BOOK REVIEW

SPORTS LAW AND REGULATION: CASES, MATERIALS, AND PROBLEMS
Matthew J. Mitten, Timothy Davis, Rodney K. Smith & Robert C. Berry
xxix + 1075 pages [$95.00 U.S. (hardcover)]
ISBN 0-7355-4058-6

In the spring of 2005, *Sports Law and Regulation: Cases, Materials, and Problems* made its debut. Those involved in the academic pursuit of the legal aspects of sport and those who practice or teach sports law in higher education often relish the arrival of such a new book (actually any new book) involving sports law. Newer and better textbooks, casebooks, and just plain old-fashioned sports law books, continue to compete for exposure in a student's world in which sports law is taught not just in law schools, but in paralegal programs, sport management programs, legal studies programs, business schools, graduate studies programs and so on.

The four authors of this text all have credible status in the field of sports law as Professors at the law school level, Mitten (Marquette University Law School), Davis (Wake Forest University School of Law), Smith (President, Southern Virginia University), and Berry (Professor Emeritus, Boston College Law School). The reader is reminded of their expertise throughout the book in footnotes, notes and in other references. They present 12 chapters of a sport law smorgasbord in an interesting and unconventional arrangement. Limiting such a book to 12 chapters (for a 15 or 16 week semester) is often an ideal framework that provides faculty with buffer-zones to expand (or condense) areas of in-class interest among the students during the semester's term. No doubt, an adoptee of this casebook will appreciate such leeway in the classroom.

In the Preface, Mitten, Davis, Smith, and Berry state that they give a "balanced perspective" on the legal system. Interestingly, the reader may become immediately curious that the authors emphasize "historical, economic, and sociological" issues and factors. The text, then, appears to favor those who
teach sports law from these non-traditional social science perspectives. For those who might exclaim, "Where is the law in this?" you may become quite unsettled at first, but do not worry: this text has some of the best collections of case law in sport ever assembled.

Early on, the authors attempt to counter potential claims against their chosen approach by preemptively noting that the book should be given multidisciplinary consideration among law students, and upper-division undergraduate and graduate students. However, the authors caution readers by offering that this book "raises some of the deeper philosophical, sociological, psychological, and economic policy issues that arise in the sports context" in order to mirror contemporary law practice and heighten students understanding of sports-related legal issues in the 21st century (pg. xxvi). It becomes increasingly obvious that this casebook will take a unique approach that de facto law school competitors, Weiler and Roberts (Sports and the Law: Text, Cases and Problems), or Jarvis and Coleman (Sports Law: Cases and Materials), among others, do not pursue to the same degree.

Chapter 1, "An Introduction to the Study of Sports Law" will seem familiar to some. The first subsection, "What is Sports Law" is a modified excerpt from an article written by Davis himself in 2001 (and duly noted in the first footnote of the book). This chapter remains loyal to the Preface as it is divided into numerous introductory subsections including the role of sport in society, sport and cultural values (both positive and negative), how sport, culture and metaphors interrelate, sport and economics, and sport and politics. Sociological references dominate the latter half of the chapter including thought provoking resources in the Notes and Questions section which signals the end of a major part in each chapter. Here, the authors have placed traditional legal precedent on an equal playing field with the sociological perspectives involving sports law.

Chapter 2, "Regulating Interscholastic (High School) Athletics," is the best collection of timely high school related legal cases found in one casebook or textbook. The chapter begins with a brief and unusual historical overview of high school sports more appropriate in a non-law course, but the chapter is then scattered with a menagerie of relevant cases and thought-provoking questions. Full and slightly edited cases including, but not limited to, the now familiar Brentwood Academy v. Tennessee Secondary School Athletic Association, Vernonia School District 47J v. Acton, Menora v. Illinois High School Athletic Association, and Santa Fe Independent School District v. Doe, among numerous others, provide the reader with the premier cases and judicial opinions involving subjects from religion and state action, to drug testing and so on. Fair and balanced, the authors even offer the dissenting judicial
opinions in several cases to provide students with the minority view. This chapter is so good, in fact, that one could argue that it might serve as the basis for an entire course in the area of high school sports and the law.

