**SPORTS LAW SYLLABUS, FALL 2021**

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

## Darren A. Heitner

## Cell: (954) 558-6999

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

## Office Hours: By appointment, but students should feel free to contact the professor at any time to discuss legal issues or to ask questions. Students are welcome to contact the professor via email, text, or phone.

## 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 essay and due by 11:59 p.m. on September 11, 2021.

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

|  |  |
| --- | --- |
| 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.

## 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 16th-20th from 2pm-5pm. (Friday’s class will only go until 4pm)

Classroom: TBD

## 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 (2d ed. 2019) - <https://bit.ly/2Ah152C>

## 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 16, 2021 - Athlete Agent Laws/Regulation/Focus on Zion Williamson.**

Guest speaker: Jason Rosenhaus

Required Reading:

* 1. FL version of the UAAA (read only Part IX – 468.451-468.457): <http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&URL=0400-0499/0468/0468.html>
  2. SPARTA: <https://uscode.house.gov/view.xhtml?req=granuleid%3AUSC-prelim-title15-chapter104&edition=prelim>
  3. NCAA regulation: <http://www.ncaa.org/enforcement/agents-and-amateurism>
     1. 2021 NBA Educational Memo: <https://ncaaorg.s3.amazonaws.com/enforcement/2021ENF_NBAMemo.pdf>
     2. 2019 MLB Educational Memo: <https://ncaaorg.s3.amazonaws.com/enforcement/2019ENF_MLBEducationalMemo.pdf>
     3. 2019 NFL Education Memo: <https://ncaaorg.s3.amazonaws.com/enforcement/2019ENF_NFLEducationMemo.pdf>
     4. Basketball agent certification: <http://www.ncaa.org/enforcement/agents-and-amateurism/agent-certification>
  4. Zion Williamson v. Prime Sports in NC
     1. Amended Complaint: <https://heitnerlegal.com/wp-content/uploads/1AM-Zion-v-Prime.pdf>
     2. Order on partial judgment on the pleadings: <https://heitnerlegal.com/wp-content/uploads/Order-on-Partial-Judgment-of-Pleadings-in-Zion.pdf>
     3. Motion to amend judgment: <https://heitnerlegal.com/wp-content/uploads/Motion-to-Amend-Judgment-in-Zion.pdf>
     4. Motion based on newly discovered evidence: <https://heitnerlegal.com/wp-content/uploads/Motion-based-on-newly-discovered-evidence-in-Zion.pdf>

**AUGUST 17, 2021 - NCAA Issues, Including Name, Image, and Likeness**

Guest speaker: Marc Edelman

Required Reading:

1. NCAA v. Alston: <https://www.supremecourt.gov/opinions/20pdf/20-512_gfbh.pdf>
2. Florida law: <https://www.flsenate.gov/Session/Bill/2020/646/BillText/er/PDF>
3. Texas law: <https://legiscan.com/TX/text/SB1385/id/2407682/Texas-2021-SB1385-Enrolled.html>
4. Mississippi law: <https://legiscan.com/MS/text/SB2313/id/2351829/Mississippi-2021-SB2313-Enrolled.html>
5. NCAA Q&A: <https://ncaaorg.s3.amazonaws.com/ncaa/NIL/NIL_QandA.pdf>

**AUGUST 18, 2021 - Sports IP Concerns**

Guest speaker: Michael McCann

Required Reading:

