

UNIVERSITY OF PENNSYLVANIA THE WHARTON SCHOOL  
DEPARTMENT OF LEGAL STUDIES AND BUSINESS ETHICS  
**SPORTS LAW**  
**COURSE SYLLABUS**  
(Subject to Change)

	<b>Sports Law LGST 228</b>	<b>Wednesdays 3:00 PM– 6:00 PM Jan. 20 – May 2</b>	<b>Spring 2016</b>															
<b>Location</b>	<b>Room G50 JMHH (UPDATE)</b>																	
<b>Course Instructor</b>	<b>Arthur J. McAfee III mcafee@wharton.upenn.edu</b>																	
<b>Course Text / Packet</b>	<b><i>SPORTS LAW Cases and Materials</i></b> (Second Edition, 2007), by Cozzillio, Levinstein, Dimino, and Feldman, Carolina Academic Press.																	
<b>Periodical Reference</b>	<b>SportsBusiness Journal (SBJ)</b> <ul style="list-style-type: none"> <li>• Sports Business Daily (special student offer \$65/semester)</li> <li>• Sports Business Journal (student rate \$65/semester; \$155 for the year which is a great deal)</li> </ul>																	
<b>Syllabus / Web</b>	A copy of the syllabus can be found on Canvas. Also included are other course materials, course readings, sports calendars and updated assignments.																	
<b>Office Hours</b>	Wednesdays 1:00PM- 2:00PM																	
<b>Course Description:</b>	This course provides an in-depth overview and analysis of legal principles and ethical issues in professional sports. Issues that are identified, analyzed, and explored include athlete representation, labor law, antitrust exemption, arbitration, collective bargaining, salary cap administration, free agency and the application of ethics as a method in the decision making and problem solving process.																	
<b>Course Methodology</b>	Interactive and reciprocal learning styles will be the focus. The class will be in a highly engaging, and participation-focused environment. Students will be assigned cases to lead discussions and all students should anticipate that they will be called on at any time to participate.																	
<b>Grading Procedure</b>	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;"><b><u>GRADING</u></b></th> <th style="text-align: center;"><b><u>POINTS</u></b></th> <th style="text-align: center;"><b><u>DUE DATES</u></b></th> </tr> </thead> <tbody> <tr> <td>Weekly Class participation:</td> <td style="text-align: center;">10+</td> <td></td> </tr> <tr> <td>Case Presentations</td> <td style="text-align: center;">10</td> <td style="text-align: center;">As Assigned</td> </tr> <tr> <td>Mid-Term Exam</td> <td style="text-align: center;">35</td> <td style="text-align: center;">TBA</td> </tr> <tr> <td>Final Exam</td> <td style="text-align: center;">45</td> <td style="text-align: center;">TBA</td> </tr> </tbody> </table>			<b><u>GRADING</u></b>	<b><u>POINTS</u></b>	<b><u>DUE DATES</u></b>	Weekly Class participation:	10+		Case Presentations	10	As Assigned	Mid-Term Exam	35	TBA	Final Exam	45	TBA
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	<b>TOTAL</b>	<b>100 Points</b>		
<b>Course Goals, Objectives &amp; Learning Outcomes</b>	<p>When this course is finished, you should be able to:</p> <ol style="list-style-type: none"> <li>1. Understand some of the fundamental legal principles common to the professional sports industry.</li> <li>2. Summarize significant sports industry case law and discuss the ramifications for practitioners.</li> <li>3. Explain the essence of labor law and anti-trust law and how the two bodies of law coexist.</li> <li>4. Understand the roles and interaction of sports leagues, commissioners, sports unions, agents, and arbitrators.</li> <li>5. Understand the process of collective bargaining in professional sports and the interplay of salary caps and free agency.</li> </ol> <p>In addition:</p> <ol style="list-style-type: none"> <li>6. Explain the history and structure of sports leagues and unions.</li> <li>7. Summarize the general principles of agent regulation with particular focus on the NFLPA Regulations Governing Contract Advisors.</li> <li>8. Understand the basic economic framework under which professional leagues and players associations operate with particular focus on the salary cap/free agency/revenue sharing system of the NFL/NBA/NHL.</li> <li>9. Theoretically negotiate a standard Player Contract in compliance with the terms and conditions of the salary cap systems and CBA.</li> <li>10. Develop a better understanding of how to make decisions and solve problems with an eye toward the relevant legal and ethical issues in sports.</li> </ol>			
<b>Midterm Exam</b>	Class 7-8 or 9(TBA)			

