

## **SPORTS LAW 483 § A**

**FALL 2024 TUE 6:30 p.m. – 9:40 p.m.**

**Professor Jonathan Smith**

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### **REQUIRED TEXT**

Sports Law Practice, Gray, James T., 3d edition

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### **COURSE DESCRIPTION**

This course provides an in-depth exploration of the legal principles and issues pertinent to the sports industry. Students will examine a range of topics, including contract negotiation, corporate and agency law, and liability concerns. Through a combination of lectures, case studies, and practical exercises, students will gain a comprehensive understanding of how the law impacts athletes, teams, and sports organizations.

The course emphasizes hands-on learning, with students participating in simulated client representation and negotiation exercises. Assignments will include drafting contracts, engaging in negotiation exercises, and resolving real-world legal scenarios. By the end of the course, students will have developed the skills necessary to effectively navigate the complex legal landscape of the sports industry and to provide sound legal advice and representation to clients. This course is essential for anyone interested in pursuing a career in sports law or enhancing their understanding of the legal challenges in the sports sector.

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### **ATTENDANCE, GRADES, MIDTERM/FINAL & LATE POLICY**

#### **ATTENDANCE:**

You should attend every class. WSCL written policy for students whose class regularly meets twice per week, is that upon your fifth absence, you will fail this course and receive a grade of 0.0 (on the 4.0 scale). See Student Handbook, § 5.13. For students whose class meets once per week, if you are absent for an entire, or substantially all, of a three hour class period, you will have accumulated two official absences. If, however, you are absent for only half of a three hour class period or a significant portion thereof, you will accumulate just one absence.

#### **GRADES**

##### **PARTICIPATION & PROFESSIONALISM (P&P): (20%)**

Success in law school involves an active learning environment. This class is most productive (and fun!) if you have thought about the material and are willing to discuss it. In order for this class to have its intended purpose, there must be active student participation. Quality is valued over quantity for volunteer participation, and all views are welcome. 20% of your final course grade will be based on the quality and quantity of your contributions to class discussions, attendance, punctuality, conduct during class time, and overall professionalism.

**You may not record this class without my prior approval. Students in violation of these policies may be referred to the Associate Dean for Academic Affairs.**

### **MIDTERM – Preliminary Negotiations: (20%)**

The midterm exam will consist of two main components: a written preliminary contract and an in-class negotiation exercise.

#### 1. Client Assignment:

Each student will be assigned a client and given specific objectives that their client wishes to achieve in a contract. Students must independently review their client file and evaluate their client's objectives.

#### 2. In-Class Negotiation:

During the in-class session, students will be paired with the opposing counsel assigned to their case. Each pair will engage in a negotiation based on the preliminary contracts they have drafted. The goal is to negotiate terms that satisfy both clients' objectives, demonstrating effective negotiation skills and the ability to adapt and find mutually acceptable solutions. Students will be assessed on their negotiation skills, including preparation, strategy, communication, and ability to achieve their client's objectives. Performance during the negotiation will constitute part of the midterm grade.

### **FINAL – Final Negotiations and Joint Final Contract: (60%)**

The final exam will consist of two main components: a final negotiation exercise and the submission of a final joint contract.

#### 1. Final Negotiation Exercise:

Students will engage in a final negotiation exercise with their opposing counsel, building upon the preliminary negotiations from the midterm. Students must collaborate with their opposing counsel to negotiate a final contract that meets both clients' objectives. The negotiation will be conducted during class time, and students are expected to come prepared with a refined strategy and an understanding of potential compromises. The final negotiation will be assessed on the students' ability to work collaboratively, negotiate effectively, and achieve a balanced contract that satisfies both clients. The negotiation process and effectiveness will be a significant part of the final exam grade.

#### 2. Final Joint Contract Submission:

After the negotiation exercise, students must submit a final joint contract that represents the agreed-upon terms reached during the negotiation. The final contract should be detailed, legally sound, and reflect the successful integration of both clients' objectives. It should demonstrate the students' ability to draft a professional and enforceable agreement. The final joint contract must be submitted by the start of class on the due date. Late submissions will incur a grade penalty.

## **LATE POLICY**

As a professional, you are responsible for submitting all assignments on time. A late assignment is one submitted any time after it is due. Your assignments must be emailed to me as a Microsoft Word attachment prior to the start of class on the date it is due. Your midterm and final must also be uploaded to TurnItIn.

Late assignments will receive point deductions. Do not plagiarize. Do not use generative AI in a manner that violates the Honor Code and constitutes plagiarism. Any violation of the Honor Code will result in the student receiving a "0" in the course as well as possible referral to the Honor Code Committee.

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## **OUTSIDE PREPARATION:**

You should anticipate that, on average, preparing for class will take you a minimum of two hours for every one hour of class time. To restate with specificity and at risk of redundancy: because Sports Law is a three-unit class, you should estimate your preparation for class to require six (6) or more hours outside of class to complete.

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## **LEARNING GOALS**

During this course, students should be able to:

- Understand key legal principles and issues in sports law.
- Draft comprehensive and legally sound sports-related contracts.
- Employ effective negotiation strategies in sports law contexts.
- Analyze and resolve legal issues in hypothetical sports scenarios.
- Present legal arguments clearly and persuasively in written and oral forms.
- Recognize and address ethical dilemmas in sports law practice.

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## **OFFICE HOURS**

By appointment - Please email me directly to schedule an office hour appointment.

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## **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. 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 Marisa Cianciarulo at mcianciarulo@wsulaw.edu or (714) 459-1168. Complaints will be handled in accordance with the College of Law's "Policy against Discrimination and Harassment."

