

SPORT MGT 635 SPORT & THE LAW SYLLABUS
Professor Lisa P. Masteralexis
Dept. of Sport Management, Isenberg School of Management
University of Massachusetts Amherst

FALL 2007
ROOM: ISOM 112
CLASS: Mon & Wed 1:15 to 2:30 p.m.
E-MAIL: lpmaster@sportmgt.umass.edu

OFFICE: ISOM, Room 236H
MAILBOX: ISOM, Room 230 or 236 Suite
PHONE/VOICEMAIL: (413) 545-5061
OFFICE HOURS: Tues. 12-2:30 pm & Weds. 2:30–4:00 pm or by appointment.

I. COURSE MATERIALS

REQUIRED

Textbook : Sharp, L.A., Moorman, A.M., & Claussen, C.L. (2007). *Sport Law: A Managerial Approach*. Scottsdale, AZ: Holcomb Hathaway.

Recommended: G.M. Wong, *Essentials of Sports Law*, Third Edition, 2002

Other course materials: Access to the Lexis-Nexis Academic and WestLaw Academic research databases are available through the remote library website. Also, Prof. Wong's class web site-URL <http://www-unix.oit.umass.edu/~splaw635>. Still waiting on the cite for mine.

II. GOALS OF THE COURSE

The goals of the course are:

- To understand the nature of the American legal system (not limited to sport law).
- To provide a basic knowledge and understanding of the law as it applies to amateur and professional sport.
- To be cognizant of the potential liability for injuries in the supervision, management, and conduct of sport, and of strategies for limiting liability (risk management).
- To understand legal issues relevant to sport in the areas of tort, contract, constitutional, antitrust, labor and employment law, and intellectual property to sport.
- To increase awareness of current legal issues in sport.
- To learn to think critically and analytically about the interaction between the law and sport in our society.

III. GENERAL COURSE POLICIES

CLASS PREPARATION

The student will get the most out of class meetings by reading and understanding the assigned materials before class. Accept that the student may have to read the case decisions several times before understanding the case. Students should attempt to brief every case assigned. This will help in understanding the case, as well as providing a reference in studying for exams and in taking the exams. I also encourage you to form study groups to work on the briefs and case problems. It is important to note that study groups should focus on checking one's work and one's understanding of the cases, and that study groups are not a substitute for reading the cases and briefing the cases.

CLASS PARTICIPATION

Class participation is encouraged in every possible manner. Attendance is not participation. The student is introduced to the case method of training in problem solving. This is important because law is based on the case method. Each student will make at least one class presentation on Current Legal Issues (a handout will be provided detailing this assignment). Each student should be prepared to contribute to class discussion in each class.

CLASS ATTENDANCE

Class attendance is important for the lecture, notes and the contributions from other members of the class. It is also important for class participation. For unexcused absences, the final grade will be reduced by .25 points for each unexcused absence.

EXAMINATIONS

One midterm examinations will be scheduled in a two-hour block. The University will schedule the final examination during the final examination period from December 17 to December 22, 2007. All final examinations must be taken during the scheduled examination time.

Examinable Material - all assigned readings, all lectures and all discussions are examinable material, unless explicitly indicated. Open book format.

NOTE: Academic dishonesty will not be tolerated. Action will be taken against students in committing academic dishonesty in accordance with the current Graduate Rights and Responsibilities Handbook.

IV. GRADING (Tentative)

Attendance & Participation	10%
Current Legal & Business Issues	5%
Case Briefs/Case Studies	15%
Mid-Term	30%
Final	<u>40 %</u>
	100%

<u>Grade Scale:</u>	A 93-100	A- 90-92.99	
	B+ 87-89.99	B 83-86.99	
	B- 80-82.99	C+ 77-79.99	
	C 73-76.99	C- 70-72.99	
	D+ 67-69.99	D 60-66.99	F <60

V. CURRENT LEGAL & BUSINESS ISSUES GUIDELINES

OVERVIEW

Each student will be assigned dates to present on current legal and business issues. The assignment will prepare you to spot legal and business issues that have an impact on the professional sport industry and labor relations in sport. The presentations should cover new cases, business practices, negotiations, and factual situations which may lead to a legal case/conflict or a key business decision/conflict. On a student's assigned day (s)he is responsible to hand in to me and make a copy for each class member of a typewritten sheet which lists (with source) and summarizes each issue discussed. Members of the class will be responsible for the information presented and discussed. Presentation and discussion should last no more than 15 minutes.

