

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

	Sports Law LGST 228	Wednesdays 3:00 PM– 6:00 PM Jan. 23– May 1	Spring 2019
Location	Room: 255 JMHH		
Course Instructor	Arthur J. McAfee III mcafee@wharton.upenn.edu		
Course Text / Packet	<i>SPORTS LAW Cases and Materials</i> (Second Edition, 2007), by Cozzillio, Levinstein, Dimino, and Feldman, Carolina Academic Press.		
Periodical Reference	SportsBusiness Journal (SBJ) <ul style="list-style-type: none"> • Sports Business Daily (special student offer \$65/semester) • Sports Business Journal (student rate \$65/semester; \$155 for the year which is a great deal) 		
Syllabus / Web	A copy of the syllabus can be found on Canvas. Also included are other course materials, course readings, sports calendars and updated assignments.		
Office Hours	Wednesdays 1:00PM- 2:00PM		
Course Description:	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.		
Course Methodology	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.		

Grading Procedure	<u>GRADING</u>		<u>DUE DATES</u>
	Weekly Class participation:	10+	
	Case Presentations	10	As Assigned
	Mid-Term Exam	35	TBA
	Final Exam	45	TBA
	TOTAL	100 Points	
Course Goals, Objectives & Learning Outcomes	<p>When this course is finished, you should be able to:</p> <ol style="list-style-type: none"> 1. Understand some of the fundamental legal principles common to the professional sports industry. 2. Summarize significant sports industry case law and discuss the ramifications for practitioners. 3. Explain the essence of labor law and anti-trust law and how the two bodies of law coexist. 4. Understand the roles and interaction of sports leagues, commissioners, sports unions, agents, and arbitrators. 5. Understand the process of collective bargaining in professional sports and the interplay of salary caps and free agency. <p>In addition:</p> <ol style="list-style-type: none"> 6. Explain the history and structure of sports leagues and unions. 7. Summarize the general principles of agent regulation with particular focus on the NFLPA Regulations Governing Contract Advisors. 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. 9. Theoretically negotiate a standard Player Contract in compliance with the terms and conditions of the salary cap systems and CBA. 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. 		
Midterm Exam	Class 7-8 or 9(TBA)		

CLASS SCHEDULE / DISCUSSION TOPICS / READING ASSIGNMENTS

Week Due	Discussion Topics	Assignments
Class 1: 1/23	<ul style="list-style-type: none"> • Welcome; Professor Introductions • Review Syllabus • Student Introductions • Introduction to Sports Law • Case Method and Case Presentations • Structure of Leagues/Role of Commissioner 	<u>SPORTS LAW</u> : p. 5-49; 57-73: 86-92
Class 2: 1/30	<ul style="list-style-type: none"> • What's new? • Introduction to Contracts • Contract Formation • Common Provisions • The NFL Player Contract • Model Case Presentation: <u>L.A. Rams v. Cannon</u> 	Basics of Contract Law (Canvas) <u>SPORTS LAW</u> : p. 111-149; 156-174
Class 3: 2/6	<ul style="list-style-type: none"> • What's new? • Contract Interpretation • Contract Duration • Indefinite Terms • Salary Guarantee • Injunctions and Unclean Hands • Case Presentation: <u>Minn. Muskies v. Hudson</u> 	<u>SPORTS LAW</u> : p. 174-196; 214-222; 243-254
Class 4: 2/13	<ul style="list-style-type: none"> • What's new? • Sports Agents • NFLPA Agent Regulations • Fiduciary Duty • Conflict of Interest • Case Presentation: <u>PROSPA v. MISLPA</u> 	<u>SPORTS LAW</u> : p. 1227-1242; 1243-1247; 1251-1256 NFLPA Regulations Governing Contract Advisors; PROSPA v. MISLPA; NFLPA v. Luchs (Canvas)
Class 5: 2/20	<ul style="list-style-type: none"> • What's New? • NLRB & Intro to Labor Law • Representation Cases/Elections 	<u>SPORTS LAW</u> : p. 649-680; 711-716; 730-736 NLRB NW Univ. decisions

