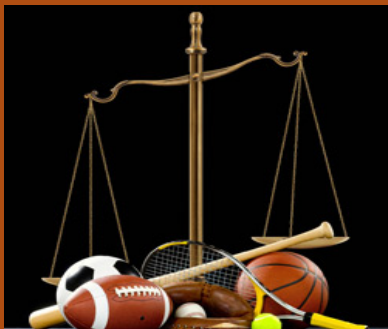




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MESSAGE FROM THE CHAIR

Welcome to the first issue of the Newsletter of the AALS Section on Law and Sports. It has been an honor to serve as Section Chair this year, following in the footsteps of so many sports law greats. The Section on Law and Sports promotes the communication of ideas, interests, and activities among its members, and makes recommendations on matters of interest in the teaching and improvement of the law relating to sports. We aim to serve those who teach, write, and practice in this field, and ask for your suggestions on how we can better achieve that objective.

“I have found sports law faculty and practitioners to be team players who are always available to help out their colleagues in the field.”

We are particularly proud this year of the panel we sponsored at the AALS 2018 Annual Meeting in San Diego, California: “Legal Implications of Social and Political Activism in Sports.” Co-sponsored by the Section on Contracts, the program examined both public and

private law issues that arise whenever individuals and organizations in the sports industry try to make socially responsible choices or engage in social or political activism. A special thanks to Ettie Ward, our past Chair and panel moderator for organizing this enthusiastically received program, as well as to the panelists: Section executive committee members Meg Penrose and Laura Rene McNeal, and Jeffery B. Fannell, athlete advocate and former Assistant General Counsel of the MLBPA.

Our section is growing every year, and its members are busier and more productive than ever, which you can read about further in this newsletter. Another distinctive attribute of our membership is their generous and collegial mind-set. I have found sports law faculty and practitioners to be team players who are always available to help out their colleagues in the field, whether that be participating on a panel, providing feedback on an article, or sharing a syllabus. Feel free to reach out to Section leadership whenever you have a sports law need or question.

As sports have evolved into a vital part of society, with immense social, economic, cultural, and geopolitical impact, this Section aspires to provide an academic home for scholarship and dialogue that will further the study of the legal dimension of this societal force.

As in sports, this Newsletter was accomplished only with collaboration and teamwork, with special thanks to its editor, Maureen Weston.



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Louisville Brandeis School of Law
Ettie Ward, St. John's University
School of Law
Maureen A. Weston, Pepperdine
University School of Law

2019 ANNUAL MEETING PROGRAM

All are invited to attend the Section on Law and Sports' Program at the AALS 2019 Annual Meeting in New Orleans, Louisiana, where we will explore **"The Dark Side of Sports: Crime, Corruption, and Cost."** This panel discussion is scheduled for Thursday, January 3, 10:30 a.m. to 12:15 p.m., with moderator Jodi Balsam (Brooklyn) and panelists: Will Berry (Ole Miss), John Holden (Oklahoma State), Dionne Koller (Baltimore), and Samir Gandhi (Sidley Austin, FIFA Reform Committee).

Sports are usually thought of as a force for good, demonstrating values of teamwork, perseverance, and human achievement. However, sports are as susceptible as any global industry to criminal activity and corruption, imposing significant costs on the many constituencies who make up and support the game. The panelists will explore how criminality in sports has manifested in management corruption (e.g., FIFA and US college basketball bribery scandals), threats to the integrity of the game (e.g., gambling-related match-fixing in professional tennis), and abuse of vulnerable athletes (e.g., Larry Nassar's molesting underage gymnasts). Although the sports industry has responded with good governance initiatives and efforts at self-policing, these reforms have not abated the calls for greater public regulation of sports, including the imposition of criminal penalties. This program examines what constitutes sports corruption and criminality that public policy and resources should address, and what is the appropriate legislative and law enforcement response to sports world misconduct.

2019 LAW AND SPORTS SECTION AWARD

The AALS Section on Law and Sports is pleased to announce that we will recognize Professor Matthew Mitten by presenting him with the Section Award at the 2019 Annual Meeting in New Orleans. The Section award recognizes an individual for substantial and significant contributions to

scholarship, teaching and service in the area of law relating to sports. Professor Mitten teaches at Marquette University Law School in Milwaukee, Wisconsin, where he is the Executive Director of the National Sports Law Institute and the law school's LL.M in Sports Law program for foreign lawyers. He has co-authored a leading textbook used in sports law courses and has published numerous important articles that helped define the field.