PRESENTATIONS (AND HANDOUT) SHOULD INCLUDE:

1. Background Information.
2. If it's a case, the issue before the court, holding, rationale
3. If it's a potential conflict, state what you foresee as the issue(s) and arguments
4. The issues facing professional sport industry and labor relations

GRADING BASIS

1. Coverage/understanding of the issue(s); the organization and clarity of presentation
2. Significance of chosen issues to class (relationship between current issues & class discussion)

VI. CONTENT OUTLINE AND ASSIGNMENT SCHEDULE

DATES	TOPIC	ASSIGNED READING (Chapt. & pgs)
Sept. 5-12	US Legal System & Judicial Review of Sport	
	Introduction	Ch. 1 (skim) & 2 (entire)
	American Legal System	Ch. 3 (27–42)
	Masteralexis Judicial Review Chapter	Handout
	Governance Issues Pro Sports	Ch. 4 (62-69)
	Governance of High School & College Athletics	Chap. 6 (126–146; 140–153)
	Legal Research (esp. briefing a case)	Ch. 3 (43-44, 46-53)
	How to brief a case: See p. 51-52 of your textbook; For further help briefing cases, see the following useful websites: http://lawschool.westlaw.com/highcourt/HowToBrief.doc http://www.lib.jjay.cuny.edu/research/brief.html http://www.law.uh.edu/lrw/casebrief.pdf	
Sept. 17-26	Tort Law – Negligence & Vicarious Liability	
	Participant Liability Issues	Ch. 16 (464-497)
	Employer Liability (Vicarious Liability)	Ch. 10 (entire)
	Premises & Spectator Liability	Ch. 17 (entire)
	Waivers & Exculpatory Clauses chapter Review Contract Law	Ch. 18 (entire) Ch. 7 (167-173); Handout
Oct. 1-3	Intentional Torts	
	Participant Violence	Ch. 19
Oct. 3	No Class due to Library Session; no office hours as I'm traveling to a conference	
Oct. 4 OR 5	Library Session with Barbara Morgan – W.E.B. DuBois Library, Room 1620 Library Assignment due Tuesday Oct. 9 th (Follows Mon. schedule due to holiday 10/8)	
Oct. 9-15	More Intentional Torts	
	Additional Intentional Torts	Ch. 21 (654-58); Handout
	Tort Theories & Employment Law	Ch. 7 (188-90)
Oct. 17-24	Contract & Agency Law	
	Contractual Issues in Employment	Ch. 7 (166-188)
	Agency Law & Athlete Agents	Ch. 13 (entire)

Oct. 29	Tie up loose ends/Review Session	
Oct. 31	Mid-term Exam: 1:15-3:15 (PLEASE NOTE LONGER CLASS TIME)	
Nov. 5-7	Antitrust Law	
	Antitrust Law Basics	Handout
	Antitrust Law Applied to Sport Governance of Pro Sport	Ch. 4 (60-62; 69-91) Ch. 6 (147-50)
Nov. 14- 26	Labor Relations & Collective Bargaining	
Nov. 21	CLASS CANCELLED for Thanksgiving Holiday	
	Labor Relations	Ch. 12 (306-327)
	Collective Bargaining in Pro Sport Review Contract Law Collective Bargaining	Ch. 7 (167-173) Ch. 12 (328-344)
Nov. 28- Dec. 3	Regulation of Sport Organizations	
	Employment Discrimination	Ch. 8 & 9 (entire)
	Participation & Discrimination in Athletics	Ch. 14 (387-430)
Dec. 10-12	Marketing & the Law	
	Protection of Intellectual Property	Chapter 20
	Promotional & Operational Issues in Mktg	Chapter 21
Dec. 17	FINAL EXAM 1:30-3:30 (tentative)	ROOM TBA

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