**SPORTS LAW SYLLABUS, FALL 2022**

## **INSTRUCTOR’S CONTACT INFORMATION:**

## Darren A. Heitner

## Cell: (954) 558-6999

## Email: [heitner@gmail.com](mailto:heitner@gmail.com)

## Office Hours: Students are free to meet with the professor for the first half-hour following each class.

## Description of the course:

This course will focus on the intersection of sports and law, with topics such as agency, amateurism, intellectual property and contract drafting/disputes under examination. The goal is to provide students with an understanding of how Sports Law is both a combination of other areas of law applied to the business of sports and also its own unique area of the law with precedent formed outside of courts of law.

## Academic honesty:

Academic honesty and integrity are fundamental values of the University community. Students should be sure that they understand the UF Student Honor Code at <http://www.dso.ufl.edu/students.php>.

## Grading information and grading scale:

The Levin College of Law’s mean and mandatory distributions are posted on the College’s website and this class adheres to that posted grading policy.

Your grade will be based on class participation/attendance (10% of grade) and the final exam (90% of grade). The final exam (take home) will be multiple choice/true false and due by 11:59 p.m. on September 2, 2021. The law school policy on exam delays and accommodations can be found [here](https://www.law.ufl.edu/life-at-uf-law/office-of-student-affairs/current-students/forms-applications/exam-delays-accommodations-form).

The following chart describes the specific letter grade/grade point equivalent in place:

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| --- | --- |
| Letter Grade | Point Equivalent |
| A (Excellent) | 4.0 |
| A- | 3.67 |
| B+ | 3.33 |
| B | 3.0 |
| B- | 2.67 |
| C+ | 2.33 |
| C (Satisfactory) | 2.0 |
| C- | 1.67 |
| D+ | 1.33 |
| D (Poor) | 1.0 |
| D- | 0.67 |
| E (Failure) | 0.0 |

The law school grading policy is available at: https://www.law.ufl.edu/life-at-uf-law/office-of-student-affairs/current-students/uf-law-student-handbook-and-academic-policies.

## Accommodations:

Students requesting accommodation for disabilities must first register with the Disability Resource Center (<http://www.dso.ufl.edu/drc/>). Once registered, students will receive an accommodation letter which must be presented to the Assistant Dean for Student Affairs (Dean Mitchell) when requesting accommodation. Students with disabilities should follow this procedure as early as possible in the semester. The law school policy on exam delays and accommodations can be found [here](http://www.law.ufl.edu/student-affairs/current-students/forms-applications/exam-delays-accommodations-form).

## Attendance:

Per ABA requirements, please attend all classes, unless you e-mail me in advance with a legitimate excuse. Requirements for class attendance and make-up exams, assignments, and other work in this course are consistent with university policies that can be found at: <https://catalog.ufl.edu/ugrad/current/regulations/info/attendance.aspx>.

Classroom and Class time:

This course will meet on the following dates and times:

Monday-Friday -- August 15th-18th from 3pm-5:50pm; August 19 from 10am-11:50am.

Classroom: HH - 360

## Workload/class preparation:

ABA Standard 310 requires that students devote 120 minutes to out-of-class preparation for every “classroom hour” of in-class instruction. This course has 3 “classroom hours” of in-class instruction each day, requiring at least 6 hours of preparation outside of class for each day of class.

## Examples of Learning Outcomes:

After completing this course, students should be able to:

1. Describe the statutory foundations of athlete agent laws and their application to recruiting and representing professional athletes in marketing and team contracts;

2. Demonstrate an understanding of the use of publicity rights (name, image and likeness) in the State of Florida and all other U.S. jurisdictions;

3. Explain binding legal precedent in players association disputes, with a focus on the National Football League Players’ Association;

4. Apply strategic and practical considerations concerning a variety of intellectual property concerns for individuals and corporate entities in the realm of sport; and

5. Explain how force majeure clauses play a significant role in sport-related disputes.

Required Text:

* + Darren Heitner, How to Play the Game: What Every Sports Attorney Needs to Know (3d ed. 2021) - <https://tinyurl.com/4za8523a>

Class Recording Policy:

* The Office of Student Affairs will continue to record all classes via Mediasite in case students must miss class for health reasons. The Office of Student Affairs will determine when students may have access to these recordings, and the recordings will be password protected. These recordings will be retained only for a short period of time and it is the student’s responsibility to contact the Office of Student Affairs as soon as possible after an absence.”

## Course Evaluations:

Students are expected to provide professional and respectful feedback on the quality of instruction in this course by completing course evaluations online via GatorEvals. Click here for guidance on how to give feedback in a professional and respectful manner. Students will be notified when the evaluation period opens and may complete evaluations through the email they receive from GatorEvals, in their Canvas course menu under GatorEvals, or via ufl.bluera.com/ufl/. Summaries of course evaluation results are available to students here.

**AUGUST 15, 2022 - Athlete Agent Laws/Regulations**

Guest speaker: David Mulugheta

Required Reading: Chapter 1 of How to Play the Game.

In Class discussion: UAAA, SPARTA, NFLPA Regulations, NBPA Regulations, MLBPA Regulations, Zion Williamson v. Prime Sports, Terry Watson discipline.

**AUGUST 16, 2021 – NIL and Alston v. NCAA**

Guest speaker: Marcus Castro-Walker, Leah Clapper, Michael Raymond

Required Reading:

1. Chapters 3 and 8 of How to Play the Game
2. NCAA v. Alston: <https://www.supremecourt.gov/opinions/20pdf/20-512_gfbh.pdf>
3. Florida law: <https://www.flsenate.gov/Session/Bill/2020/646/BillText/er/PDF>
4. NCAA Q&A: <https://ncaaorg.s3.amazonaws.com/ncaa/NIL/NIL_QandA.pdf>
5. NCAA Guidance: <https://ncaaorg.s3.amazonaws.com/ncaa/NIL/May2022NIL_Guidance.pdf>
6. Where HS NIL is allowed: <https://businessofcollegesports.com/high-school-nil/>

In Class discussion: State NIL laws (and modifications thereto), school NIL policies, the NCAA's interim NIL policy and guidance, the states that allow high school athletes to participate in NIL activity, challenges for international students when it comes to NIL, proposed federal regulation, and review different types of NIL contracts (including sports agent representation contracts, collective contracts, and brand contracts).

**AUGUST 17, 2021 - Sports IP, Gambling and Fantasy Sports**

Guest speaker: Marc Edelman

Required Reading: Chapter 4 and 5 of How to Play the Game

In Class discussion: Kawhi v. Nike, Steven Mitchell v. LeBron James, Nike v. MSCHF, Trust the Process TTAB decision, Perfect Practice case.

**AUGUST 18, 2021 – Arbitration Process and Precedent**

Guest speaker: Daniel Visoiu

Required Reading: Chapter 2 of How to Play the Game

In Class discussion: Quantum meruit, statute of limitations, fee disputes, double-dipping, fee tails, duty of loyalty, oral modifications, five-day rule, tortious interference, improper inducement.

**AUGUST 19, 2021 – Miscellaneous**

Guest speaker: Dan Lust

In Class discussion: Deshaun Watson case, Oliver Luck v. XFL, Daniel Snyder, Brian Flores, Casey Close v Doug Gottlieb.