	<ul style="list-style-type: none"> • Unfair Labor Practices (ULPs) • Remedies • Case Presentation: <u>Seattle Seahawks</u> 	(Update) (Canvas) NLRB Memo Re: McDonald's 7/29/14, NY Times news article 7/29/14 (Canvas)
Class 6: 2/27	<ul style="list-style-type: none"> • What's new? • Labor Law Continued • Discrimination for Union Activity • Case Presentation: <u>NFLMC v. NFLPA (Backpay Case)</u> • History/Structure of Leagues / Players Association Spring Break March 2-10 2019	<u>SPORTS LAW</u> : p. 721-730; 736-740; Sports Union History Handouts (Canvas)
Class 7: 3/13	<ul style="list-style-type: none"> • What's new? • Collective Bargaining • Refusal to Bargain in Good Faith • Case Presentation: <u>Silverman v. MLB</u> (p.764) • Work Stoppages: Strikes & Lockouts 	<u>SPORTS LAW</u> : p. 685-690; 740-757; 764-773.
Class 8: 3/20	<ul style="list-style-type: none"> • What's new? • Player Mobility in Professional Sports • Free Agency and the Reserve System • Case Presentation: <u>KC Royals v. MLBPA</u> 	<u>SPORTS LAW</u> : p. 780-793 Player Mobility in Professional Sports (Blackboard)
Class 9: 3/27	<ul style="list-style-type: none"> • Mid-Term • What's new? • Accommodation in Collective Bargaining • NFL System: Salary Caps, Free Agency, and Percentage of the Gross • Dispute Resolution – Arbitration • Case Presentation – <u>Gilbert v. Washington Redskins</u> 	Signing Bonuses and Guaranteed Money in the NFL (Blackboard) <u>Sean Gilbert and the Washington Redskins Club 1998</u> (Canvas) Jimmy Graham and the New Orleans Saints Club 7/2/2014 (Canvas)
Class 10: 4/3	<ul style="list-style-type: none"> • What's new? • Intro to Anti-Trust • Rule of Reason • Anti-Trust Exemptions • Impact on Pro Sports 	<u>SPORTS LAW</u> : p. 273-278; 288-290; 297-314; 320-338; 363-365

	<ul style="list-style-type: none"> • Baseball Exemption • Case Presentation: <u>Flood v. Kuhn</u> (SC 1972) (p. 326) 	
Class 11: 4/10	<ul style="list-style-type: none"> • What's new? • From the labor exemption to the management exemption • Case Presentation: <u>Mackey v. NFL</u> (8th Cir 1976) (p. 382) • When the labor exemption ends • Interplay between labor exemption and labor law • Single Entity Defense 	<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>
Class 12: 4/17	<ul style="list-style-type: none"> • What's new? • 1989 - 1993, and 2011 Renunciation of Union status. • Current status of Labor Exemption 	<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>
Class 13: 4/24	<ul style="list-style-type: none"> • What's new? • Contract Negotiation • Negotiating Strategy • Endorsement Contracts • Case Presentation: <u>Nike v. Culpepper</u> 	<p><u>SPORTS LAW</u>: p. 151-156</p> <p>Endorsement Contracts (Blackboard)</p> <p><u>Nike v. Culpepper</u> (2002) (Blackboard)</p>
Class 13: 4/24	<ul style="list-style-type: none"> • What's new? • Tort Law and Sports • On-the-field disputes • Case Presentation: <u>Avila v. Citrus</u> 	<p><u>SPORTS LAW</u>: p. 987-1000; 1005-1009</p> <p>Hart v. Electronic Arts (3rd Cir. 5/21/13), (Canvas)</p> <p>Keller v. Electronic Arts (9th Cir. 7/21/13) (Canvas)</p>
Class 15: 5/6-14	FINAL EXAM	May (TBA), 2019 Time (TBA)