

Table of Contents

Part I

Injuries

Chapter 1

Negligence

- § 1:1 Applicability to sports
- § 1:2 Duty of care
- § 1:3 Standard of care
- § 1:4 Breach of duty and proximate cause
- § 1:5 Damages and avoiding liability

Chapter 2

School Liability

- § 2:1 Negligence and schools
- § 2:2 Vicarious liability
- § 2:3 Failure to warn
- § 2:4 Failure to hire competent coaches
- § 2:5 Failure to instruct and supervise
- § 2:6 Failure to maintain equipment and facilities
- § 2:7 Defenses

Chapter 3

Coach and Referee Liability

- § 3:1 Negligence: Coaches and referees, generally
- § 3:2 Coach's failure to properly prepare participants
- § 3:3 Coach's failure to properly supervise
- § 3:4 Referee liability

Chapter 4

Medical Liability

- § 4:1 Sports medicine, generally
- § 4:2 Duty of care, duty to disclose, duty to provide informed consent

- § 4:3 Failure to refer and vicarious liability
- § 4:4 Specialties, subspecialties, and breach of warranty
- § 4:5 Responsibility of coaches and owners to provide medical care

Chapter 5

Products Liability, Strict Liability, and Warranty Liability

- § 5:1 Products liability
- § 5:2 Strict liability
- § 5:3 Warranty liability
- § 5:4 Defenses

Chapter 6

Participant and Spectator Injuries

- § 6:1 Participant and spectator injuries, generally
- § 6:2 Participant violation of safety rules and unsportsmanlike conduct
- § 6:3 “At the Ol’ Ball Game”—Baseball spectators
- § 6:4 Minor spectators
- § 6:5 Defenses

Chapter 7

Facility Liability

- § 7:1 Status of injured party
- § 7:2 Invitees
- § 7:3 Minors and incapacitated persons
- § 7:4 Unreasonably hazardous conditions
- § 7:5 Design, construction, maintenance, and repair

Chapter 8

Tort Defenses

- § 8:1 Assumption of risk
- § 8:2 Comparative and contributory negligence
- § 8:3 Warnings, waivers, and releases
- § 8:4 Sovereign and charitable immunity
- § 8:5 Recreational use statutes

TABLE OF CONTENTS

Chapter 9

Defamation and Invasion of Privacy

- § 9:1 Defamation and sports
- § 9:2 Per se defamation
- § 9:3 Public figures
- § 9:4 Invasion of privacy
- § 9:5 Defenses

Chapter 10

Workers' Compensation

- § 10:1 Professional sports
- § 10:2 College and university athletics
- § 10:3 Employer-based sports activities
- § 10:4 Coaches, referees, trainers, etc
- § 10:5 Defenses

Chapter 11

Criminal Law

- § 11:1 Assault and battery
- § 11:2 Inherently violent sports
- § 11:3 "Hooliganism"
- § 11:4 The Canadian approach

Part II

Constitutional Implications

Chapter 12

Eligibility to Participate

- § 12:1 Amateur sports
- § 12:2 Scope of eligibility rules
- § 12:3 The NCAA
- § 12:4 Participation as a right or privilege
- § 12:5 Due process, equal protection, and state action
- § 12:6 Rules restricting eligibility

§ 12:7 The disabled athlete

Chapter 13

Sex Discrimination

§ 13:1 Women and sports

§ 13:2 Discrimination, generally

§ 13:3 Contact v. noncontact sports

§ 13:4 Title IX

§ 13:5 Constitutional challenges

§ 13:6 State equal rights amendment challenges

Chapter 14

Discipline and Penalties

§ 14:1 Power to discipline and penalize, generally

§ 14:2 The NCAA

§ 14:3 High school sports

§ 14:4 Professional sports

Chapter 15

Drug Testing

§ 15:1 Drug testing, generally

§ 15:2 Professional sports

§ 15:3 Amateur sports

§ 15:4 Right of privacy

§ 15:5 Reasonableness of search

§ 15:6 Due process and equal protection

Part III

Contracts

Chapter 16

Sports Contracts

§ 16:1 Sports contracts, generally

§ 16:2 Negotiation, generally

§ 16:3 Standard player contracts

§ 16:4 Specialty clauses and collateral agreements

TABLE OF CONTENTS

- § 16:5 Defenses, terminations, assignments, and remedies
- § 16:6 Insurance and pensions
- § 16:7 Boxing contracts
- § 16:8 Coaching contracts

Chapter 17

Representing the Athlete

- § 17:1 Representation, generally
- § 17:2 Standard representation contract
- § 17:3 Functions of agents
- § 17:4 Good faith and conflicts of interest
- § 17:5 Tax and financial planning
- § 17:6 Registration of agents

Part IV

Statutory Implications

Chapter 18

Collective Bargaining

- § 18:1 National Labor Relations Act
- § 18:2 Collective bargaining
- § 18:3 Negotiating the collective bargaining agreement
- § 18:4 Baseball's reserve system
- § 18:5 Mediation and arbitration

Chapter 19

Antitrust For Practitioners

- § 19:1 Antitrust and sports
- § 19:2 Exemptions
- § 19:3 Player restraints
- § 19:4 Franchise relocation
- § 19:5 Miscellaneous

Chapter 20

Intellectual Property

- § 20:1 Patents

- § 20:2 Copyrights
- § 20:3 Trademarks
- § 20:4 Trade dress

Chapter 21

International Law

- § 21:1 International sports law, generally
- § 21:2 United States Olympic Committee
- § 21:3 Amateur Sports Act of 1978
- § 21:4 Drug testing, discipline, and penalties

Appendices

- Appendix 1 Tomjanovich Appellee Brief
- Appendix 2 Seattle School District Athletic Registration and Physical Form
- Appendix 3 N.J. Stat., Civil Immunity For Coaches and Officials, N.J. Stat. Ann. § 2A:62A-6
- Appendix 4 NFL Standard Minimum Pre-Season Physical Examination
- Appendix 5 Client Interview Sheet
- Appendix 6 Waiver, Baseball Ticket
- Appendix 7 Waiver, Health Club
- Appendix 8 Arizona Recreational Use Statute, A.R.S. § 33-1551
- Appendix 9 Brooks v. Paige, 773 P.2d 1098 (Colo. App. 1988)
- Appendix 10 Pro-Football, Inc. v. Uhlenhake, 558 S.E.2d 571 (Va. App. 2002)
- Appendix 11 Regina v. Maki, 14 D.L.R.3d 164 (1970)
- Appendix 12 University Prospect Information
- Appendix 13 University Individual Recruitment Record
- Appendix 14 University Official Visit Notification Letter
- Appendix 15 University Athletics Certification Procedures
- Appendix 16 University Release Form
- Appendix 17 Civil Rights Restoration Act of 1987, 20 U.S.C.A. § 1687
- Appendix 18 Pete Rose Settlement Agreement
- Appendix 19 NFL Player Contract
- Appendix 20 Standard Representation Agreement
- Appendix 21 N.L.R.A.
- Appendix 22 Sherman Act
- Appendix 23 Sports Broadcasting Act of 1961
- Appendix 24 Copyright Act
- Appendix 25 The Olympic Charter