

LGST 228: Sports Law

Fall 2013

Professor Andrew Brandt

**TAs: Hannah Gerstenblatt
Alexander Berlinski**

Office Hours: By Appointment

COURSE DESCRIPTION

This course will introduce students to the core substantive areas of law relevant to business and legal aspects of sports, as well as the practical application and impact of such laws. The course focuses primarily on professional sports leagues and restraints that players face. Naturally, my experiences and real-life stories will be a large part of the learning process, although not the main focus of the class.

We will have discussion in each class about current events in the sports business and legal realm; these discussions are integral to real-world deliberations of these topics.

Of course, my experiences as a player agent and working with the Green Bay Packers and Philadelphia Eagles will provide practical background for the issues we are discussing. And now covering NFL business for Sports Illustrated digitally and for ESPN on television and radio will illustrate many issues we are discussing, as will my (active) Twitter feed. Having said that, this class will work through the cases and materials assigned and will not simply be stories about my experiences in sports.

Through classroom lectures and interactive discussions, students will gain an understanding of the creation and regulation of professional athletics, antitrust and labor law, organizational structures of leagues and associations, and labor relations. In-class problem solving will be utilized extensively to expose students to the application of the law to particular situations.

The TAs will assign students to present cases and/or arguments in negotiations in each class. Participation in class discussions/in class exercises is *strongly encouraged* and will be weighted in the final grades.

Due to the possibility of my missing class due to other obligations and the possibility of guest speakers, the syllabus will necessarily be flexible.

REQUIRED TEXT & MATERIALS

Weiler and Roberts, *Sports and the Law (4th Ed.)*

Additional cases and materials as assigned

SUPPLEMENTAL MATERIALS:

With so much in the news in the past year about Sports Law and new Collective Bargaining Agreements in the NFL, NBA, MLB and (maybe) NHL, we will be uncovering new territories in subject matter. I will try to supplement the book with current content about these topical issues, some written by myself as well as many other pieces.

Regular reading of **TheMMQB.com** and following my Twitter feed (**@adbrandt**) is required ☺. I say this in jest but also in all seriousness as a source of what I am thinking and discussing as legal and business issues in football. I also am quoted frequently about these issues as well as my regular radio appearances on Sirius and ESPN Radio and television.

Further, newspapers and magazines pertinent to the sports industry is strongly suggested, especially the *Sports Business Journal* and the *Sports Business Daily*. Other important sports publications are *Sports Illustrated*, *The Sporting News*, and the *USA Today*. ESPN's *SportsCenter* and E: 60 and HBO's *Real Sports* are all recommended media sources as well.

COURSE METHOD OF INSTRUCTION AND EVALUATION:

At present, there is no scheduled examination in this class. There will be 2-3 quizzes throughout the semester on the teachings in the previous classes or even the present class. As described below, it is extremely important to attend class despite the absence of a semester-ending exam.

Class sessions will follow a lecture/discussion format. I will be the primary voice, of course, but I will be calling on students to start and advance discussions. Students will be assigned cases to lead discussions in and all students are on notice that they may be called upon at any time to participate.

Participation in class discussions/in class exercises is strongly encouraged and will be weighted in the final grades.

PARTICIPATION:

Class participation can result in a half grade upward or downward departure (i.e. an A- to an A, or a B+ to a B). Students must be prepared for every class. Attendance will be noted, but attendance is not participation!

The quality of participation, as reflected in careful reading and thorough analysis of the assigned materials, is important. It is also important to build upon other students' comments. This requires attentive listening. Class participation will be judged on the basis of quality and consistency upon a weekly basis.

COURSE OUTLINE/CALENDAR:

The schedule below is a tentative one and is subject to change. Any changes will be announced to class members.

Weeks One and Two

Moral Integrity of the Sport: Role of the Commissioner and the Law

Pp. 5-100; supplemental materials

Weeks Three and Four

Contract Law and the Baseball Antitrust Exemption

Pp. 101-174; supplemental materials

Weeks Five, Six and Seven

From Antitrust to Labor Law; The Labor Exemption

Pp. 175-262; supplemental materials, negotiation exercise

Weeks Eight, Nine and Ten

Labor Law & Collective Bargaining

Pp. 262-361; supplemental materials, negotiation exercises.

Weeks Eleven and Twelve

Agent Representation of the Athlete

Pp. 362-430; supplemental materials, negotiation exercise

Week Thirteen

Title IX; Miscellaneous Topics

Pp. 904-978; supplemental materials



ANDREW BRANDT

Andrew Brandt

Columnist, TheMMQB.com, Sports Illustrated
NFL Business Analyst, ESPN
Director, Moorad Center for Sports Law, Villanova University
Lecturer, Wharton School, University of Pennsylvania

Andrew Brandt provides unique insights and perspectives in all forms of national media. On the print side, Andrew provides a weekly column to the new football web site from *Sports Illustrated* headlined by Peter King, theMMQB.com. Brandt provides a signature weekly column for the site as well as providing regular contributions to *Sports Illustrated* magazine.

On the television side, Brandt joined ESPN as an NFL business analyst in February 2011. Brandt provides unique and differentiated insight from the point of view of a former agent and team executive, and appears regularly on all ESPN studio shows and platforms such as *SportsCenter*, *NFL Live*, *First Take*, *Outside the Lines*, ESPNEWS, ESPN Radio and more.

Brandt was also named Director of the Moorad Center for Sports Law at Villanova University Law School in 2012. Brandt is leading a destination program for students interested in working in sports, using his vast practical and real-world experience to guide and inspire students. At Villanova, Brandt is developing courses – both on-ground and online – creating symposia, hosting a Speaker Series, etc.

Brandt's two and a half decades in professional football are split evenly between working in team management and player representation. He spent nine years (1999-2008) as vice president of the Green Bay Packers, where he negotiated all player contracts and managed the team's NFL salary cap. Brandt's skillful management earned him professional acclaim within the league. The highlights of his Packers tenure included the franchise hosting the NFC Championship Game in 2008 and negotiating contracts for most of the players who eventually lead Green Bay to victory in Super Bowl XLV.

Early in his career, Brandt worked for ProServ, Inc., where he represented marquee athletes such as Michael Jordan, Boomer Esiason and Arthur Ashe. He left ProServ in 1990 to become the general manager of the NFL World League's Barcelona Dragons, leading the team through its appearance in the inaugural World Bowl in 1991 at London's Wembley Stadium. At the time, he was the youngest GM in professional sports.

Following the World League, Brandt returned to player representation for Woolf Associates in Boston, representing NFL players including quarterback Matt Hasselbeck,

Super Bowl champion kicker Adam Vinatieri and Heisman Trophy-winning running back Ricky Williams. He left Woolf to join the Packers in 1999.

In 2008, Brandt, in collaboration with other NFL insiders, launched *The National Football Post* (www.nationalfootballpost.com) – a leading online resource and publication focusing on NFL business news and statistical analysis. Andrew is also currently a lecturer at the University of Pennsylvania's Wharton School of Business, where he teaches sports law, sports business and negotiations, and his academic work earned him the prestigious Whitney Award for excellence in undergraduate teaching.

A native of Washington, D.C., Brandt has appeared on numerous ESPN television and radio programs, and other media outlets. His writing on sports business has been published by *Forbes*, *The Huffington Post*, *Sports Business Journal* and more. His interests include playing jazz piano and competing in races and triathlons.