

SPORTS LAW - Syllabus

Professor Leigh Augustine, Esq.
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University of Denver
College of Law
Frank H. Ricketson Law Building, Room 280

Mondays 6pm–8:30pm
Office Hours: immediately after
each class and via e-mail
Spring Semester, 2013
Three Credits

Course Scope:

This is a comprehensive and interactive seminar on Sports Law, covering topics such as intellectual property, labor law, agents, athlete contracts, collective bargaining agreements, television contracts, sponsorships/endorsements, and licensing.

Professor Biography:

Leigh Augustine, Esq. is the owner and managing member of Augustine Law Firm, LLC and Augustine Sports, LLC, a sports marketing agency which represents professional athletes from the US and Canada, including Olympic skiers, lacrosse players in the MLL and NLL, and athletes in various other sports. In addition to negotiating coaching contracts Division I Athletic Directors and playing contracts with General Managers, Mr. Augustine negotiates his athlete-clients' sponsorship contracts, and has negotiated deals with major companies including Fiji Water, Price Waterhouse Coopers, Steamboat, Visa, Wheaties, Paul Mitchell, Salomon, Rossignol, Bolle, Oakley, Warrior, and Nike. Additionally, he has negotiated agreements for his clients with SpikeTV, Versus and the Altitude Network. His corporate sports & entertainment clients have included UGG Australia, the musical band Dispatch, the Teva Mountain Games in Vail, the Professional Lacrosse Players' Association, USA Cycling, Inc., Red Rocks Amphitheatre, Comedian Josh Blue, and Adrenalin Design Group, Inc.

Texts:

A. Required Reading

1. Weiler, Roberts, Abrams & Ross, Sports and the Law, Fourth Edition, available at the DU Bookstore.

B. Optional Reading

1. Mark H. McCormack, What They Don't Teach You at Harvard Business School.
2. Leigh Steinberg, Winning with Integrity.

Pre-Requisites: None. However, this course is only available to 2nd and 3rd year students.

Learning Method: This is a learner-friendly, interactive seminar. A paper will be due, and an exam may be required, at the sole discretion of the Professor. Students are *required* to attend class and participate in the daily discussions. Students will also be required to participate in the class project of negotiating and drafting a Collective Bargaining Agreement. Several guest speakers have been invited to supplement reading materials.

Reading Assignments: Assignments must be read prior to class. Students not prepared for class will receive a 1-point deduction on their final grade.

Attendance Policy: Students are expected to attend all classes, arrive on time, and not leave early. Exceptions will be made for students who contact the Professor in writing (via email) *prior* to the class they will be absent, tardy, or must leave early. These will be considered “Excused Absences,” and students will receive one “free” Excused Absence, and will receive a one (1) point decrease in the student’s final grade for every Excused Absence thereafter.

Unexcused Absences will result in a three (3) point decrease of the student’s final grade, and Unexcused Tardies or Leaving Early will result in a two (2) point decrease of the student’s final grade.

The reason for this attendance requirement is twofold. First, the majority of the information will be conveyed to the students via the classroom discussions. Second, there will be several guest speakers, all of whom are from the sports community, and are taking valuable time out of their busy schedules for the students’ benefit. Since they are kind enough to come to our class, please reciprocate by being attentive and on time.

E-mail and Internet: The course will require regular checking of your e-mail and basic internet ability, as both will be essential to this class.

Grading: Necessarily, in a paper-seminar course like this, the grading will be non-anonymous. The course will be graded as follows:

- 30 points for attendance and participation;
- 30 points for the paper;
- 5 points for participation in the class Collective Bargaining Agreement exercise; and
- 35 points for the final exam. The Professor reserves the right to not give an exam, and to reallocate these points to class attendance and participation points.

The final grades for the class may be on a curve, at the Professor’s or the University’s discretion.

The Paper: Students will individually prepare a paper on a sports law issue of their choice, however, it must be approved by the Professor. This is to be a “law-review-quality” paper, no more than 12 pages in length, double-spaced, 12-point font and single-spaced end notes (which do not count toward the 12-page limit).

- Late Policy: a 1-point reduction will be taken off the final grade of the paper for each day the paper is late.

- **Upper Level Writing Requirement:** Each student has the option of having their paper satisfy the University's Upper Level Writing Requirement. In this case, the paper can be no less than 10 pages, and different deadlines will be discussed, as the paper needs to be reviewed by the Professor, and re-written by the student prior to submission.

Laptop Policy: Students are encouraged to take notes on their laptops. However, if the Professor finds that students are using their laptops for non-class activities during class (e.g., games, checking email, or surfing the internet), the Professor will ask the student to leave the classroom, and the student will receive an Unexcused Absence (3-point deduction) for the day. The Professor also reserves the right to tell students to close their laptops at any time, for any reason.

Cell Phone Policy: Please turn your cell phones to vibrate. Ringing or beeping cell phones will not be tolerated.

Office Hours: Held immediately after class, and via e-mail at leigh@augustinesports.com.

