 12494, 203 U.S.P.Q. (BNA) 161, 5 Media L. Rep. 1814	
	Sports		
	Management:		
	Licensing and Copyright		
Week	Media Rights	https://harvardjsel.com/2020/08/the-false-dichotomy-in-name-	Read articles before class
11	and Image	image-and-likeness-legislation/	
		Proposed NCAA Athlete's Bill of Rights	
		https://www.nytimes.com/2020/12/17/sports/ncaafootball/colleg	
		<u>e-athlete-bill-of-rights.html</u>	
		Brand Value:	
		https://www.forbes.com/sites/mikeozanian/2019/10/16/the-	
		forbes-fab-40-puma-debuts-on-2019-list-of-the-worlds-most-	
		valuable-sports-brands/?sh=369650cd356a	
		https://www.si.com/college/2020/10/13/ncaa-proposal-athlete-	
		compensation-name-image-likeness	
		Interim NCAA NII Policy	
		Interim NCAA NIL Policy https://ncaaorg.s3.amazonaws.com/ncaa/NIL/May2022NIL Guida	
		nce.pdf	
		Additional NCAA NIII Paliay Cyiday	
		Additional NCAA NIL Policy Guidance https://ncaaorg.s3.amazonaws.com/ncaa/NIL/D1NIL Institutionall	
		nvolvementNILActivities.pdf	
Week	Liability and	Required: Davis v. Monroe County Bd. of Educ., 526 U.S. 629, 119	Read supplemental articles on Title IX; read and brief Davis v. Monore before
12	Equity:	S. Ct. 1661, 143 L. Ed. 2d 839, 1999 U.S. LEXIS 3452, 67 U.S.L.W.	class.
	Gender	4329, 99 Cal. Daily Op. Service 3861, 99 Daily Journal DAR 4931, 1999 Colo. J. C.A.R. 2948, 12 Fla. L. Weekly Fed. S 280	
	Equity and		

	Title IX in Sports Law	Optional: Historic Overview of Title IX: https://scholarship.law.marquette.edu/cgi/viewcontent.cgi?article =1554&context=sportslaw NCAA Q & A on title IX: http://www.ncaa.org/about/resources/inclusion/title-ix- frequently-asked-questions LA Times on Title IX and the Rio 2016 Olympics: https://www.latimes.com/sports/la-sp-oly-women-plaschke- 20160816-snap-story.html	
Week 13	Drugs and Doping in Professional Sports: Laws and Ethics	Readings on U.S. Law: H. Rept. 109-210 - DRUG FREE SPORTS ACT https://www.congress.gov/congressional-report/109th- congress/house-report/210/1 International Laws on Drugs and Doping: Watch Documentary: Icarus, on Netflix. Readings on ethics of performance enhancing drugs: https://journalofethics.ama-assn.org/article/physicians-and- sports-doping-epidemic/2014-07 https://bjsm.bmj.com/content/38/6/666	500-word reflection on in class discussion.
Week 14	Constitutional Law and Sports Management: Drug testing and privacy, equal protection and exclusion.	Vernonia Sch. Dist. 47J v. Acton, 515 U.S. 646, 115 S. Ct. 2386, 132 L. Ed. 2d 564, 1995 U.S. LEXIS 4275, 63 U.S.L.W. 4653, 95 Cal. Daily Op. Service 4846, 9 Fla. L. Weekly Fed. S 229 Denis J. O'Connell High School v. Virginia High School League, 581 F.2d 81, 1978 U.S. App. LEXIS 9736	Read Vernonica Sch. Dist v. Acton or O'Connell High School v. Virginia High School League, brief one before class.
Week 15	Semester Review; Guest Speaker: Professional in Sports Management OR Professor Lecture on area of study in sports law		500-word reflection on the guest speaker by the end of the week.
FINAL			Refer to the final exam schedule in the USC <i>Schedule of Classes</i> at <u>classes.usc.edu</u> .

Statement on Academic Conduct and Support Systems

Academic Integrity:

The University of Southern California is a learning community committed to developing successful scholars and researchers dedicated to the pursuit of knowledge and the dissemination of ideas. Academic misconduct, which includes any act of dishonesty in the production or submission of academic work, comprises the integrity of the person who commits the act and can impugn the perceived integrity of the entire university community. It stands in opposition to the university's mission to research, educate, and contribute productively to our community and the world.

All students are expected to submit assignments that represent their own original work, and that have been prepared specifically for the course or section for which they have been submitted. You may not submit work written by others or "recycle" work prepared for other courses without obtaining written permission from the instructor(s).

