

SPORTS LAW- 483A
CLASS SCHEDULE AND SYLLABUS

Professor: Stephanie Franco

Class Time: M/W 6:40pm- 9:50pm

Location:

Sports Law:

An immersive course surrounding four major topics in law: corporations, employment, contracts (drafting & negotiations) and intellectual property and their relation to the sports world. You will receive the “in-house” experience including learning how to form corporations for your client, assisting in employment and discrimination issues, drafting and reviewing collective bargaining agreements, agency, negotiating for your client and protecting their intellectual property by filing trademarks. You will learn the practical side of the sports industry while also learning the 4 main principles of success: gratitude, empathy, accountability and effective communication.

Western State College of Law – Programmatic Learning Outcomes

Western State College of Law’s curriculum is designed so that every student achieves a level of competency prior to graduation in each of the eight Programmatic Learning Outcomes listed below:

(1) **Doctrinal Knowledge**

Students will demonstrate knowledge of substantive and procedural law in the core curriculum subjects, including Contracts, Criminal Law, Criminal Procedure, Torts, Real Property, Business Association, Evidence, Civil Procedures, Constitutional Law, Estates, Community Property, Remedies, and Professional Responsibility.

(2) **Practice Skills**

Students will demonstrate the development of other law practice skills. Each student’s chosen outcomes within this category will be varied based on the student’s particular interests, coursework and work experiences. They may include, but are not limited to, the following topics: oral presentation and advocacy; interviewing; counseling; client service and business development; negotiations, mediation, arbitration, or other alternate dispute resolution methods; advanced legal research and writing (excluding purely academic papers and the first four units earned in introductory first-year legal research and writing class); applied legal writing such as drafting contracts, pleadings, other legal instruments; law practice management or the use of technology in law practice; cultural competency; collaboration or project management; financial analysis, such as accounting, budgeting project management, and valuation; cost benefit analysis in administrative agencies; use of technology, data analyses, or predictive coding; business strategy and behavior; pre-trial preparation, fact investigation, such as

discovery, e-discovery, motion practice, assessing evidence, or utilizing experts; trial practice; professional civility and applied ethics; a law clinic that includes a classroom component; or a legal externship that includes a classroom component.

(3) Legal Analysis

Students will demonstrate the ability to identify the factual and legal issues implicated by a fact pattern and to appropriately use cases (including identifying the salient features of an appropriate precedent case, identifying legally significant similarities or differences between the precedent case and a fact pattern and explaining why those are legally significant) and rules (including the ability to connect legally significant facts in a fact pattern to the rule) to predict how a court would decide the issue. Students will also demonstrate the ability to identify and evaluate the public policies of a precedent case or rule, and be able to evaluate how public policy can impact the application of a rule to the legal issue.

(4) Legal Research

Students will demonstrate the ability to locate relevant legal authority using a variety of book and electronic resources, and to properly cite to such legal authority.

(5) Communication

Students will demonstrate the ability to communicate both orally and in writing in a manner appropriate to a particular task to effectively convey the author or speaker's ideas. This includes audience sensitivity in written and oral communication (the ability to adopt a tone, style and level of detail appropriate to the needs, knowledge and expertise of the audience); and written communication basic proficiency (the ability to use the conventions of grammar, spelling, punctuation, diction and usage appropriate to the task and sufficient to convey effectively the author's ideas).

(6) Advocacy of Legal Argument

Students will demonstrate the ability, in both oral and written formats, to evaluate the legal, economic and social strengths and weaknesses of a case and use case and statutory authority as well as public policy to persuade others. Making policy-based arguments includes the ability to identify and evaluate the public policies of a precedent case or rule and their implications, and be able to assert such appropriate arguments to support a particular application or distinction of a precedent case to a legal controversy or a particular resolution of the application of a rule to the legal controversy.

(7) Client Sensitivity and Cultural Competency

Students will demonstrate an awareness of clients' needs and goals, including a sensitivity to clients' background and circumstances (including, but not limited to, socio-economic, gender, race, ethnicity, educational, disability and/or religious background(s)), the ability to make decisions that reflect an appropriate focus on those needs and goals, and awareness that cultural issues may affect the relevance of facts and application of the law.

(8) Legal Ethics

Students will demonstrate the ability to identify ethical issues in law practice contexts and make appropriate decisions to resolve such issues.

