

University of Mississippi School of Law
Sports Law II (Professional Sports) Syllabus, Spring 2019
Professor Berry

Front Office Information:

Dr. William W. Berry III
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@PROFBERRY (<https://twitter.com/#!/PROFBERRY>)

Game Times and Location:

10:05 a.m. – 11:00 a.m., M, W, F, beginning January 23, 2019.
All games take place in Law School classroom 2094, rain or shine.

Required Equipment:

Weiler, Roberts, Abrams, Ross, Harper, Balsam & Berry, *Sports and the Law: Text, Cases, and Problems* (6th edition)

Suggested Equipment:

A legal pad and a pen
Access to ESPN SportsCenter (or ESPN.com)

Seating:

Personal seat licenses are complimentary with payment of law school tuition. Seating is first come, first served.

Learning Objectives:

Become a proficient sports lawyer. To achieve this end, we will learn legal doctrine (ranging across the law school curriculum), explore policy, participate in lawyering skills exercises (including negotiation and drafting), develop presentation and writing skills, and assess a number of case studies of good and bad lawyering. Objectives include developing oral and written communication skills, critical thinking and analytical reasoning skills, and developing ethical reasoning abilities.

Scoring (grades):

Final Examination, 100%
In-class participation bonus. "Fan favorites," i.e., those who participate extensively in class, may receive an increase in grade at the discretion of the front office (professor).

Extra practice / Individual instruction (Office Hours):

M, W at 11:10am-12:10pm or by appointment.

Scratches / Disqualifications (Attendance):

Missing five games (classes) without front office approval (instructor permission) results in a serious diminution in grade and / or a failing grade in the class.

Encouraged conduct:

Come prepared to debate your classmates and your professor. As much as possible, I want class to be a conversation, not a lecture. Wear your team colors or uniform to class. Pay attention to the “real-time” development of the sports world and its relationship to our discussions in class.

Prohibited conduct:

Use of any electronic devices during games (class), including cell phones, laptops, tablets, etc., is strictly prohibited. First offenders will receive a yellow card (warning). Repeat violators may receive a red card (diminution in final grade).

ABA Compliance:

This class complies with ABA standard 310 because it satisfies the required number of hours for a three-hour class, both inside and outside of class. It will meet 38 times for 55 minutes, as well as a 1-hour examination review, resulting in 35.8 hours of total class time (the standard is 35 hours). In addition, the time to complete reading assignments and study for an examination/write a paper required to pass the course are in excess of 90 hours (30 hours / credit hour) required by the ABA. The class text is over 1200 pages, and we will cover over half of it in the course.

This class also complies with ABA standards 301 and 302 because it achieves the following learning outcomes: competency in (a) knowledge and understanding of substantive and procedural law; (b) legal analysis and reasoning, legal research, problem-solving, and written and oral communication in the legal context; and (d) other professional skills needed for competent and ethical participation as a member of the legal profession.

Disability Services:

Any student who feels s/he may need academic accommodations or access accommodations based on the impact of a documented disability should contact the Office of Student Disability Services (234 Martindale Center) during the first week of classes. The center is open Monday through Friday from 8 a.m. until 5 p.m. Messages may be left on the office’s voicemail system when the office is closed.

Phone: 662-915-7128

TTY: 662-915-7907

Fax: 662-915-5972

E-mail: sds@olemiss.edu

Disability Services is the official office to assist students through the process of disability verification and coordination of appropriate and reasonable accommodations. Law students currently registered with Disability Services should obtain a new accommodation memo each fall semester. If you have a

disability for which you are considering an accommodation, you are encouraged to contact Assistant Dean for Student Affairs Macey Edmondson, maceye@olemiss.edu, 2066 Khayat Law Center, (662) 915-6819, as early as possible in the semester.

Professional Sports Law Reading Assignments and Tentative Schedule:

(Please consult TWEN webpage for up-to-date assignments)

#	<u>Date</u>	<u>Topic</u>	<u>Cases / Materials</u>	<u>Pages</u>
1	1/23	Chapter 1 Commissioners	<i>Rose v. Giamatti</i>	1-14
2	1/25	Ch. 1, cont'd	<i>Milwaukee Amer. Assn. v. Landis</i> <i>Charles O. Finley v. Kuhn</i> <i>Atlanta Braves & Turner v. Kuhn</i>	15-35
3	1/28	Ch. 1, cont'd	<i>In the Matter of New Orleans Saints</i> <i>Donald Sterling Discipline</i>	36-54
4	1/30	Ch. 1, cont'd	<i>Murphy v. NCAA</i>	54-71
5	2/1	Chapter 2 Labor Law	<i>Am. League & Nat'l Assn. of Umpires</i> <i>Seattle Seahawks v. McCullum</i> <i>NASL v. NLRB</i>	71-90
6	2/4	Ch. 2, cont'd	<i>Morio v. NASL</i> <i>Alex Rodriguez free agency</i> <i>Silverman v. Major League Baseball</i>	91-106
7	2/6	Ch. 2, cont'd	<i>NFL Mgt. Council and NFLPA</i> <i>Peterson v. Kennedy & NFLPA</i>	106-20
8	2/8	Chapter 3 Labor Arbitration	<i>Alvin Moore & Atlanta Braves</i> <i>In re Latrell Sprewell</i>	121-140
9	2/11	Ch. 3, cont'd	<i>MLBPA and Office of Baseball Comm'r</i>	141-48
10	2/13	Ch. 3, cont'd	<i>Williams v. NFL</i> <i>New Jersey Devils and Scott Gomez</i>	148-64
11	2/15	Ch. 3, cont'd	<i>Baseball Arbitration Exercise, Part 1</i>	
12	2/18	Ch. 3, cont'd	<i>Baseball Arbitration Exercise, Part 2</i>	
13	2/20	Ch. 3, cont'd	<i>MLBPA v. Garvey</i>	165-84

