

Sports Law

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Sports Law (South-Western's Special Topics Collection, 2013) by Adam Epstein is unlike many traditional sports law textbooks as it focuses on fundamentals and real-world insights rather than offering traditional law school text cases. As Epstein stated, the "goal of this book is to provide succinct access to the legal issues involved in sports and sports business." In this reviewer's opinion, it certainly accomplishes that goal.

Sports law, like the Missouri River, can be a mile wide and a foot deep. But unlike the Missouri, this text provides the reader an opportunity for breadth of subject matter as well as depth of study. Epstein accomplishes this feat by thoroughly identifying major legal issues that are relevant to sports in a balanced manner. While many of the chapters could be topics of exploration for an entire semester, the book concisely identifies and summarizes the legal areas without being condescending or simple. In fact, Epstein's book provides such solid building blocks that it may be effectively used in graduate, undergraduate, or even law school courses.

The field of sports law is developing at an incredibly rapid pace, and there is always a concern that a textbook may be out of date even as soon as it comes out for publication. Yet, as Epstein points out, *Sports Law* is designed to be supplemented by the "ubiquitous Internet access." In fact, even though the text is very contemporary, the author encourages instructors to use the Internet to stay even more current about the legal issues affecting sports.

The first chapter on sports agency delves into a field that many students may wish to enter. Epstein does good job laying out the risks, both positive and negative, of the profession. Also in Chapter One, the author identifies the legal issues that have emerged regarding the NCAA and social media. Given the recent cases of tweeting scandals—Marvin Austin at the University of North Carolina as well as the recent suspension of Nic Kerdiles at the University of Wisconsin—this area is ripe for examination. In fact, one of the strengths of the book is the considerable emphasis on the NCAA. In this chapter and throughout the text, there are relevant sections of the latest version of the NCAA Division I Manual. Very few, if any, sports law texts cover the legal issues faced by the NCAA in such an in-depth manner.

Chapter Two concentrates on the area of contracts in sports. This chapter is divided into three major categories: standard player contracts, endorsement contracts, and appearance contracts. With the recent work stoppages in the NFL, NBA, and, for the fourth time since 1992, the NHL, this chapter represents current and

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crucial important issues, especially since sport labor negotiations are much more visible than any other labor negotiations in the business world. For example, the comparison between the media coverage of the NFL referees' strike versus airline pilots illustrates the noticeable differences. Epstein also does a good job covering the litigation of coaches' contracts, such as those of Kelvin Sampson, Bruce Pearl, and Jim Tressel.

Chapter Three, on sports torts, discusses similarities and differences between negligence, intentional torts, strict liability, and products liability. This information can be used as a basis for discussion on risk management consideration regarding post-game celebrations that often involve injuries to both students and fans. The closely related area of sports crimes is covered in Chapter Four. Epstein raises issues of whether sports violence should be addressed by internal league controls or local governmental authorities. This also raises international law issues comparing the way that hockey violence is treated in Canada versus the United States.

Chapter Five deals with the challenging issues of Title IX and gender equity. One of Epstein's strengths throughout the entire book is the examination of history and its effect on sports law today. He provides a good timeline of the statute's amendments, regulations, and interpretations. Epstein points out that to achieve compliance with Title IX many universities have chosen to eliminate men's athletic programs instead of adding more opportunities for women. However, it is in this area that the author could have included more insights into Title IX from legal advocates currently in the field.

Chapter Six addresses the pertinent issue of disabilities and sports that are rapidly becoming more important every day. As Epstein points out, "persons with disabilities are able to compete in sports with much more acceptance and frequency." He brings up the case of double amputee and Paralympian Oscar Pistorius, who uses Running-Specific Prostheses (RSPs) which are passive-elastic springs that are designed to emulate biological legs. As Pistorius' times got closer to Olympic qualifying standards, the International Association of Athletics Federations (IAAF) passed a regulation, based on a scientific study, prohibiting the use of technological aids in the competitive field. The IAAF stated that springs, wheels, or other such devices gave athletes with a disability an unfair advantage over athletes competing with their natural legs. Pistorius appealed to the Court of Arbitration for Sport, who ruled in his favour; however, he failed to qualify for the 2008 South African Olympic Games Team. Because of the date of publication, the story in the text ends after the 2008 Games. However, as Epstein suggests using the Internet the questions can easily be updated to reflect that Pistorius achieved success—not only at the Paralympic Games but also as one of the first Paralympians to compete at the Olympic Games, as he did in London 2012.

The Lance Armstrong saga can easily be examined in light of Chapter Seven, which deals with drugs and sports, as well as Chapter Eight on international sports issues. It is essential to understand the roles of the World Anti-Doping Association (WADA), national anti-doping organizations (NADO) such as the United States Anti-Doping Agency (USADA), National Governing Bodies (NGBs), the International Olympic Committee (IOC), and the Court of Arbitration for Sport (CAS). This section can be easily mined for numerous constitutional law issues. Epstein does a very nice job laying out the structural hierarchy of the Olympic Movement as well as the history of politics and controversies. It is interesting that Epstein

doesn't go more into depth on the CAS here and waits until a later Chapter Eleven, on alternative dispute resolution; but it is also completely understandable.

Chapter Nine focuses on antitrust and labor issues in sports by discussing the recent labor troubles in professional sports in a way that may be of interest to the students. The author does a good job of presenting a history of antitrust law in the United States as it is critical to put current law and conditions into a proper perspective for students. Chapter Ten centers on the applicability of intellectual property issues in sports. While at first glance the appreciation and importance of this section may be minimal, the author provides excellent insights into the International Olympic Committee, which not only protects its property, but also its sponsors. For example, at the recent Olympic Games in London much was made of IOC Rule 40 of the Olympic Charter, which is designed to prevent ambush marketing to create an illusory association with the Games. This text cites Rule 40 in another way that limits athletes competing in the Games from appearing in advertising shortly before, during, and after the Games. Given the currency of this area of Rule 40, it may of significant interest to students reading the text.

Chapter Eleven covers alternative dispute resolution. This is a wonderful opportunity to look at the work of the Court of Arbitration for Sport. Students should realize that generally courts give great deference to an arbitrator's decision and at the same time the CAS generally gives deference to sport officials and won't overrule "field of play" decisions. In today's litigious society where cases often drag out for years, students should look at the Ad Hoc Divisions of the CAS that are convened at every Olympic Games. In today's litigious society, where cases often drag out for years, students should look at the Ad Hoc Divisions of the CAS that are convened at every Games. Consider the request for arbitration filed by the Irish boxer Joseph Ward, who has challenged his non-qualification for the 2012 London Games. At the Games site the CAS Panel met from 9 PM to 2 AM and delivered their decision later that day. As noted CAS arbitrator Maidie Oliveau has often stated, the CAS motto is that they are "Fast, Fair, and Free."

Chapter Twelve, the final chapter, highlights the often controversial area of religion and sports. Epstein poses general and contentious questions regarding the differences between permissible religious actions and those that violate the Establishment Clause of the United States Constitution in a sports context. Because these questions often lack clear answers, the author provides an excellent opportunity for students to critically analyze the issue in an in-depth manner. By providing a very good historical viewpoint, the author skillfully offers the students an opportunity to study this topic from an objective lens.

As an important side note, Epstein does a very nice job of providing key terms, acronyms, cases, discussion questions, and references at the end of every chapter. These items are well thought out and provide excellent opportunities for further research in specific areas by both student and professor. In sum, *Sports Law* by Adam Epstein is a very good, easy-to-read book that is concise and provides a wealth of applicable ideas and practices—a very good teaching book that can be used in undergraduate, graduate, or even law school courses.