**SYLLABUS:**

1. The listed chapters and corresponding page numbers reference our course textbook, Sports Law Practice, Gray, James T., 3d edition
2. Additional designated Readings/Materials are posted on the Lexis Course page, or you are provided a direct link.

<b>WEEK:</b>	<b>TOPICS:</b>	<b>READING/ASSIGNMENT:</b>
<b><u>WEEK 1:</u></b> AUGUST 20	Introduction to Course  What is Sport's Law? Collective Bargaining Agreements and Arbitration	<u>Reading:</u> Chapter 1 Collective Bargaining Agreements and Arbitration
<b><u>WEEK 2:</u></b> AUGUST 27	Entity Formation Protecting Sports Clients	<u>Reading:</u> TBA
<b><u>WEEK 3:</u></b> SEPTEMBER 3	Enforcing Sports Contracts	<u>Reading:</u> Chapter 2 Enforcing Sports Contracts
<b><u>WEEK 4:</u></b> SEPTEMBER 10	Basketball Contracts	<u>Reading:</u> Chapter 3 Basketball Contracts
<b><u>WEEK 5:</u></b> SEPTEMBER 17	Football Contracts	<u>Reading:</u> Chapter 4 Football Contracts

<b><u>WEEK 6:</u></b> SEPTEMBER 24	Baseball Contracts	<a href="#">Reading:</a> Chapter 5 Baseball Contracts
<b><u>WEEK 7:</u></b> OCTOBER 1	Endorsement Contracts Licensing and Sponsorship Agreements	<a href="#">Reading:</a> Chapter 7 Endorsement Contracts Chapter 8 Licensing and Sponsorship Agreements
<b><u>WEEK 8:</u></b> OCTOBER 8	<b>MIDTERM</b>	<b>MIDTERM</b>
<b><u>WEEK 9:</u></b> OCTOBER 15	Agents	<a href="#">Reading:</a> Chapter 10 Agents
<b><u>WEEK 10:</u></b> OCTOBER 22	Teams	<a href="#">Reading:</a> Chapter 11 Teams
<b><u>WEEK 11:</u></b> OCTOBER 29	NIL/ Special Topics in Representing Sports Clients	<a href="#">Reading:</a> TBA
<b><u>WEEK 12:</u></b> NOVEMBER 5	Ethics and Special Topics in Representing Sports Clients	<a href="#">Reading:</a> TBA
<b><u>WEEK 13:</u></b> NOVEMBER 12	<b>LEGISLATIVE DAY</b>	<b>NO CLASS</b>
<b><u>WEEK 14:</u></b> NOVEMBER 19	<b>FINAL NEGOTIATIONS</b>	In-Class Final Negotiations

		<p><b>Due:</b> Students negotiating on 11/19 must submit Final Joint Contract by <b>11/22</b>. Email Professor Smith by 7pm. Must be in Word format. Must also be Upload to TurnItIn.</p>
<p><b>WEEK 15:</b> NOVEMBER 26</p>	<p><b>FINAL NEGOTIATIONS/ COURSE DE-BRIEF</b></p>	<p>In-Class Final Negotiations</p> <p><b>Due:</b> Students negotiating on 11/26 must submit Final Joint Contract by <b>11/29</b>. Email Professor Smith by 7pm. Must be in Word format. Must also be Upload to TurnItIn.</p>

## **Expectations for Students in Zoom Sessions:**

- **Find a dedicated quiet space to attend Zoom sessions, to minimize the chances that you will be disrupted during the session.**
- **Arrive to class early and dressed as you would to attend an in-person class.**
- **Your camera must be turned on for the duration of the class. If desired, you can use the background settings in Zoom to create an artificial background that blocks the view of your space while still allowing you to be seen on camera.**
- **Come prepared, as you would for an in-person class. Participation in Zoom classes is as important as it is during an in-person class session.**
- **Do not multitask – stay focused on the class discussion – do not wander in and out of the Zoom session.**
- **If you have to miss a Zoom session, or arrive late or leave early, notify the professor in advance, as you would for an in-person class.**
- **If you have connectivity issues, whether it be long-term or short-term, that impact your ability to participate (e.g., if you are limited to dial-in without video), notify your professor so other accommodations can be explored.**
- **Do not post screenshots or recordings of any Zoom classes on social media. Such actions would constitute a violation of the Student Honor Code. If you need access to a recording of the Zoom session, please contact your professor.**
- **Sign into Zoom with the name under which you are registered for class. If you prefer to be called by a different name or nickname, please notify your professor in advance so you are not marked absent.**
- **Unless your professor instructs you otherwise, mute your microphone when you are not speaking. Unmute to speak or to ask or answer questions.**
- **Zoom classes are not YouTube or Netflix. You should be actively engaged in answering questions, taking notes, writing down questions you wish to ask later during class or during office hours, etc. This will not only help you stay engaged and participating in class, it will also help your learning in the online format.**

- **If you are using your computer to take notes and/or using an e-casebook, remember that you may not be able to easily switch between those apps and the Zoom session. This could undermine your ability to pay attention to the class discussion. Figure out how you will resolve that technological issue before your first class session and consider possible modifications to your normal note taking style (e.g., handwritten notes) or using a two-screen set-up.**
- **Zoom has a number of tools available to you as a student: yes/no symbols, raise hand and thumb icons, share screen (with permission of the professor), chat windows, etc. Please familiarize yourself with those tools before class so that you can use them as requested by the professor. Your professor will inform you about the ways in which you should use these tools in that particular class.**
- **Professors may use a number of interactive functions in Zoom to engage with students, e.g., polling questions, breakout rooms, as well as asking you to share your screen, type in the chat window. Like being called on in a live classroom, you are expected to participate fully in these activities and functions, i.e., answer polling questions, speak with your classmates in breakout groups, share your screen as requested, etc.**



## **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.