Honor Code: The Honor Code applies to all aspects of this course. Even a suspicion of a violation requires a report to the Honor Board, without notice.

Right to Modify: The Professor reserves the right to modify this syllabus at any time, and for any reason, or for no reason at all, as deemed necessary by the Professor.

CLASS ASSIGNMENTS – Sports Law

Class #	Date	Topic	Readings
1	Mon Jan 14	<p>Introductions</p> <p>Class Rules/Syllabus Review Themes:</p> <ul style="list-style-type: none"> • There is no Sports Law • Sports and Society <p>Intellectual Property: “Copyrights & Trademarks”</p> <ul style="list-style-type: none"> • “Trademarks & Copyrights – Lecture.pdf”, found at http://www.augustinesports.com/Augustine_Sports/Sports_Law_Class.html 	Pages 1-11
2	Mon Jan 21	Martin Luther King, Jr. Day (no class)	None
3	Mon Jan 28	<p>Intellectual Property: “Broadcasting Rights”</p> <ul style="list-style-type: none"> • Cases: Pittsburgh Athletic, STATS, Morris, ESPN, McBee <p>Overview of the research paper due at end of semester.</p>	Pages 434-67
4	Mon Feb 4	<p>Intellectual Property: “Player Publicity Rights”</p> <ul style="list-style-type: none"> • Cases: O’Brien, Haelan, Zacchini, Midler, Carson, White, Ali, Abdul-Jabbar, Tony Twist, Tiger Woods, Orioles, CBC <p>Intellectual Property: “Sports Trademarks”</p> <ul style="list-style-type: none"> • Cases: Colts, Dallas Cap, Boston Athletics, Harjo 	<p>Pages 476-504</p> <p>Pages 504-33</p>
5	Mon Feb 11	<p>Guest speaker: Jon Franklin, Owner, The Sports & Entertainment Company</p> <p>Agents & Athletes: “How the Deals Work”</p> <ul style="list-style-type: none"> • Sponsorship videos of athletes • Athlete-Agent agreements • Oakley sponsorship agreement • Cases: Moore, Gomez <p>Agents & Athletes: “Breakdown of the Relationship”</p> <ul style="list-style-type: none"> • Cases: Zinn, Woolf, Sims, Walters & Bloom, Josh Luchs <p>Agents & Athletes: “Emergence of Regulation”</p> <ul style="list-style-type: none"> • Cases: Grantham, Rona, Walters • State & Federal Regulation <p>In-class OR homework assignment: One-on-One contract negotiation</p>	<p>Pages 365-86</p> <p>Pages 386-405</p> <p>Pages 405-33</p>
6	Mon Feb 18	<p>Guest Speaker: Jack Mills, Owner, Ascent Sports</p> <p>Antitrust vs. Labor Law</p> <ul style="list-style-type: none"> • Cases: Flood (and related cases), Williams, Piazza, Messersmith, Umpires, Soccer 	Pages 136-182, 273-308

7	Mon Feb 25	Guest speaker: Rana Dershowitz, General Counsel, United States Olympic Committee Leagues <ul style="list-style-type: none"> • MLS, LA Coliseum, Chicago, American Needle 	Pages 539-86
8	Mon Mar 4	Guest Speaker: Rich Slivka, General Counsel, Denver Broncos <ul style="list-style-type: none"> • Catch-up day 	None
9	Mon Mar 11	Guest Speaker: Kurt Overhardt <ul style="list-style-type: none"> • Catch-up day 	None
10	Mon Mar 18	University of Denver Spring Break <ul style="list-style-type: none"> • No class 	None
11	Mon Mar 25	Collective Bargaining Agreements <ul style="list-style-type: none"> • Movie: Net Worth • Movie: The Dotted Line 	None
12	Mon Apr 1	Guest Speaker: Paul Jacobs, former General Counsel, Colorado Rockies, current Partner, Husch Blackwell Individual Sports <ul style="list-style-type: none"> • Cases: Bloom, Crouch, Ali, Martin 	Pages 821-24 994-1023
13	Mon Apr 8	Guest speaker: Shawn Hunter, President, USA Pro Cycling Challenge Torts, Criminal Law, and Sports <ul style="list-style-type: none"> • Cases: Hackbart, Costa, McSorley, Bertuzzi UPPER LEVEL WRITING REQUIREMENT PAPERS DUE VIA EMAIL BEFORE MIDNIGHT TONIGHT	Pages 1086-1104
14	Mon Apr 15	Guest speaker: Evan Banker, Partner, Chalat Hatten Koupal & Banker Collective Bargaining Agreements <ul style="list-style-type: none"> • In-class negotiation exercise 	None
15	Mon Apr 22	Conclusion <ul style="list-style-type: none"> • Finish Collective Bargaining Agreement, in-class negotiation exercise • Exam Review FINAL PAPERS DUE VIA EMAIL BEFORE MIDNIGHT TONIGHT	None
16	Mon Apr 29	FINAL CLASS <ul style="list-style-type: none"> • IN-CLASS FINAL EXAM 	None