"Regulating Intercollegiate Athletics," the authors' third chapter, is 182 pages long. The chapter begins with an historical overview of the development of the National Collegiate Athletic Association (NCAA) and its policies throughout the years to the present. In addition to cases, the authors also offer verbatim excerpts from NCAA bylaws which prove quite effective. Utilization of *Waldrep v. Texas Employers Insurance Association* worker's compensation case (2000) is an excellent springboard to further discussion and debate. First Amendment, drug testing and religious liberty issues have their place in this chapter, too, as does *NCAA v. Tarkanian* of course. The authors hit a home-run by including *Bloom v. NCAA* (2004), as contemporary students are likely more familiar and interested with Bloom's plight. Mitten, Davis, Smith and Berry also include an exploration into the NCAA infractions process (lack of institutional control, for example) often ignored by other texts, and they conclude with the study of antitrust law as it specifically relates to the NCAA.

The next chapter, "Regulating Olympic and International Athletics," again is filled with a substantial historical perspective of the Olympic Movement, its organization and structure, and important cases in that arena. Legal battles involving Mary Decker Slaney, Tonya Harding, Matt Lindland, and Butch Reynolds are all offered in this chapter in addition to a thorough discussion of the Court of Arbitration for Sport, including Paul Hamm's 2004 Olympic debacle.

Chapter 5 is entitled "Coaches' Contracts and Related Issues." Fine cases such as *Rodgers v. Georgia Tech Athletic Association* and *Vanderbilt University v. DiNardo* are offered. However, the authors also incorporate real financial numbers related to out of control coaches' salaries and a myriad of ancillary issues related to being a coach including the most recent discussions involving the University of Alabama and the University of Colorado. An interesting contract negotiation exercise concludes this chapter.

In "Regulating Professional Athletics," Chapter 6, the authors discuss the origin and history of professional sport in American society. They also address the role of sports agents, players' associations, commissioners and the other players involved in the professional sports landscape. Antitrust and labor issues are also mentioned here, as is the role of the commissioner and franchise relocation. Comprehensive and well-written, the authors include the infamous *U.S.F.L. v. NFL* case that adds considerable value to this already exceptional chapter.
The next chapter, "Labor Law and Labor Relations" is particularly well-written. A discussion of the development of the nonstatutory labor exemption is flavored with cases such as Mackey v. NFL, Powell v. NFL, Brown v. Pro Football, Inc., and even the most recent cases, yes all of them, involving Maurice Clarett. Collective bargaining, union issues (including arbitration in Sprewell v. Golden State Warriors), and drug testing policies in team sports are explored here as well. Sections of the National Basketball Association (NBA), National Football League (NFL) and Major League Baseball (MLB) collective bargaining agreements (including an NBA uniform player contract) enhance the real-world approach in this chapter. Educators should note that rather than providing an entire chapter devoted to contracts, the authors address contract law here under labor law.

Contemporary issues involving sports agents and a thorough historical perspective of the industry are found in Chapter 8, "Regulating Agents." The authors include the National Football League Players Association (NFLPA) regulations governing contract advisors as well as the National Basketball Players Association (NBPA) regulations. Particularly noticeable is the attention given to the competition for sports clientele among the agents themselves. One highlight of this chapter is the discussion involving the Sports Agent Responsibility Trust Act (SPARTA) and the Uniform Athlete Agents Act (UAAA). The expertise of the authors is particularly noticeable in this chapter.

In Chapter 9, "Racial Equity Issues in Athletics," the authors' tone is disheartening at times in their approach, and it should evoke lively classroom discussion. Though the authors do address employment discrimination laws, mascot issues and racism, the chapter emanates with anger. Even to an open-minded and racially sensitive reader, the chapter reads like a biased dissertation on racial oppression in sport. As such, this chapter, is better suited to a sociology textbook. The authors appear to throw stones at certain individuals, tend to provoke and perpetuate stereotypes and governmentally subsidized racial categorizations, and bully their way to the next chapter, Chapter 10, "Gender Equity Issues in Athletics."

Chapter 10 includes the authors' presentation of Cohen v. Brown University, Mercer v. Duke University, Pederson v. Louisiana State University, Boucher v. Syracuse University, and Williams v. School District of Bethlehem, PA. While other authors might devote more pages to Title IX, one would be hard pressed to find a fairer and more balanced offering of historical, legal, and social perspectives on continuing interpretation on this 1972 federal law. Additionally, this chapter alone could serve as the prime springboard for
anyone desiring to conduct further research on Title IX and other gender issues in sport.