Professor Mitten is also an arbitrator for the Court of Arbitration for Sport and the American Arbitration Association's commercial, consumer, doping and Olympic sports arbitration panels, as well as the UFC and the Ladies Professional Golfers Association anti-doping panels. He has served as the sole arbitrator, chair, or panel member in numerous sports, commercial, or consumer arbitrations. He is a member of the Sports Lawyers Association Board of Directors (serving as SLA president from May 2015-May 2017) and the Advisory Board for the Sports & Society Initiative of The Ohio State University College of Arts and Sciences. He formerly chaired the AALS Section on Law and Sports and the National Collegiate Athletic Association's Committee on Competitive Safeguards and Medical Aspects of Sports, and served on the inaugural Board of Directors of the Forum for the Scholarly Study of Intercollegiate Athletics. Importantly, Professor Mitten's long list of activities and accomplishments illustrate that he has played an important role both within the academy and in sports law practice. His contributions to our section, to the development of sports law as an academic discipline, and to the field generally certainly put him among the elite group of those for whom this award was intended.



MEMBER ANNOUNCEMENTS

Jodi S. Balsam (Brooklyn)—Appointed to the LawInSport Editorial Board, North American Division, where she joins fellow AALS Law and Sports Section member Maureen Weston.

Timothy Davis (Wake Forest)—Selected by the AALS Section on Law and Sports to receive the 2018 Section Award

Michael McCann (UNH)—Announced the launch of the first-ever professional certificate in sports wagering and integrity, a five-course program that will be available online from UNH School of Law in 2019.

Laura R. McNeal (Louisville)—Promoted to Associate Professor of Law with tenure by the University of Louisville Brandeis School of Law

Matthew Mitten (Marquette)—Selected by the National Athletic Trainers' Association to receive the 2018 "Professional Responsibility in Athletic Training Award for Distinction in the Advancement of Legal, Ethical and Regulatory Issues"

PUBLICATIONS AND PRESENTATIONS

Jodi S. Balsam (Brooklyn)

With Stephen F. Ross, Michael C. Harper, and William W. Berry, III, *SPORTS AND THE LAW: TEXT, CASES, AND PROBLEMS* (6th ed. West Dec. 2018)

William W. Berry, III (Ole Miss)

The Transfer Litmus Test, 18 VA. SPORTS & ENT. L. J. ___ (forthcoming 2018).

N. Jeremi Duru (American University)

In Search of the Final Head Ball: The Case for Eliminating Heading from Soccer, ___ MISSOURI L. REV. ___ (forthcoming 2018)

Gabriel Feldman (Tulane)

What if Kaepernick is Correct?: A Look at the Collusion Criteria in Professional Sports, 9 HARV. J. SPORTS & ENT. L. 157 (2018)

Daniel Gandert (Northwestern)

The Court of Arbitration for Sport: The Insurer of Fairness in Doping cases, in *SPORTS LAW—PRESENT AND FUTURE*, edited by Kee-Young Yuen, 2018

Dionne Koller (Univ. of Baltimore)

A Twenty-First Century Olympic and Amateur Sports Act, 20 VAND. J. ENT. & TECH. L. 1027 (2018)

Matthew Mitten (Marquette)

Baseball Jurisprudence: Its Effects on America's Pastime and Other Professional Sports Leagues, 50 ARIZ. ST. L. J. ___ (2018) (with Allan H. "Bud" Selig)

Matt Parlow (Chapman)

Race, Speech, and Sports, 52 U. RICH. L. REV. 923 (2018)

Hope and Faith: The Summer of Scott Boras's Discontent, 10 HARV. J. SPORTS & ENT. L. ___ (forthcoming 2018)

PUBLICATIONS AND PRESENTATIONS (cont'd)

Meg Penrose (Texas A&M)

Take a Knee... or Shut Up and Dribble? Managing Social Activism and Freedom of Speech in Sports, ABA Forum on the Entertainment and Sports Industries, American Bar Association 2018 Annual Conference

Josephine (Jo) R. Potuto (Nebraska)

Swinging at the Facts: How Baseball Informs Legal Argument, 78 LSU L. REV. 245 (2018)

Stephen F. Ross (Penn State)

Hosted the "Sports Labor Conference" at the Penn State Center for the Study of Sports in Society, Nov. 9, 2018

Maureen Weston (Pepperdine)

ARBITRATION: LAW, POLICY, AND PRACTICE (Carolina Acad. Press 2018)

Alfred C. Yen (Boston College)

Panelist, *Entity Betting & the Future of Sports Gambling*, NYU School of Law Sixth Annual Sports Law Colloquium, published in 14 N.Y.U. J.L. & BUS. 729 (2018)

Second Annual Section Lunch at the 2019 Annual Meeting

Join fellow members of the Section on Law and Sports at a "**NO-HOST**" lunch directly after the Section Program (visit <https://www.palacecafe.com/> for menu and pricing, approx. \$35/person)

When: Thursday, January 3, 2019, 12:45-2:00 p.m.

Where: Palace Café, 605 Canal Street, New Orleans, LA

R.S.V.P. (essential by 12/26/18): jodi.balsam@brooklaw.edu

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<https://www.aals.org/sections/list/sports/>

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