**CLASS SCHEDULE / DISCUSSION TOPICS / READING ASSIGNMENTS**

<b>Week Due</b>	<b>Discussion Topics</b>	<b>Assignments</b>
<b>Class 1: 1/20</b>	<ul style="list-style-type: none"> <li>• Welcome; Professor Introductions</li> <li>• Review Syllabus</li> <li>• Student Introductions</li> <li>• Introduction to Sports Law</li> <li>• Case Method and Case Presentations</li> <li>• Structure of Leagues/Role of Commissioner</li> </ul>	<p><u>SPORTS LAW</u>: p. 5-49; 57-73; 86-92</p>
<b>Class 2: 1/27</b>	<ul style="list-style-type: none"> <li>• What's new?</li> <li>• Introduction to Contracts</li> <li>• Contract Formation</li> <li>• Common Provisions</li> <li>• The NFL Player Contract</li> <li>• Model Case Presentation: <u>L.A. Rams v. Cannon</u></li> </ul>	<p>Basics of Contract Law (Canvas)</p> <p><u>SPORTS LAW</u>: p. 111-149; 156-174</p>
<b>Class 3: 2/3</b>	<ul style="list-style-type: none"> <li>• What's new?</li> <li>• Contract Interpretation</li> <li>• Contract Duration</li> <li>• Indefinite Terms</li> <li>• Salary Guarantee</li> <li>• Injunctions and Unclean Hands</li> <li>• Case Presentation: <u>Minn. Muskies v. Hudson</u></li> </ul>	<p><u>SPORTS LAW</u>: p. 174-196; 214-222; 243-254</p>
<b>Class 4: 2/10</b>	<ul style="list-style-type: none"> <li>• What's new?</li> <li>• Sports Agents</li> <li>• NFLPA Agent Regulations</li> <li>• Fiduciary Duty</li> <li>• Conflict of Interest</li> <li>• Case Presentation: <u>PROSPA v. MISLPA</u></li> </ul>	<p><u>SPORTS LAW</u>: p. 1227-1242; 1243-1247; 1251-1256</p> <p>NFLPA Regulations Governing Contract Advisors; PROSPA v. MISLPA; NFLPA v. Luchs (Canvas)</p>
<b>Class 5: 2/17</b>	<ul style="list-style-type: none"> <li>• What's New?</li> <li>• NLRB &amp; Intro to Labor Law</li> <li>• Representation Cases/Elections</li> <li>• Unfair Labor Practices (ULPs)</li> <li>• Remedies</li> </ul>	<p><u>SPORTS LAW</u>: p. 649-680; 711-716; 730-736</p> <p>NLRB NW Univ. decisions (Update) (Canvas)</p> <p>NLRB Memo Re: McDonald's</p>

