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MESSAGE FROM THE CHAIR

Welcome to the second issue of the Newsletter of the AALS Section on Law and Sports. It has been an honor to serve as Section Chair this year. 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.

“One of the many advantages that being in sports law offers is its connectivity among many disciplines—the diversity of academic backgrounds of section members provides a richness in sharing ideas about teaching, scholarship, and service to the profession.”

We hope that many of you enjoyed the panel we sponsored at the AALS 2019 Annual Meeting in New Orleans, Louisiana: “The Dark Side of Sports: Crime, Corruption, and Cost.” Co-sponsored by the Section on Criminal Justice, the program examined 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). Many thanks to Jodi Balsam, our past Chair and panel moderator, for organizing this program, which included section executive committee members Will Berry (Ole Miss) and Dionne Kohler (Baltimore), John Holden (Oklahoma State), and Samir Gandhi (Sidley Austin, FIFA Reform Committee).

As our section continues to grow, we hope that it will be a place where members can connect, and form deeper collegial relationships throughout our field. One of the many advantages that being in sports law offers is its connectivity among many disciplines—the diversity of academic backgrounds of section members provides a richness in sharing ideas about teaching, scholarship, and service to the profession. In recent years, we have tried to capitalize on this diversity of intellectual backgrounds by partnering with other sections including the Section on Contracts (2018), the Section on Criminal Justice (2019), and the Sections on Law, Medicine & Health Care and Torts & Compensation Systems (2020).



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Maureen A. Weston, Pepperdine
University School of Law

We are blessed in our section with colleagues that are engaged and possess a generous and collegial approach to their work. We look forward to continuing to build this community and collaborate on teaching, research, and service. 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.

2020 ANNUAL MEETING PROGRAM

All are invited to attend the Section on Law and Sports Program at the AALS 2020 Annual Meeting in Washington, D.C., where we will explore “**Sports, Torts, and Health: The Role of Law in Protecting Athlete Welfare.**” This panel discussion is scheduled for Friday, January 3, 8:30 a.m. to 10:15 a.m., with moderator Will Berry (Ole Miss) and panelists Ellen Bublick (Arizona), Paul Haagen (Duke), Jessica Roberts (Houston) and Fred Yen (Boston College). The panel, which will meet in room Madison B (mezzanine level) of the Marriott Wardman Park Hotel is co-sponsored by the Section on Law, Medicine & Health Care and the Section on Torts & Compensation Systems.

The topic of the panel is as follows: Participation in sports poses risks to athletes on and off the field. On the field, in many sports including football, soccer, and hockey, head injuries to athletes have raised concern about long-term cognitive impairment. This risk impacts not only the professional game, but also trickles down to college, high school, and youth sports, and threatens the future of tackle football. Given the potential for a wide range

of serious injuries from athletic participation, questions about best practices and assumption of the risk pervade sports. These include the use and enforceability of liability waivers, the availability of medical personnel and equipment at practices and games, and the duration and conditions of practices and games. The scope of vicarious liability continues to be contested, raising questions of coach, athletic director, and institutional litigation exposure and statutory immunity. The role of sports equipment manufacturers in protecting health and safety also remains paramount, and product liability issues persist. Off the field, sexual abuse of vulnerable athletes has exposed a troubling aspect of the relationship between athletes and those responsible for their welfare, and has invited claims of institutional tort liability. Further, the methods and medications used in athlete health care have generated legal concern, particularly with respect to opioid painkillers and performance enhancing drugs. With the legalization of cannabis in some jurisdictions, sports organizations will have to address the use of marijuana in the treatment of athletes. This panel will provide a window into the many cross-cutting legal issues at the intersection of tort and sports, and how the options for addressing those issues will impact athletes, institutions, and the future of sports.

We will have a brief meeting at the conclusion of the panel at 10:15a.m. to discuss future business. Please stay for the meeting if you are able to attend the panel.

2020 LAW AND SPORTS SECTION AWARD

The AALS Section on Law and Sports is pleased to announce that we will recognize Professor Maureen A. Weston by presenting her with the Section Award at the 2020 Annual Meeting in Washington, D.C. 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 Weston teaches at Pepperdine University Caruso School of Law in Malibu, California, where she is a Professor of Law and Academic Co-Director of the Institute for Entertainment, Media, Sports, and Culture.

Professor Weston received her JD from the University of Colorado, and BA in Economics/Political Science at the University of Denver. Professor Weston teaches courses on arbitration, mediation, negotiation, international dispute resolution, legal ethics, and U.S. and international sports law. She serves as Faculty Advisor to the Sports & Entertainment Law Society and Dispute Resolution Journal, and as coach for ICC Mediation Advocacy and Sports & Entertainment Law Negotiation competitions. Weston has taught law at the University of Oklahoma, University of Colorado, University of Las Vegas Nevada, Hamline, and in Oxford, England. Prior to teaching, Weston practiced law with Holme Roberts & Owen and Faegre & Benson in Colorado. She is actively involved in programs furthering opportunities for students to gain experience in negotiation, mediation and arbitration. Her committee service includes the ABA, Law School Division, Arbitration Competition, AALS Sports Law Executive Committee, and former chair of the ABA Dispute Resolution Education Committee and Representation in Mediation Competition. She is a member on the Boards of Directors at the University of Colorado School of Law Alumni Board, the National Sports Law Institute at Marquette School of Law, Malibu Little League, and Editorial Board of LawInSport. A frequent speaker at conferences, Weston is co-author of casebooks on sports law and arbitration and has written numerous articles in the area of Olympic and International Sports Arbitration, disability law, sports law, and dispute resolution.