1. Kawhi v. Nike
   * 1. Complaint filed against Nike: <https://heitnerlegal.com/wp-content/uploads/Kawhi-complaint.pdf>
     2. Answer and Counterclaim filed by Nike: <https://heitnerlegal.com/wp-content/uploads/Nike-ans-and-counterclaim.pdf>
     3. Order on Nike’s motion for judgment on the pleadings: <https://heitnerlegal.com/wp-content/uploads/Kawhi-Nike-order-on-pleadings.pdf>
2. Lamar Jackson v. Amazon: <https://heitnerlegal.com/wp-content/uploads/Lamar-Jackson-v-Amazon.pdf>
3. Richard Barnes v. Lamar Jackson - <https://heitnerlegal.com/wp-content/uploads/Lamar-Jackson-copyright-infringement.pdf>
4. Steven Mitchell v. LeBron James
   1. 1st Amended Complaint: <https://heitnerlegal.com/wp-content/uploads/1st-Amended-Complaint-vs-LeBron.pdf>
   2. Answer and Counterclaim: <https://heitnerlegal.com/wp-content/uploads/Lebron-James-counterclaim-1.pdf>
   3. Motion to dismiss LeBron’s counterclaims: <https://heitnerlegal.com/wp-content/uploads/MTD-LeBron-counterclaims.pdf>
   4. <https://heitnerlegal.com/wp-content/uploads/LeBrons-opposition-to-MTD.pdf>
5. Aaron M. Sprecher v. Deshaun Watson - <https://heitnerlegal.com/wp-content/uploads/Specher-v-Watson.pdf>
6. Puma vs Olympics: <https://heitnerlegal.com/wp-content/uploads/USOPC-v-Puma.pdf>
7. Trust The Process TTAB - <https://heitnerlegal.com/wp-content/uploads/Decision-on-Trust-the-Process.pdf>
8. Nike vs MSCHF
   1. Complaint: <https://heitnerlegal.com/wp-content/uploads/Nike-v-MSCHF-Complaint.pdf>
   2. Order on TRO: <https://heitnerlegal.com/wp-content/uploads/Order-on-TRO-in-Nike-v-MSCHF.pdf>
9. Pasadena Tournament of Roses Association v City of Pasadena
   1. Complaint: <https://heitnerlegal.com/wp-content/uploads/PASADENA-TOURNAMENT-OF-ROSES-Complaint.pdf>
   2. Order Granting MTD: <https://heitnerlegal.com/wp-content/uploads/Order-Granting-MTD-in-Rose-Bowl-TM-case.pdf>
10. Lawsuit Against Dapper Labs - <https://heitnerlegal.com/wp-content/uploads/Dapper-Labs-Lawsuit.pdf>

**AUGUST 19, 2021 - Pro sports arbitration with a focus on the NFLPA**

Guest speaker: Daniel Visiou

Required Reading:

1. NFLPA regulations: <https://nflpaweb.blob.core.windows.net/media/Default/PDFs/Agents/RegulationsAmendedAugust2016.pdf>
   1. Butz, David v. Louis, Ricardo: <https://heitnerlegal.com/wp-content/uploads/Butz-David-v.-Louis-Ricardo-2018.pdf>
   2. Floyd, Cleodis v. NFLPA: <https://heitnerlegal.com/wp-content/uploads/Floyd-Cleodis-v.-NFLPA-2013.pdf>
   3. Rosenhaus v. Jackson, DeSean: <https://www.scribd.com/document/512161903/Rosenhaus-v-Jackson-DeSean-Conway-2016>
2. MLBPA regulations: <http://reg.mlbpaagent.org/Documents/AgentForms/Agent%20Regulations.pdf>
3. NBPA regulations: <https://cosmic-s3.imgix.net/fec8eea0-dbdc-11e9-a097-0b637a5431fa-Agent-Regulations--Final--2019.pdf>

**AUGUST 20, 2021 – Recent Hot Topics Including Sports Betting**

1. XFL vs. Oliver Luck
   1. 2nd Amended Complaint: <https://heitnerlegal.com/wp-content/uploads/Luck-v-XFL-2nd-Amended-Complaint.pdf>
   2. Amended Counterclaim: <https://heitnerlegal.com/wp-content/uploads/Luck-v-XFL-amended-counterclaim.pdf>
2. Bielema vs. Razorback Foundation
   1. Amended Complaint: <https://heitnerlegal.com/wp-content/uploads/Amended-Complaint-in-Bielema.pdf>
   2. Answer and Counterclaim: <https://heitnerlegal.com/wp-content/uploads/Answer-and-Counterclaim-in-Bielema.pdf>
3. Michael Rapaport v. Barstool - <https://heitnerlegal.com/wp-content/uploads/MSJ-Order-in-Rapaport-v-Barstool.pdf>
4. David Lee v. Raymond Brothers
   1. Complaint: <https://heitnerlegal.com/wp-content/uploads/David-Lee-v-Raymond-Brothers.pdf>
   2. Answer: <https://heitnerlegal.com/wp-content/uploads/Brothers-Answer.pdf>
5. Sports betting June 2021 update: <https://drive.google.com/file/d/1EvkOZ6i6cLd84HayEfUt9bjbNOw5HQ7C/view>