Chapter 11 is entitled "Health, Safety, and Risk Management Issues in Sports." Again, the selection of cases is timely and triumphant. The infamous National Hockey League (NHL) Canadian criminal case (Regina v. McSorley) is provided as are other sports and violence cases (notice that tort law and criminal law are combined in this chapter). The inclusion of high school concerns, the validity of liability waivers, numerous cases from the 1990s, and even more recent cases continue to give this casebook preferential status. Hackbart v. Cincinnati Bengals, Inc., is offered as is the issue of the Americans with Disabilities Act and Casey Martin's legal battle with the Professional Golfers' Association (PGA) of America Tour. The participation rights of athletes with physical or mental impairments are also researched thoroughly by these authors.

The title of the casebook's final chapter is "Intellectual Property Issues in Sports." Trademark issues, ambush marketing, and broadcasting rights are addressed with some of the best collection of notes and resources on legal scholarship regarding this topic. Intellectual property issues related to the Internet are also included.

This book can be effectively used by sports lawyers, sports law academicians, and law students interested in this subject area. This book would be ideal for an advanced sports law class in law school which might focus on historical, social or economic issues as a backdrop to traditional sports law study. The book would not appropriate for undergraduate studies unless the student already has a law degree or is extremely familiar with the American legal system and legal research and writing. However, it could be used in multidisciplinary studies at the graduate level.

This book's appearance and delivery lacks pizzazz (which is consistent for many law school books), but its price is reasonable for a law school text. This production is power-packed and well-organized with many of the most contemporary, influential and important cases involving broad areas of sports law. A glossary would have been a useful addition for those less versed in legal jargon. The authors have also developed a Teacher's Manual for this casebook that is a complimentary resource for educators adopting this text.

Though at times Sports Law and Regulations: Cases, Materials, and Problems reads more like a giant law review article, riddled with cutting-edge cases and contemporary legal scholarship, the authors remain true to their original stated intent. Professors Mitten, Davis, Smith and Berry should be congratulated for their joint efforts and their unique approach to discussing the regulatory framework involving sports law. Authors of future casebooks and
texts would be wise to review this book and cite these authors for their authority on this subject matter.

Adam Epstein
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The Sport and Recreation Law Association - is a nonprofit corporation. Our purpose is to further the study and dissemination of information regarding legal aspects of sport and physical activity. The Association addresses legal aspects of sport and physical activity within both the public and private sectors. The objectives of the Association are:

(1) to serve as a medium for academic growth and development through professional exchange;
(2) to provide service functions for SRLA members through conference presentations and research publications;
(3) to assist in the development of appropriate curricula content;
(4) to cooperate closely with allied national and international organizations in areas such as athletics, education, exercise, law, medicine, recreation, and sport; and
(5) to network and provide a forum for discussion about the law.
Call for Nominations:
2006 SRLA Board of Directors

All SRLA members are invited and encouraged to submit nominees for the 2006 SRLA Board of Director Officer vacancies. Nominees must be in good standing and members of SRLA. Please thoughtfully consider the colleagues you think would be good candidates for the following positions and submit your nomination suggestions to Becky Mowrey at rmowrey@millersville.edu, no later than December 2, 2005. The Nominations & Elections Committee, in accordance with SRLA By-Laws, will prepare a slate of candidates for membership consideration and vote.

2006 SRLA BOARD OF DIRECTOR OFFICER VACANCIES:
1.) President-Elect (3-year term) [President-Elect year: Chairs the Nominations & Elections Committee; Site-Selection Committee; other responsibilities as assigned. President year: Principal executive officer of the SRLA; By-Laws Committee Chair; presides during business sessions; other responsibilities as assigned. Past-President year: In consultation with the Conference Host, serves as the Conference Program Planner; other responsibilities as assigned].

2.) Finance Officer (2 year term) [Chairs the SRLA Finance Committee, oversees the financial management of the SRLA; makes financial recommendations to the BOD and membership; prepares and presents Annual Financial Report to membership during the Annual Business Meeting; other responsibilities as assigned].