			<i>NFLPA v. NFL (Adrian Peterson)</i>	
14	2/22	Chapter 4 Contractual Restraints on Labor Mobility	<i>Philadelphia Baseball Club v. Lajoie</i> <i>Cincinnati Bengals v. Bergey</i> <i>Boston Celtics v. Brian Shaw</i>	185-204
15	2/25	Ch. 4, cont'd	<i>Chicago v. Chase</i> <i>Nat'l & Amer. League v. MLBPA (Messersmith)</i> <i>Kansas City Royals v. MLBPA</i>	205-27
16	2/27	Ch. 4, cont'd	<i>Flood v. Kuhn</i> <i>Curt Flood Act of 1998</i>	228-48
17	3/1	Chapter 5 Antitrust Law and Sports	<i>NCAA v. Board of Regents</i>	249-73
18	3/4	Ch. 5, cont'd	<i>American Needle v. National Football League</i>	274-99
19	3/6	Chapter 6 Antitrust Law in Labor Markets	<i>Smith v. Pro Football</i>	341-355
20	3/8	Ch. 6, cont'd	<i>Mackey v. NFL</i> <i>Fraser v. MLS</i>	355-367
	3/11- 3/15	Spring Break		
21	3/18	Ch. 6, cont'd	<i>Brown v. Pro Football</i>	367-90
22	3/20	Ch. 6, cont'd	<i>Clarett v. NFL</i>	391-400
23	3/22	Ch. 6, cont'd	<i>Brady v. NFL</i>	400-18
24	3/25	Chapter 8: Intellectual Property	<i>Pittsburgh Athletic v. KQV</i> <i>NBA v. Motorola</i> <i>Morris Communications v. PGA Tour</i>	539-57
25	3/27	Ch. 8, cont'd	<i>New Boston Television v. ESPN</i> <i>ABC v. Aereo</i>	558-73
26	3/29	Ch. 8, cont'd	<i>ETW v. Jireh Publishing</i>	574-94

27	4/1	Ch. 8, cont'd	<i>CBC Distribution v. MLB Advanced Media</i> <i>In re NCAA Student-Athlete Name & Likeness</i>	595-607
28	4/3	Ch. 8, cont'd	<i>Indianapolis Colts v. Baltimore Football Club</i> <i>Boston Hockey v. Dallas Cap and Emblem</i>	607-24
29	4/5	Ch. 8, cont'd	<i>WCVB TV v. Boston Athletic Ass'n</i> <i>Matal v. Tam</i>	624-48
30	4/8	Chapter 9 Agents	<i>Zinn v. Parrish</i> <i>Williams v. CWI</i> <i>Brown v. Woolf</i>	649-65
31	4/10	Ch. 9, cont'd	<i>Sims v. Argovitz</i> <i>Speakers of Sport v. Proserv</i>	666-77
32	4/12	Ch. 9, cont'd	<i>Collins v. NBPA & Grantham</i> <i>Rona v. MLBPA</i>	677-99
33	4/15	Ch. 9, cont'd	<i>Walters & Bloom v. Fullwood</i> <i>United States v. Walters</i>	699-718
34	4/17	Chapter 14 Health & Safety	<i>Hackbart v. Bengals</i> <i>Regina v. McSorely</i>	1047-67
35	4/19	Good Friday Holiday		
36	4/22	Ch. 14, cont'd	<i>Jane Costa v. Boston Red Sox</i> <i>Krueger v. San Francisco Forty Niners</i>	1068-89
37	4/24	Ch. 14, cont'd	<i>Sanchez v. Hillerich & Bradsby Co.</i> <i>Bush v. St. Louis Rams</i> <i>Knapp v. Northwestern</i>	1089-1105
38	4/26	Ch. 14, cont'd	<i>Montalvo v. Radcliffe</i> <i>PGA Tour v. Martin</i>	1105-20
39	5/3	Exam Review	1:30-2:30pm; Q & A in Room 2094	

40	5/6	Final Examination	9am-12pm, Final Examination	
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