Many of us have been blessed by Professor Weston's many, many contributions to the field of sports law over the past two decades. Please congratulate her on this well-deserved honor!

MEMBER NEWS, PUBLICATIONS, AND PRESENTATIONS

Brooklyn Law School Professor **Jodi Balsam**, co-author of the Weiler-Roberts sports law casebook and former in-house counsel at the National Football League, has been named by the National Collegiate Athletic Association (NCAA) to its Independent Resolution Panel, one of the groups created as part of the new Independent Accountability Resolution Process (IARP). These changes were made based on recommendations issued last year by the Commission on College Basketball, chaired by former U.S. Secretary of State Condoleezza Rice. The Independent Resolution Panel will review allegations issued by the Complex Case Unit and the school's response to those allegations. It will then conduct a hearing, decide whether violations occurred, and prescribe penalties. The panel consists of 15 members with legal, higher education and/or sports backgrounds who are not staff members at an NCAA member institution or conference.

University of Mississippi Law School Professor **William W. Berry III** will be hosting and moderating the Ninth Annual MISSISSIPPI SPORTS LAW REVIEW symposium in February, 2020 on "The Future of Intercollegiate Athletics in Mississippi." He also plans to participate in the Sports Law Symposium hosted by Donald Polden and the Santa Clara Law Review in March, 2020.

MEMBER NEWS, PUBLICATIONS, AND PRESENTATIONS (cont'd)

Professor **Ed Edmonds** at the University of Notre Dame Law School is one of the two co-editors (the other is Frank Houdek of Southern Illinois) of the Business and Legal Aspects of Sports and Entertainment (BLASÉ), a database that was introduced on HeinOnline in October. The database houses over 8,000 articles and will be a helpful tool for those interested. More information is here: <https://home.heinonline.org/blog/2019/10/new-database-business-and-legal-aspects-of-sports-and-entertainment/>.

Tonya Evans, Associate Dean of Academic Affairs and Professor of Law at the University of New Hampshire Franklin Pierce School of Law released a podcast on "[Blockchain and the Sports Industry](#)". She also contributed to two online news articles:

- [Pro Athletes Buying into Cryptocurrency](#)" by Pat Evans (Dec. 12, 2019)
- "[Spencer Dinwiddie And Reimagining the NBA With Tokenized Contracts](#)" by Michael McCann (featuring commentary from Tonya M. Evans) (Nov. 5, 2019)

Robert M. Jarvis, Professor of Law at NOVA Southeastern University, Shepard Broad College of Law, published the following articles:

- *A "Paucity of Details": S.J. Crane and the Baseball Rule*, 54 TORT TRIAL & INSURANCE PRACTICE LAW JOURNAL 69 (2019)
- *Anatomy of a Baseball Law Course*, 29 MARQUETTE SPORTS LAW REVIEW 381 (2019)
- *Flying Baseballs, Injured Fans, Uncertain Liability: Why Legislative Action is Needed in the Sunshine State*, 93 FLORIDA BAR JOURNAL 34 (Jan./Feb. 2019)

Matthew Mitten, Professor of Law and Executive Director, National Sports Law Institute, Marquette University School of Law has been appointed as an Arbitrator, Court of Arbitration for Sport Anti-doping Division, 2020 Tokyo Olympic Games. He also co-authored the most recent edition of his book, *Sports Law and Regulation: Cases, Materials, and Problems* (Aspen/Wolters Kluwer 5th ed. 2020) (co-authored with Timothy Davis, Jeremi Duru, and Barbara Osborne) and the corresponding Teachers Manual.

Maureen Weston, Professor of Law and Academic Co-Director of the Institute for Entertainment, Media, Sports, and Culture at Pepperdine University Caruso School of Law, has published the new edition of her textbook, *Sports Law: Cases & Materials & Instructor's Manual* (Carolina Academic Press 9th ed. 2020), co-authors Raymond Yasser, James McCurdy, Peter Goplerud), with accompanying Teacher Manual and slides. She also published the following articles:

- *Sport Sanction or Illegal Work Restriction? Coach McNair v. NCAA*, LawInSport (2019)
- Conference Organizer, Esports Summit: Law, Industry, & Dispute Resolution (2019)
- *Inside Sports Arbitration*, Sports Lawyers Association Annual Conference (2019)
- Educating Tomorrow's Lawyers for Global Sports Law Practice, LawInSport Annual Conference (London 2019)

Professor Weston also wants to announce the Academic Session at Sports Lawyers Association Annual Conference & Call for papers: Submission window is now open for the second annual academic paper session at the 46th Sports Lawyers Association (@sportslawyers) conference May 13-16, 2020 in Miami, Florida, USA. Call for papers and other details at https://www.sportslaw.org/events/academic_paper_section.cfm.

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