Class Materials:

- Sports Law Cases and Materials 8th Edition by Ray Yasser (Required)
- Drafting Contracts, How and Why Lawyers Do What They Do, 2nd Edition, Tina L. Stark (Recommended)
- I will also be posting additional reading material on a weekly basis on Lexis Classroom

Grading:

1. *Participation- 20%*

Your class participation is highly valued and critical to the success of your learning experience. Throughout the course of the semester we will have various exercises which will simulate real scenarios and issues that arise in sports. A majority of assignments will be graded in class with a complete walk-through from inception to completion. Your class attendance, participation and performance in these exercises and assignments will be considered a factor in your final course grade. You can always ask to attend local networking events for additional participation points.

2. *Midterm Negotiation- 40%*

During the middle of the semester I will be handing out negotiation assignments and teams to negotiate on issues that are prevalent in the sports world. You will negotiate in front of other students and draft a short paper on your preparation, experience and lessons you learned.

3. *Final Drafting Exercise- 40%*

For your final, you will be asked to draft a contract using all of the elements you learned throughout the semester and have a chance to fully execute and practice your contract drafting abilities.

Schedule/Assignments:

Provided below is the tentative schedule and reading assignments for the course. You are required to complete all reading assignments and exercises before class with preparation being consistent with a minimum of two hours for every one hour of class.

This schedule is only subject to change depending on the class demand on certain topics.

Class Topic	Assigned Material
<u>Week One (6/4): Introduction</u>	-Syllabus
Intro Exercise	
What is Sports Law?	

<p><u>Week One (6/6): Entities- LLCs</u></p> <p>What is an LLC?</p> <p>What is required to form an LLC?</p> <p>How do I dissolve an LLC?</p>	<p><u>Reading:</u></p> <ul style="list-style-type: none"> -Overview of CA LLC Law Article -Sample Operating Agreement <p><u>Exercises:</u></p> <ul style="list-style-type: none"> -Articles of Organization (Form LLC-1) -Statement of Information (Form LLC-12) -Certificate of Cancellation (Form LLC- 4/7)
<p><u>Week Two (6/11): Entities- Corps.</u></p> <p>What is a Corporation?</p> <p>What is required to form a Corporation?</p> <p>How do I dissolve a Corporation?</p>	<p><u>Reading:</u></p> <ul style="list-style-type: none"> -Forming and Organizing a Corporation Article -Sample Bylaws <p><u>Exercises:</u></p> <ul style="list-style-type: none"> -Articles of Incorporation (Form ART-GS) -Statement of Information (Form SI-550) and -Statement of Information (Form SI-550 NC) -Certificate of Dissolution (Form DISS STK) -Minutes of the Board
<p><u>Week Two (6/13): Employment and Discrimination</u></p> <p>Equality in Sports under Constitution</p> <p>Equality in Sports under Title IX</p> <p>Employment Discrimination in Sports</p>	<p><u>Reading:</u></p> <ul style="list-style-type: none"> -<i>Hoover v Meiklejohn</i> (430 F. Supp. 164 (D. Colo. 1977). -<i>Cohen v Brown University</i>- 101 F.3rd 155 (1st Cir. 1996). -<i>Stanley v University of Southern California</i>- 178 F.3d 1069 (9th Cir. 1999), <i>cert. denied</i>, 528 U.S. 1022 (1999). -<i>Bowers v Baylor University</i>- 862 F. Supp. 142 (W.D. Tex. 1994). <p><u>Exercises:</u></p> <ul style="list-style-type: none"> -Notes and Comments (page 147) -Notes and Comments (page 181) -Notes and Comments (page 193)
<p><u>Week Three (6/18): Intro to Contracts</u></p> <p>What should I keep in mind when drafting agreements?</p> <p>How is the language in agreements</p>	<p><u>Reading:</u></p> <ul style="list-style-type: none"> -Drafting and Interpretation Rules Article -Drafting Elements Article

