

**University of Mississippi School of Law
Intercollegiate Sports Syllabus, Fall 2019
Professor Berry**

Front Office Information:

Dr. William W. Berry III
Associate Professor of Law
Law School Room 3024
662.915.6859
wwberry@olemiss.edu
[@PROFBERRY \(<https://twitter.com/PROFBERRY>\)](https://twitter.com/PROFBERRY)

Game Times and Location:

11:10 a.m. – 12:35 p.m., Tuesday / Thursday, beginning August 20, 2019
All games take place in Law School classroom 1078, rain or shine.

Required Equipment:

Weiler, Roberts, Abrams, Ross, Harper, Balsam, and Berry, *Sports and the Law* (6th ed., West)

Suggested Equipment:

A notebook 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.

Objectives:

Master the Old Course (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.

Scoring (grades):

1. The Old Course (Final Examination), 100%
2. Handicap: In-class participation. "Fan favorites," i.e., those who participate extensively in class, may receive an increase in grade of one level (i.e., B to B+) at the discretion of the front office (professor).

Keys to Success:

1. Practice, practice, practice! Work on the fundamentals (do assigned reading / review class notes).
2. Keep your eye on the ball (the readings)!
3. If you fail to prepare (read for class), you are preparing to fail.

4. Participate extensively in class.

Extra practice / Individual instruction (Office Hours):

Tuesday / Thursday 2:15-3:30 pm or by appointment.

Scratches / Disqualifications (Attendance):

Missing four 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:

Misuse of electronic devices (including cell phones, laptops, etc.) will result in the assignment of a yellow card (warning). Repeat violators may receive a red card (diminution in final grade). Many have fallen short on the Old Course because the Internet diverted their attention during class.

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 26 times for 85 minutes, as well as a 3-hour examination, resulting in 39 hours 50 minutes of total class time (the standard is 37.5 hours). In addition, the time to complete reading assignments and study for an examination required to pass the course are in excess of 90 hours (30 hours / credit hour) required by the ABA. 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.

Collegiate Sports Law Reading Assignments and Tentative Schedule:

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

Week 1

Tuesday, August 20

Intro Class: Two Narratives, Ch. 10, p. 735-38

Thursday, August 22

Procedural Due Process, Ch. 10, p. 738-50

- *NCAA v. Tarkanian*
- *Brentwood Academy v. TSSAA* (note case)

Week 2

Tuesday, August 27

Antitrust Limits on NCAA's Institutional Oversight, Ch. 5, 257-82; Ch. 10, p. 750-52

- *NCAA v. Board of Regents*

Thursday, August 29

Antitrust Limits on NCAA's Institutional Oversight, Ch. 10, p. 752-60

- *Law v. NCAA*

Coach Contracts, Ch. 10, p. 760-70

- *Vanderbilt v. DiNardo*

Week 3

Tuesday, Sept. 3

Coach Contract Negotiation (in class exercise)

Thursday, Sept. 5

Conference Realignment, Ch. 10, p. 770-77

- *Maryland v. ACC*

Week 4

Tuesday, Sept. 10

NCAA Infractions: The Death Penalty, ch. 10, p. 777-99

- *SMU Public Infractions Report*
- *Alabama Public Infractions Report*
- *Miami Public Infractions Report*

Thursday, Sept. 12

NCAA Infractions: Sanctioning Criminal Conduct, ch. 10, p. 799-803

- *Penn State Scandal*
- *Michigan State Scandal*

Week 5

Tuesday, Sept. 17

NCAA Infractions: Sanctioning Criminal Conduct (Pending Cases)

- *U.S. v. Person*
- *U.S. v. Gatto*
- *U.S. v. Evans*

Thursday, Sept. 19

Admissions, ch. 11, p. 805-21

- *Parish v. NCAA*
- *Cureton v. NCAA*

Week 6

Tuesday, Sept. 24

Admissions, cont'd, ch. 11, p. 821-31

- APR
- *Ganden v. NCAA*

Thursday, Sept. 26

The University-Athlete Agreement, ch. 11, p. 831-35

- *Taylor v. Wake Forest*

Week 7

Tuesday, Oct. 1

Recruiting, ch. 11, p. 835-43

- *Louisville Public Infractions Appeals Report*

Thursday, Oct. 3

Recruiting, cont'd

- *Mississippi Public Infractions Appeals Report* (TWEN)
- *SB Nation*: <https://www.sbnation.com/a/ole-miss-leo-lewis-ncaa-enforcement-recruitment-violations>

Week 8

Tuesday, Oct. 8

Academic Opportunity, ch. 11, p. 843-56

- *Ross v. Creighton Univ.*
- *UNC Infractions Report*

Thursday, Oct. 10

Transfer Rules, ch. 11, p. 856-65

- *Deppe v. NCAA*

Week 9

Tuesday, Oct. 15

Amateurism, ch. 11, p. 865-78

- *Bloom v. NCAA*
- *NCAA v. Lasege*

Thursday, Oct. 17

Amateurism, cont'd, ch. 11, p. 879-88

- *Shelton v. NCAA*
- *Oliver v. NCAA*

Week 10

Tuesday, Oct. 22

Amateurism, cont'd, ch. 11, p. 888-900; ch. 6, 400-408

- *Banks v. NCAA*
- *Clarett v. NCAA*

Thursday, Oct. 24

Challenging the Model, ch. 11, p. 900-09

- *Northwestern* (note case)
- Berry, [Slate](#)
- *Berger v. NCAA*

Week 11

Tuesday, Oct. 29

Challenging the Model, ch. 11, p. 909-25

- *O'Bannon v. NCAA*

Thursday, Oct. 31

Challenging the Model, ch. 11, p. 925-31

- *In re: NCAA Athletic Grant-in-Aid Antitrust Litigation* (Wilken opinion)

Week 12

Tuesday, Nov. 5

Title IX, ch.12, p. 933-61

- *Cohen v. Brown University I*
- *Kelley v. Illinois*
- *Cohen v. Brown University II*

Thursday, Nov. 7

Title IX, cont'd, ch. 12, p. 961-74

- *Boucher v. Syracuse*
- *Neal v. Board of Trustees*

Week 13

Tuesday, Nov. 12

Title IX, cont'd, ch. 12, p. 974-1001

- *Biediger v. Quinnipiac*
- *Stanley v. USC*
- *Hoover v. Meiklejohn*

Thursday, Nov. 14

Examination Review

Examination

Saturday, Dec. 7

The Old Course (Final Examination), 9am-12pm