

Preface

FOURTH EDITION

To provide users of our book with the most current and comprehensive sports law and governance text available, we have revised and updated the Fourth Edition to include discussions of the most recent legal and governance developments affecting youth, interscholastic, intercollegiate, Olympic, and professional sports that have occurred since our third edition was published in 2020. The sports industry, at all levels, has experienced significant change in that time period. That change is captured in this text. Among other topics, this edition explores: the impact of recent cases redefining the balance between the free exercise and establishment clause as well as free speech in the high school context; the rapidly changing collegiate sports landscape in light of NCAA constitution and bylaw revisions, name, image and likeness rights, antitrust cases and issues surrounding student-athletes as employees; the first reported judicial opinion interpreting the Revised Uniform Athletes Agent Act; questions about the appropriate breadth of commissioner authority, and the intersection of antitrust law and labor law, in professional sports leagues; the impact of society's racial dynamics on diversity, equity, and inclusion in sports organizations; and transgender athletes' participation in interscholastic and intercollegiate sports as well as related issues in Olympic and international sports. We have updated historical sections of the book as well, to give students a feel for the magnitude of those changes. The Fourth Edition also includes new and refined problems and notes designed to broaden students' understanding and encourage them to wrestle with the kinds of legal and governance problems that are continually arising within the industry. With input from thoughtful users of past editions, we have been able to add new material without unduly expanding the length of the text. As such, the text can still be effectively used in either a two- or three-credit course. We trust you will find this Fourth Edition to be an excellent text for the study of sports law and governance, but if you find there are ways in which we could improve the book, we would love to hear from you. Please feel free to contact any of us at any time with your comments and suggestions: Matt Mitten (matt.mitten@marquette.edu), Tim Davis (davistx@wfu.edu), Barbara Osborne (sportlaw@unc.edu), and Jeremi Duru (duru@wcl.american.edu).

FIRST EDITION

This book, which is adapted from three of the authors' widely used law school text, is designed to introduce undergraduate and graduate students to the various and often differing legal frameworks regulating high school, college, professional, and Olympic sports competition along with important, contemporary topics such as gender and racial equity; health, safety, and risk management; and intellectual property issues in sports. It provides an overview of the significant historical, economic, and sociological issues affecting the development of the laws regulating sports at each level of competition, as well as common sports-related legal issues. The book, which is intended for use as the text in either a two- or three-credit-hour undergraduate or graduate sports law course in sports management or other program, covers a wide variety of contemporary sports law issues of interest to future sports administrators, executives, and business managers, as well as coaches and other sports industry personnel. It has been carefully designed and written to provide undergraduate and graduate professors and students with a comprehensive, multipurpose text that gives a balanced perspective regarding a multitude of legal and regulatory issues that frequently arise in interscholastic, intercollegiate, professional, and Olympic sports industries.

This book begins by providing an introduction to the study of sports law and a brief overview of the U.S. legal system, as well as guidance on how to effectively use the case method to facilitate and enhance learning. In Chapters 2–4, 11–12, and 14, the book covers the internal governance systems for high school, college, professional, and Olympic sports, respectively. These chapters also cover the primary bodies of public law (e.g., private association, constitutional, antitrust, and labor law) that shape, regulate, and constrain each internal governance system. The remaining chapters cover various topics raising legal issues of significance in more than one of the amateur or professional sports industries: coaches' contracts (Chapter 10); gender equity (Chapter 5); racial equity (Chapter 6); health, safety, and risk management (Chapter 7); and intellectual property (Chapter 9).

This text uses the case method, which involves the study of illustrative legal disputes resolved by courts through the litigation process, and establishes a body of legal precedent regulating various aspects of the sports industry. This method of learning is designed to encourage students to engage in critical thinking by identifying the legal issues in each case, the parties' respective arguments, and the court's ruling and rationale for its decision. It stimulates the development of a dialogue between the professor and students (and frequently among students as well). It also facilitates students' understanding of the laws regulating the sports industry. In addition to the illustrative cases (which have been edited substantially), each chapter provides explanatory material, notes, questions, and review problems designed to enable students to understand how basic legal doctrines apply to problems arising in the sports context. Ideally, students can then use this knowledge to identify sports industry legal issues and to understand how they are likely to be resolved.

In addition to helping students develop an understanding of the legal framework regulating high school, college, professional, and Olympic sports and other sports-related legal issues, a sports law course provides several important educational benefits. It exposes students (some of whom may be considering law school) to several different bodies of law and provides them with a general understanding of numerous laws—knowledge that may be useful in future careers other than in the sports industry. In addition, sports law deals with broader issues that merit deeper study and reflection, such as the role of sports in our culture and whether current laws effectively promote appropriate, ethical, and just practices and behavior in the amateur and professional sports industries. We hope that our book encourages thoughtful consideration of these and other important sports-related issues.