<p>interpreted?</p> <p>What are the elements of a contract?</p> <p>How are those elements drafted?</p>	<p><u>Exercises:</u></p> <p>*Please come prepared with at least 3 questions on the reading. I will expand on definitions and provide examples.</p>
<p><u>Week Three (6/20): Contract Drafting</u></p> <p>How do I draft an agreement?</p> <p>What do you look for when reviewing agreements?</p>	<p><u>Reading:</u></p> <p>-Review Drafting Summary Chart</p> <p><u>Exercises:</u></p> <p>-Draft sample appearance agreement using template provided</p> <p>-Draft sample car purchase agreement</p> <p>-Review Carrie Richards Contract</p>
<p><u>Week Four (6/25): Collective Bargaining Agreements</u></p> <p>What is collective bargaining?</p> <p>How are the decisions made by teams limited by labor laws?</p> <p>What are the terms negotiated in a collective bargaining agreement?</p>	<p><u>Reading:</u></p> <p>-Collective Bargaining- Generally (page 434)</p> <p>-<i>In the Matter of the Arbitration between Major League Baseball Players Association and the 28 Major League Clubs</i></p> <p>-<i>Silverman v Major League Baseball Player Relations Committee Inc.</i>- 67 F.3rd 1054 (2d Cir. 1995).</p> <p>-Sample Collective Bargaining Agreement</p> <p><u>Exercises:</u></p> <p>-Notes 11-25 (page 468)</p>
<p><u>Week Four (6/27): Negotiations</u></p> <p>How do you negotiate a contract?</p> <p>What are the valuable skills in negotiating?</p> <p>What are the goals of negotiation?</p>	<p><u>Reading:</u></p> <p>-Negotiating Contracts Article</p> <p>-Negotiation of Sports Contracts- including capstone problem (page 587)</p> <p>-Negotiating the Endorsement Contract (pg. 613)</p> <p><u>Exercises:</u></p> <p>-Notes and Comments (page 609)</p> <p>-Notes and Comments (page 613)</p> <p>*I will also handout and explain your negotiation assignments</p>
<p>Week Five (7/2): Midterm</p>	

<p>Week Five (7/4): Happy Fourth of July!</p>	
<p><u>Week Six (7/9): Agency and Representation</u></p> <p>What is a sports agent?</p> <p>How does someone become an agent in sports?</p> <p>Do agents owe athletes a duty?</p> <p>What duties do agents owe to athletes?</p> <p>How do you resolve a breach of those duties?</p>	<p><u>Reading:</u></p> <ul style="list-style-type: none"> -Representation of Professional Athletes- Introductory Comments and Regulations (pages 533-541) -<i>Collins v National Basketball Players Association</i>- 976 F.2d 740 (10th Cir. 1992) (unpublished), <i>aff'g</i>, 850 F. Supp. 1468 (D. Colo. 1991). -<i>Total Economic Athletic Management of America, Inc. v Pickens</i>- 898 S.W.2d 98 (Mo. Ct. App. 1995). -<i>Speakers of Sport, Inc. v Proserv, Inc.</i>- 178 F.3d 862 (7th Cir. 1999). <p><u>Exercises:</u></p> <ul style="list-style-type: none"> -Notes and Comments 1-16 (Page 553)
<p><u>Week Six (7/11): Agency and Representation (cont.)</u></p> <p>-Guest Speaker- Scott Carter, former MLB Agent for Leigh Steinberg (the real Jerry Maguire) to discuss professional representation of athletes</p>	<p><u>Reading:</u></p> <ul style="list-style-type: none"> -C. Regulatory Limitations/Resolutions between Players and Agents (page 559) -<i>In the Matter of the Arbitration Between William (Bucky) Woy, Grievant, and Bob Horner, Respondent</i>- Major League Baseball Players Assoc. Voluntary Arbitration Tribunal, Gr. No. 97 A-3. -Player Agent- Duties Imposed (page 571) -<i>Detroit Lions, Inc. v Argovitz</i>- 580 F. Supp. 542 (E.D. Mich. 1984). -<i>Brown v Woolf</i>- 554 F. Supp. 1206 (S.D. Ind. 1983). <p><u>Exercises:</u></p> <ul style="list-style-type: none"> -Notes and Comments (page 581)
<p><u>Week Seven (7/16): Intellectual Property</u></p> <p>What are some IP issues in sports?</p> <p>What IP rights do teams have?</p> <p>What IP rights do players have?</p>	<p><u>Reading:</u></p> <ul style="list-style-type: none"> -Intellectual Property Issues in Sports (page 789) -<i>C.B.C Distribution and Marketing, Inc. v Major League Baseball Adv. Media, L.P.</i> – 505 F.3d 818 (8th Cir. 2007), cert. denied, 553 U.S. 1090 (2008). -<i>Keller v Electronic Arts, Inc.</i> – 724 F.3d 1268

