**SPORTS LAW SYLLABUS, FALL 2020**

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

## Darren A. Heitner

## Cell: (510) 376-7837

## Email: [heitner@gmail.com](mailto:heitner@gmail.com) or [darren@heitnerlegal.com](mailto:darren@heitnerlegal.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, 2020.

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: <http://www.law.ufl.edu/student-affairs/current-students/academic-policies#9>.

## 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 17th-21st from 10am-1pm.

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.

Recommended Texts:

* + Darren Heitner, How to Play the Game: What Every Sports Attorney Needs to Know (2d ed. 2019) - <https://bit.ly/2Ah152C>
  + Donald Dell – Never Make the First Offer - <https://amzn.to/2ZqAbhg>
  + Drew Rosenhaus - A Shark Never Sleeps - <https://amzn.to/2Ah1rX0>

**AUGUST 17, 2020 - Athlete Agent Laws/Regulation with an assist from Zion Williamson.**

* 1. Uniform Athlete Agents Act (UAAA) / Revised Uniform Athlete Agents Act (RUAAA)
     1. Background: <https://www.uniformlaws.org/committees/community-home?CommunityKey=cef8ae71-2f7b-4404-9af5-309bb70e861e>
     2. RUAAA with comments: <https://www.uniformlaws.org/HigherLogic/System/DownloadDocumentFile.ashx?DocumentFileKey=65a7feb8-177e-80c1-5468-64301f80b4ce&forceDialog=0>
  2. 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>
  3. SPARTA: <https://uscode.house.gov/view.xhtml?req=granuleid%3AUSC-prelim-title15-chapter104&edition=prelim>
  4. NCAA regulation: <http://www.ncaa.org/enforcement/agents-and-amateurism>
     1. 2019 NBA Educational Memo: <https://ncaaorg.s3.amazonaws.com/enforcement/2019ENF_NBAMemo.pdf>
     2. 2019 MLB Educational Memo: <https://ncaaorg.s3.amazonaws.com/enforcement/2019ENF_MLBEducationalMemo.pdf>
     3. Basketball agent certification: <http://www.ncaa.org/enforcement/agents-and-amateurism/agent-certification>
  5. Zion Williamson v. Prime Sports in NC Amended Complaint: <https://heitnerlegal.com/wp-content/uploads/1AM-Zion-v-Prime.pdf>
  6. Zion Williamson V. Prime Sports in NC motion for partial judgment on the pleadings: <https://heitnerlegal.com/wp-content/uploads/Zion-Motion-for-Partial-Judgment-on-the-Pleadings.pdf>

**AUGUST 18, 2020 - NCAA amateurism and NIL issues in the Sunshine State and beyond.**

* 1. California law: <https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201920200SB206>
  2. Florida law: <https://www.flsenate.gov/Session/Bill/2020/646/BillText/er/PDF>
  3. NCAA’s recommendations
     1. Background: <http://www.ncaa.org/about/resources/media-center/news/board-governors-moves-toward-allowing-student-athlete-compensation-endorsements-and-promotions>
     2. Recommendations: <https://ncaaorg.s3.amazonaws.com/committees/ncaa/wrkgrps/fslwg/Apr2020FSLWG_Report.pdf>

**AUGUST 19, 2020 - Sports intellectual property concerns, including Kawhi’s “Klaw”**

* 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. In-N-Out v. Puma
     1. Complaint filed by In-N-Out: <https://heitnerlegal.com/wp-content/uploads/In-N-Out-v-PUMA.pdf>
  3. Lamar Jackson v. Amazon: <https://heitnerlegal.com/wp-content/uploads/Lamar-Jackson-v-Amazon.pdf>
  4. Steven Mitchell v. LeBron James: <https://heitnerlegal.com/wp-content/uploads/LeBron-James-Copyright-Lawsuit.pdf>
  5. Inter Milan v. Inter Miami: <https://heitnerlegal.com/wp-content/uploads/MLS-v-Inter-Milan.pdf>

**AUGUST 20, 2020 - The world of pro sports arbitration with a focus on the NFLPA**

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://heitnerlegal.com/wp-content/uploads/Rosenhaus-v.-Jackson-DeSean.pdf>
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 21, 2020 – Recent Hot Topics**

1. Under Armour dispute with UCLA: <https://abovethelaw.com/2020/06/why-under-armour-should-be-scared-of-a-ucla-lawsuit/>
   1. Contract: <https://www.scribd.com/document/467278289/UCLA-and-Under-Armour-Agreement>
2. Coronavirus pledges/waivers
   1. Buckeye Acknowledgement and Pledge: <https://twitter.com/BillLandis25/status/1272541601743675395/photo/2>
   2. SMU Acknowledgement of Risk for COVID-19 Summer 2020: <https://heitnerlegal.com/wp-content/uploads/smu-waiver.jpg>
3. Analyzing the Legal Hurdles of Bringing Back Sports: <https://www.si.com/nba/2020/04/04/legal-hurdles-sports-returning-coronavirus-trump>