Other violations of academic integrity include, but are not limited to, cheating, plagiarism, fabrication (e.g., falsifying data), collusion, knowingly assisting others in acts of academic dishonesty, and any act that gains or is intended to gain an unfair academic advantage.

The impact of academic dishonesty is far-reaching and is considered a serious offense against the university. All incidences of academic misconduct will be reported to the Office of Academic Integrity and could result in outcomes such as failure on the assignment, failure in the course, suspension, or even expulsion from the university.

For more information about academic integrity see <u>the student handbook</u> or the <u>Office of Academic Integrity's website</u>, and university policies on <u>Research and Scholarship Misconduct</u>.

Please ask your instructor if you are unsure what constitutes unauthorized assistance on an exam or assignment, or what information requires citation and/or attribution.

Students and Disability Accommodations:

USC welcomes students with disabilities into all of the University's educational programs. The Office of Student Accessibility Services (OSAS) is responsible for the determination of appropriate accommodations for students who encounter disability-related barriers. Once a student has completed the OSAS process (registration, initial appointment, and submitted documentation) and accommodations are determined to be reasonable and appropriate, a Letter of Accommodation (LOA) will be available to generate for each course. The LOA must be given to each course instructor by the student and followed up with a discussion. This should be done as early in the semester as possible as accommodations are not retroactive. More information can be found at osas.usc.edu. You may contact OSAS at (213) 740-0776 or via email at osas.root.osas.usc.edu.

Support Systems:

Counseling and Mental Health - (213) 740-9355 - 24/7 on call

Free and confidential mental health treatment for students, including short-term psychotherapy, group counseling, stress fitness workshops, and crisis intervention.

988 Suicide and Crisis Lifeline - 988 for both calls and text messages – 24/7 on call

The 988 Suicide and Crisis Lifeline (formerly known as the National Suicide Prevention Lifeline) provides free and confidential emotional support to people in suicidal crisis or emotional distress 24 hours a day, 7 days a week, across the United States. The Lifeline is comprised of a national network of over 200 local crisis centers, combining custom local care and resources with national standards and best practices. The new,

shorter phone number makes it easier for people to remember and access mental health crisis services (though the previous 1 (800) 273-8255 number will continue to function indefinitely) and represents a continued commitment to those in crisis.

<u>Relationship and Sexual Violence Prevention Services (RSVP)</u> - (213) 740-9355(WELL) – 24/7 on call Free and confidential therapy services, workshops, and training for situations related to gender- and power-based harm (including sexual assault, intimate partner violence, and stalking).

Office for Equity, Equal Opportunity, and Title IX (EEO-TIX) - (213) 740-5086

Information about how to get help or help someone affected by harassment or discrimination, rights of protected classes, reporting options, and additional resources for students, faculty, staff, visitors, and applicants.

Reporting Incidents of Bias or Harassment - (213) 740-5086 or (213) 821-8298

Avenue to report incidents of bias, hate crimes, and microaggressions to the Office for Equity, Equal Opportunity, and Title for appropriate investigation, supportive measures, and response.

The Office of Student Accessibility Services (OSAS) - (213) 740-0776

OSAS ensures equal access for students with disabilities through providing academic accommodations and auxiliary aids in accordance with federal laws and university policy.

USC Campus Support and Intervention - (213) 740-0411

Assists students and families in resolving complex personal, financial, and academic issues adversely affecting their success as a student.

Diversity, Equity and Inclusion - (213) 740-2101

Information on events, programs and training, the Provost's Diversity and Inclusion Council, Diversity Liaisons for each academic school, chronology, participation, and various resources for students.

<u>USC Emergency</u> - UPC: (213) 740-4321, HSC: (323) 442-1000 – 24/7 on call

Emergency assistance and avenue to report a crime. Latest updates regarding safety, including ways in which instruction will be continued if an officially declared emergency makes travel to campus infeasible.

<u>USC Department of Public Safety</u> - UPC: (213) 740-6000, HSC: (323) 442-1200 – 24/7 on call Non-emergency assistance or information.

Office of the Ombuds - (213) 821-9556 (UPC) / (323-442-0382 (HSC)

A safe and confidential place to share your USC-related issues with a University Ombuds who will work with you to explore options or paths to manage your concern.

Occupational Therapy Faculty Practice - (323) 442-2850 or otfp@med.usc.edu

Confidential Lifestyle Redesign services for USC students to support health promoting habits and routines that enhance quality of life and academic performance.