

### Exercise 31-5

#### Shoeless Joe Jackson Exercise<sup>2</sup>

Below is an excerpt from the 1919 standard form American League Player's Contract between Shoeless Joe Jackson and Charles Comiskey, owner of the Chicago White Sox. For those of you who are not baseball historians, Shoeless Joe Jackson is a legendary baseball figure. He is remembered for his performance on the field and for his association with the Black Sox Scandal, when members of the 1919 Chicago White Sox participated in a conspiracy to "fix" the World Series. As a result of Jackson's association with the scandal, Kenesaw Mountain Landis, Major League Baseball's first commissioner, banned Jackson from playing after the 1920 season.

Please redraft this excerpt from the contract, including its organization and format. Remember that subject matter is the most common way of organizing a contract. Look again at the Website Development Agreement (Chapter 32, Document 2) and note how it uses both subject matter and contract concepts for organization.

You may add a stand-alone definitions article. In addition, you may amplify the provision to address business points that the provision raises but does not answer. Stated differently, you may add additional material and facts so long as they deal with the specific issues raised by the information that you have. Mr. Comiskey is your client, so provisions should be drafted with his interests in mind. The provisions should not be so one-sided that Shoeless Joe would reject them out of hand.

Do **not** draft a complete contract—just the provisions necessary to address the points raised in the provision that you have been given. In addition, please draft a one-page cover memorandum to Mr. Comiskey explaining the basis for any drafting or business decisions you make. This is a memorandum to the client, not to your professor.

#### Paragraph 3 of the 1919 American League Player's Contract

The player agrees to render for the club owner, at such times and places during the term of this contract as the club shall designate, his best services as a ball player; and he agrees to keep himself in the best possible physical condition from the date hereof until the termination of the contract; and a violation of either of the foregoing provisions of this paragraph shall be such a breach of contract as shall entitle the club owner either to terminate this contract forthwith, by written notice, or to suspend the player, by written notice, without pay until the club owner is satisfied that the player is ready, able and willing to resume his services in the manner in this paragraph provided. The player further agrees that, during the term of this contract, he will not, except with the consent of the American League, engage, either during the American League season or at any other time, in any game or exhibition of baseball, football, basketball, or other athletic sport, except as herein provided.

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2. I thank Richard Neumann for suggesting this contract excerpt as an exercise.