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Sport and Recreation Law Association

MEMBERSHIP & ORDERING the Journal of Legal Aspects of Sport

Website: www.srlaweb.org

Membership Benefits

Newsletter - a quarterly newsletter is published in Winter, Spring/Summer, and Fall. It provides SSLASPA updates, recent cases, law journal article citations pertaining to sport and physical activity, and book reviews.

Journal - The Journal of Legal Aspects of Sport is published 2 times per year in Winter and Summer.

Subscriptions to the Journal of Legal Aspects of Sport alone are also available for $15.00 an issue or $45.00 annually. To order the Journal please contact Lori Miller, SSLASPA Executive Director, c/o Mary Myers, Journal of Legal Aspects of Sport, Wichita State University, Campus Box 16, 1845 Fairmount, Wichita, KS 67260-0016. PHONE: (316) 978-3340; FAX: (316) 978-5451; EMAIL: mary.myers@wichita.edu.

Annual Conference - An annual conference providing the unique opportunity to network, present, discuss, and learn about the law and how it relates to sport and physical activity.

Memberships- all include the benefits listed above:

- $75.00 Professional
- $35.00 Student (Registrar's Certification Required)
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- $95.00 Institution/Library (+ $30 international postage when applicable)

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(means photocopy this form and mail to the address below)

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GUIDELINES FOR AUTHORS

The Journal of Legal Aspects of Sport is a peer-reviewed and copyrighted professional journal intended to meet the needs of sport law educators and to serve as a forum for legal issues related to clubs, fitness, health & wellness, physical activity, recreation and sport.

Submissions can be sent by email (paul.anderson@mu.edu)

Or by mail to:

Professor Paul Anderson  
Editor, Journal of Legal Aspects of Sport  
National Sports Law Institute  
Marquette University Law School  
1103 W. Wisconsin Ave., P.O. Box 1881  
Milwaukee, WI 53201-1881

SUBMISSION REQUIREMENTS

(1) Email submissions-
Send 1 copy of the submission with the author(s) name, address and contact information included on a title page.

(2) Submission by Mail-
(a) Send 1 copy of the submission with the author(s) name, address and contact information included on a title page. Be sure to include an email address where you can be contacted as all communications will be done by email.
(b) Include a copy of the submission on a 3 1/2 inch disc in a Microsoft Word or WordPerfect compatible format of any version.

(3) All submissions
(a) Include a cover letter describing the submission.
(b) Citation format, either (authors will be asked to verify that the submission is in one of the formats below)
   or,
(c) Regardless of the citation format chosen, a reference list must be included at the end of the submission in APA format and including all sources referred to in a submission.
(d) Include a short biographical paragraph for each author of any submission as a separate document. Do not include this within the submission.
(e) Do not include any hyperlinked text within any article submission.
(f) Do not insert extra tabs or paragraph marks within the submission. Instead, format the article using indent and paragraph formatting functions.
(g) Do not use any Microsoft Word or WordPerfect outlining function within any submission.
(h) Editions or volumes of books or other publications should not be in superscript font, instead they should be in normal font i.e., 4th ed.
(i) Authors must be able to provide all sources referred to in the article for verification purposes upon request of the Editor.
(j) If the article includes graphs, charts, tables or other graphics please include them as separate documents or at the end of the document after the reference list and include notes within the text as to where these items should appear.

REVIEW PROCESS

(1) All submissions are reviewed by three selected members of the Editorial Board.

(2) Upon notice of receipt of a submission from the Editor, the article review process will take approximately 6 weeks.

(3) Review Standards

The Journal of Legal Aspects of Sport endeavors to publish submissions of the highest scholarly quality in terms of novelty, writing, research, methodology and interest to the academic world, sport management and sports law professionals.

Categories that are of particular importance include

i. Proper use of APA or Bluebook style.
ii. Quality of Writing (Is the article readable with good transitions with few mistakes in word tense, grammar, spelling and sentence structure?)
iii. Organization, reasoning and analysis (Does the author present a reasoned and organized analysis of the topic? Does the author present the topic in an easy to understand, logical manner?)
iv. Quality of research (Has the author thoroughly researched the topic area, or do you know of other sources they should have used in their paper?)
v. Novelty and uniqueness of the topic (Has this topic been covered before in other articles so that the author just restating what has come before? Or, Has the author presented a new and novel look at the topic?)