	<ul style="list-style-type: none"> <li>• Case Presentation: <u>Seattle Seahawks</u></li> </ul>	7/29/14, NY Times news article 7/29/14 (Canvas)
<b>Class 6: 2/24</b>	<ul style="list-style-type: none"> <li>• What's new?</li> <li>• Labor Law Continued</li> <li>• Discrimination for Union Activity</li> <li>• Case Presentation: <u>NFLMC v. NFLPA (Backpay Case)</u></li> <li>• History/Structure of Leagues / Players Association</li> </ul>	<u>SPORTS LAW</u> : p. 721-730; 736-740; Sports Union History Handouts (Canvas)
<b>Class 7: 3/2</b>	<ul style="list-style-type: none"> <li>• What's new?</li> <li>• Collective Bargaining</li> <li>• Refusal to Bargain in Good Faith</li> <li>• Case Presentation: <u>Silverman v. MLB</u> (p.764)</li> <li>• Work Stoppages: Strikes &amp; Lockouts</li> </ul> Spring Break March 5-13 2016	<u>SPORTS LAW</u> : p. 685-690; 740-757; 764-773.
<b>Class 8: 3/16</b>	<ul style="list-style-type: none"> <li>• <b>Mid-Term</b></li> <li>• What's new?</li> <li>• Player Mobility in Professional Sports</li> <li>• Free Agency and the Reserve System</li> <li>• Case Presentation: <u>KC Royals v. MLBPA</u></li> </ul>	<u>SPORTS LAW</u> : p. 780-793 Player Mobility in Professional Sports (Blackboard)
<b>Class 9: 3/23</b>	<ul style="list-style-type: none"> <li>• What's new?</li> <li>• Accommodation in Collective Bargaining</li> <li>• NFL System: Salary Caps, Free Agency, and Percentage of the Gross</li> <li>• Dispute Resolution – Arbitration</li> <li>• Case Presentation – <u>Gilbert v. Washington Redskins</u></li> </ul>	Signing Bonuses and Guaranteed Money in the NFL (Blackboard) <u>Sean Gilbert and the Washington Redskins Club</u> 1998 (Canvas) Jimmy Graham and the New Orleans Saints Club 7/2/2014 (Canvas)
<b>Class 10: 3/30</b>	<ul style="list-style-type: none"> <li>• What's new?</li> <li>• Intro to Anti-Trust</li> <li>• Rule of Reason</li> <li>• Anti-Trust Exemptions</li> <li>• Impact on Pro Sports</li> <li>• Baseball Exemption</li> <li>• Case Presentation: <u>Flood v. Kuhn</u></li> </ul>	<u>SPORTS LAW</u> : p. 273-278; 288-290; 297-314; 320-338; 363-365

	(SC 1972) (p. 326)	
<b>Class 11: 4/6</b>	<ul style="list-style-type: none"> <li>• What's new?</li> <li>• From the labor exemption to the management exemption</li> <li>• Case Presentation: <u>Mackey v. NFL</u> (8<sup>th</sup> Cir 1976) (p. 382)</li> <li>• When the labor exemption ends</li> <li>• Interplay between labor exemption and labor law</li> <li>• Single Entity Defense</li> </ul>	<p><u>SPORTS LAW</u>: p. 377-395;</p> <p>O'Bannon v. NCAA news articles  USA Today 8/8/14 (Canvas)  Mother Jones 8/13/14 (Canvas)</p>
<b>Class 12: 4/13</b>	<ul style="list-style-type: none"> <li>• What's new?</li> <li>• 1989 - 1993, and 2011 Renunciation of Union status.</li> <li>• Current status of Labor Exemption</li> </ul>	<p><u>SPORTS LAW</u>: p. 414-424</p> <p>Powell/McNeil v. NFL (Judge Doty, 1991) (Canvas)</p> <p>Pittsburgh Steelers, Inc. – 1991 NLRB Advice Memo (Canvas)</p>
<b>Class 13: 4/20</b>	<ul style="list-style-type: none"> <li>• What's new?</li> <li>• Contract Negotiation</li> <li>• Negotiating Strategy</li> <li>• Endorsement Contracts</li> <li>• Case Presentation: <u>Nike v. Culpepper</u></li> </ul>	<p><u>SPORTS LAW</u>: p. 151-156</p> <p>Endorsement Contracts (Blackboard)</p> <p><u>Nike v. Culpepper</u> (2002) (Blackboard)</p>
<b>Class 14: 4/27</b>	<ul style="list-style-type: none"> <li>• What's new?</li> <li>• Tort Law and Sports</li> <li>• On-the-field disputes</li> <li>• Case Presentation: <u>Avila v. Citrus</u></li> </ul>	<p><u>SPORTS LAW</u>: p. 987-1000; 1005-1009</p> <p>Hart v. Electronic Arts (3<sup>rd</sup> Cir. 5/21/13), (Canvas)</p> <p>Keller v. Electronic Arts (9<sup>th</sup> Cir. 7/21/13) (Canvas)</p>
<b>Class 15: 5/2-10</b>	<b>FINAL EXAM</b>	<b>Friday, May (TBA), 2016 9:00AM- 11AM(TBA)</b>

