SPORTS LAW II
FINAL EXAMINATION

Commissioner Foley May 6, 2003

INSTRUCTIONS

Greetings beloved students. I'll keep this short, but please read these instructions and the exam questions, carefully.

The exam consists of two parts. Part One is one Essay Question. Part Two is seven "Short Answer" Questions. There is also some extra-credit questions for your enjoyment.

Feel free to refer to your casebook and statutory materials, as well as any notes you took in class or in preparation for this exam.

Part #1 is valued at 50%.

Part #2 is valued at 50%.

Write your responses in the bluebooks provided. Don't forget to write your exam number on each bluebook. You may write as much as you wish on the essay question but you will receive **no** credit for mere verbosity. Your essay response will be evaluated based upon:

1. Your demonstrated ability to identify and analyze disputed issues (including providing "major" **case** and **statutory** citations where appropriate) and to craft legal and factual arguments as well as

2. Your demonstrated knowledge of the legal processes to be used to resolve these disputes or otherwise protect the interests of the parties.

Good luck and Happy Summer!

PART ONE – ESSAY (1 question)

Assume the following facts:

A majority of the NCAA Rules Committee is distressed by the growing trend by which Division I basketball coaches, with their school's permission, leave in the middle of their coaching contracts to accept more lucrative contract offers with other Division I schools. At its May 2003 meeting, the Rules Committee voted to amend the NCAA "transfer" rule (Article 14.6.1 as outlined at page 745 of the Weiler and Roberts textbook) so that it applies to not just Division I "Student-Athletes" but to **Coaches** as well. Under this new rule, Coaches who leave a school during the term of their coaching contract would be ineligible to coach at an NCAA Division I school for one full academic year. This new "Coach Transfer Rule" is scheduled to take effect on June 1, 2003. A group of Division I basketball coaches want to challenge the "Coach Transfer Rule" in court. Intrigued by the notion of treble damages, the coaches are only interested in antitrust litigation. As a noted authority on Sports Law they have consulted you. Write the Coaches a memo advising them, **in detail,** about **each** of the following **four** items:

1. What is the best legal strategy the Coaches could use to challenge the new "Coach Transfer Rule"?

2. What legal, factual and policy arguments could the Coaches make to support their legal strategy?

3. What legal, factual and policy arguments could the NCAA make in response?

4. How would the case proceed and what would be the likely outcome of the Coach's litigation?

PART TWO – SHORT ANSWER (7 questions)

(answer in one or two sentences – maximum)

Question 1

As you know, the case of *Martin v. PGA Tour, Inc.* was decided by the US Supreme Court in 2001. Name a pre-2001 sports law case that a lower court might have decided differently if it had had the benefit of the Supreme Court's reasoning in *Martin.* Please briefly explain your answer.

Question 2

As you also know, the case of *NCAA v. Tarkanian* was decided by the US Supreme Court in 1988. Name a pre-1988 sports law case that the Plaintiff's lawyer likely would have either declined to file or would have pleaded significantly differently if *Tarkanian* had been in effect at that time. Please briefly explain your answer.

Question 3

Assume that "Local U", a university receiving federal funds, has, for the past 5 years had a student enrollment of 50% women and 50% men and a varsity participation rate of 60% men and 40% women. If Local U were to become a defendant in a Title IX lawsuit, what would be its best defense? Please briefly explain how we can know this from these few facts?

Question 4

Assume that "Exclusive U", a university receiving federal funds, has student enrollment of 50% women and 50% men and a varsity athletic participation rate of 51% women and 49% men. Assume also that Exclusive U's Board of Trustees has announced budget cuts that would abolish its women's softball and men's baseball programs. Who has the better Title IX case, the women softball players or the men baseball players? Please briefly explain your answer.

Question 5

You remember the cases of Major League Baseball player Steve Howe and college athlete/student "Appellee" Shelton. What is the most significant **practical** reason (in contrast to the cases' legal/doctrinal differences) that would explain why Steve Howe's appeal was successful while "Appellee" Shelton's was not.

Question 6

You also remember the saga of Olympic athlete Butch Reynolds. With the 2004 Olympics coming to Athens next summer (for any non-world travelers I'm referring to the one in Greece not Georgia) what law-related problem that was evident in the *Reynolds* case prior to the 1992 Olympic Games in Barcelona still looms as the major **legal** issue for those involved in or affected by the regulation of individual Olympic or international sports? And what is the current attempted solution to this **legal** problem? (Helpful Mind Reading Hint #1: The answer I'm looking for is not "drugs" or "drug testing")

Question 7

Complete this Sports Law analogy:

Bart Giamatti was to Pete Rose as _____ was to Ted Turner. (Helpful Mind Reading Hint #2: The answer I'm looking for is not "Jane Fonda".)

UNADVERTISED SPECIALS!

Part Three Regular Old Extra Credit (5 points)

Name 3 Current Event topics (not including any mentioned in any questions on this Exam) that we discussed in Class this semester.

Part Four Super Bonus Extra Credit (1 point each)

Name **your** favorite donut and name the last four donuts left in the box after that historic and unforgettable 8:30 a.m. session of Sports Law II on April 24, 2003.