(4) All publication decisions are made by the Editor after consideration of reviewer comments and the factors above. Authors can expect to receive 1 of the following 3 responses:

_____ Accept the article for publication with minor edits
_____ Do not accept the article
_____ Send the article back to the author with reviewer comments and allow for resubmission.

(5) All publication decisions are final and are not reviewable.

For further information contact Editor Paul Anderson at (414) 288-5816, or by email.
Sport & Recreation Law Association
Call for Papers
19th Annual Conference
March 2-4, 2006 — Albuquerque, NM

The SRLA Board of Directors welcomes the submission of abstracts for the 2006 annual conference.

**SUBMISSION GUIDELINES:**

To be considered for acceptance, abstracts must reflect research on legal theory or the application of law to sport/recreation management issues. The research should have reached a fairly complete stage of development, and the abstract should provide enough detail about the research, so that the reviewers have sufficient information to judge its quality. Abstracts proposing teaching-related sessions on legal issues will also be considered, as long as the abstract provides sufficient detail to judge the quality of the proposed session. Abstracts will undergo a three-person, blind-review process to determine acceptance.

In general, authors’ names may **not** appear on more than two abstracts/proposals. An exception will be granted when an advisor is listed as a co-author of a student submission, in which case the advisor must clearly indicate in the author section of the submission that they are a faculty advisor.

Abstracts submitted to SRLA should not be concurrently submitted for consideration to another conference, have been previously presented at another conference, or reflect work published prior to November 2005.

**ABSTRACT FORMAT AND SUBMISSION PROCEDURES:**

All abstracts **MUST** be submitted electronically as a Microsoft Word attachment.

Abstracts must contain the following information and conform to the following format requirements:
- Single-spaced
- One-inch margins,
- Times New Roman 12-point font, and
- 400-word maximum for 25-minute presentations and posters, and
- 800-word maximum for 75-minute presentations.
ABSTRACT FORMAT:

Line 1: length of session desired (choose from the options below):
- 25-minute oral presentation (including questions)
- 75-minute teaching symposium, roundtable, or workshop
- 75-minute forum (2-3 papers with a discussant, including questions)
- Poster presentation

Line 2: three to four keywords that will help the program coordinator to schedule similar topics in succession

Line 3: author(s) and institution(s) names (centered on page)

Line 4: presentation title

Line 5: blank

Line 6 to end: text of abstract

In the email message accompanying the attached abstract, include the principal author's name, postal mailing address, email address, and fax and telephone numbers.

Submission of abstract(s) indicates the intent of the presenter(s) to register for the conference at the appropriate registration fee.

SUBMISSION DEADLINE:

Abstracts should NOT be submitted prior to September 1, 2005 and MUST be received no later than Monday, October 17, 2005 (11:59p.m. CST). Submissions received after this date and time will not be considered for acceptance.

Email all abstracts to:

Richard M. Southall (Past-President) at Richard M. Southall (Past-President) at southall@memphis.edu

NOTE: All abstracts MUST be submitted electronically as a Microsoft Word attachment.
Sport and Recreation Law Association Awards

GRADUATE STUDENT RESEARCH AWARD

The Graduate Student Research Award is granted to a full-time graduate student who submits the most outstanding research paper. The SRLA Student Research Award winner will receive free conference registration and expenses to attend the Annual SRLA Conference, the combination of which shall not exceed $500. The winning paper and the selected student will be included in the Conference Program to present his/her paper.

Please Note: Using the appropriate format, students may simultaneously submit their manuscript to this award Call for Papers and to the general Call For Proposals for the Conference.

Application Criteria:

- Students must submit a research paper or case note that deals with a significant and novel legal issue related to sport or physical activity.
- The paper must be written in either APA (5th edition) or Blue Book (17th or 18th edition) style.
- Suggested length is 10-20 double spaced pages (plus Appendices and Endnotes) using standard 12 pt. font, Times New Roman type.
- Papers must be postmarked on or before Friday, December 2, 2005. Submissions received with a late postmark will not be considered.
- The paper and associated research must be the sole work of the applicant, and edited and approved by a faculty advisor.
- The applicant must be a graduate student, and must be majoring in sport/physical activity, sport/athletic management, law or a related subject area.
- The faculty advisor must submit written verification indicating compliance with criteria #5 and #6.
- A maximum of three (3) student papers may be submitted from one academic institution.
- The applicant must send one (1) hard copy of the paper or case note including applicant’s name, e-mail address, postal mailing address, academic institution, the faculty advisor’s signature verifying satisfaction of criteria #5 and #6, and one (1) 3.5 IBM format micro floppy diskette with the paper or case notes in Microsoft Word 97 version or higher. The disk should be labeled with the student’s name and institution. Only one student paper should be included on each diskette. Submitted hard copies and diskettes will not be returned to the applicant. The winner of the award will be notified via e-mail in late January.
Criteria for Selection:

- Relevance, novelty, and importance of the topic to the legal aspects of sport and physical activity. Topic of the paper must address a legal issue. Experimental research, survey studies, or summaries of existing research will not be considered.
- Quality and thoroughness of research; appropriateness of resources; use of primary resources
- Quality of writing, editing, organization and logic of thoughts, grammar, and citation style
- Adherence to all of the Application Criteria identified above

**Deadline: Friday, December 2, 2005**

Send Student Research Award application materials to:

Dr. John Miller, SRLA Award Chair  
Department of Health, Exercise, and Sport Sciences  
P.O. Box 41121  
Texas Tech University  
Lubbock, TX. 79409-1121  
806-742-3361  
E-mail: john.miller@ttu.edu

**UNDERGRADUATE STUDENT RESEARCH AWARD**

The Undergraduate Student Research Award is granted to a full-time undergraduate student who submits the most outstanding research paper. The SRLA Student Research Award winner will receive recognition and a certificate during the Awards Banquet during the Annual SRLA Conference (and up to two tickets to the banquet if attending). The selected student will also receive a one year membership to SRLA which includes receiving the Journal of Legal Aspects of Sport and The SRLA Newsletter.

Please Note: Using the appropriate format, students may simultaneously submit their manuscript to this award Call for Papers and to the general Call For Proposals for the Conference.

Application Criteria:

- Students must submit a research paper or case note that deals with a significant and novel legal issue related to sport or physical activity.
- The paper must be written in either APA (5th edition) or Blue Book (17th edition) style.
- Suggested length is 10-20 double spaced pages (plus Appendices and Endnotes) using standard 12 pt. font, Times New Roman type.
- Papers must be postmarked on or before Friday, December 2, 2005. Submissions received with a late postmark will not be considered.
• The paper and associated research must be the sole work of the applicant, and edited and approved by a faculty advisor.
• The applicant must be an undergraduate student, and must be majoring in sport/physical activity, sport/athletic management, or a related subject area.
• The faculty advisor must submit written verification indicating compliance with criteria #5 and #6.
• A maximum of three (3) student papers may be submitted from one academic institution.
• The applicant must send one (1) hard copy of the paper or case note including applicant’s name, e-mail address, postal mailing address, academic institution, the faculty advisor’s signature verifying satisfaction of criteria #5 and #6, and one (1) 3.5 IBM format micro floppy diskette with the paper or case notes in Microsoft Word 97 version or higher. The disk should be labeled with the student’s name and institution. Only one student paper should be included on each diskette. Submitted hard copies and diskettes will not be returned to the applicant. The winner of the award will be notified via e-mail in late January.

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Department of Health, Exercise, and Sport Sciences
P.O. Box 41121
Texas Tech University
Lubbock, TX. 79409-1121
806-742-3361
E-mail: john.miller@ttu.edu
HONOR AWARD

Criteria for Selection

- Presented to a person who has given outstanding service to the association.

Nominations:

- A 1-5 page description of the individual and his or her contributions and service to SRLA is required. No specific form is required.
- Nominations must be postmarked on or before December 2, 2005.

Contact:

Dr. John Miller, SRLA Award Chair
Department of Health, Exercise, and Sport Sciences
P.O. Box 41121
Texas Tech University
Lubbock, TX. 79409-1121
806-742-3361
E-mail: john.miller@ttu.edu

LEADERSHIP AWARD

Criteria for Selection:

- Presented to a person who is recognized for leadership and vision in the study of legal aspects of sports law and physical education.
- The individual does not have to be a member of SRLA.

Nominations

- A 1-5 page description of the individual and his or her leadership and vision in the field is required. No specific form is required.
- Nominations must be postmarked on or before December 2, 2005.

Contact:

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