	<p>(9th Cir. 2013), <i>cert denied</i>, 135 S. Ct. 42 (2014). -<i>Dryer v. NFL</i> – 55 F. Supp. 3d 1181 (D. Min. 2014). -<i>Marshall v ESPN</i> – 2015 U.S. Dist. LEXIS 72494 (M.D. Tenn. 2015).</p> <p><u>Exercises:</u> -Notes and Comments (page 816)</p>
<p><u>Week Seven (7/18): Intellectual Property (cont.)</u></p> <p>What is the Lanham Act?</p> <p>How does the Lanham Act protect teams?</p>	<p><u>Reading:</u> -Trademark Protection in Sports and Merchandising and Naming Rights (page 819) -<i>Indianapolis Colts, Inc. v Metropolitan Baltimore Football Club</i> – 34 F.3d 410 (7th Cir. 1994). -<i>ETW Corporation v Jireh Publishing, Inc.</i> – 332 F.3d 915 (6th Cir. 2003). -<i>Pro-Football, Inc. v Blackhorse Et. Al.</i> – 2015 U.S. Dist. LEXIS 90091 (E.D. Va. July 8, 2015).</p> <p><u>Exercises:</u> -Notes and Comments (page 835)</p>
<p><u>Week Eight (7/23): Trademarks</u></p> <p>What is a trademark?</p> <p>How do you file a trademark?</p>	<p><u>Reading:</u> -Article on trademarks in sports -Trademark Basics (on USPTO website- https://www.uspto.gov/trademarks-getting-started/trademark-basics) -Watch all 5 videos on website</p> <p><u>Exercises:</u> -File a Trademark on USPTO website</p>
<p>Week Eight (7/25): Final</p>	

Argosy University- Institutional Learning Outcomes:

(1) Analytical Reasoning

Analyze issues objectively, interpret and synthesize data and ideas, and develop feasible, flexible, and creative solutions to real world problems

(2) Effective Communication

Identify audiences, assess information provided, interpret needs, and present relevant information using appropriate written, oral, and listening skills and media to meet the needs of the situation

(3) Information Competency

Gather, evaluate, and ethically use information from a variety of relevant technological and library resources to make decisions and take action

(4) Interpersonal Effectiveness

Develop individual and group interpersonal skills to improve and foster participation and interaction critical for achieving individual and group goals

(5) Personal and Professional Integrity and Ethical Behavior

Demonstrate a multi dimensional awareness of individual and social responsibility to act ethically and with integrity in a diverse, global society.

(6) Professional Competence

Apply skills appropriate to program objectives and employ critical reasoning to contribute to one's field and profession

Disability Services Statement:

Western State College of Law provides accommodations to qualified students with disabilities. The **Disabilities** Services Office assists qualified students with disabilities in acquiring reasonable and appropriate accommodations and in supporting equal access to services, programs, and activities at Western State College of Law.

To seek reasonable accommodations, a student must contact Senior Assistant Dean Donna Espinoza, Student Services Director and Disabilities Services Coordinator, whose office is in the Students Services Suite 119. Dean Espinoza's phone number and email address are: (714) 459-

1117; despinoza@wsulaw.edu. When seeking accommodations, a student should notify Dean Espinoza of her or his specific limitations and, if known, her or his specific requested accommodations. Students who seek accommodations will be asked to supply medical documentation of the need for accommodation. Classroom accommodations are not retroactive, but are effective only upon the student sharing approved accommodations with the instructor or professor. Therefore, students are encouraged to request accommodations as early as feasible with Dean Espinoza to allow for time to gather necessary documentation. If you have a concern or complaint in this regard, please notify Dean Espinoza; or please notify Dean Allen Easley at aeasley@wsulaw.edu or (714) 459-1168. Complaints will be handled in accordance with the College of Law's "Policy against Discrimination and Harassment."

Contact Information:

My official office hours are by appointment and can be held on campus before class or at my office, Sports 1 Marketing located at 9900 Research Dr. Irvine, CA 92618. I encourage you all to call me at my office (949) 336-6380 or email me at stephanie@sports1marketing.com. I am available to speak and answer any question about any school or even non-school related matters. For **emergencies**, you can reach me on my cell phone (323) 804-0001.