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Law and Business of the Sports Industries, by Robert C. Berry and Glenn M. Wong

Debra Dobray

LAW AND BUSINESS OF THE SPORTS INDUSTRIES. By Robert C. Berry and Glenn M. Wong. Dover: Auburn House Publishing. 1986. Volume I, pp. xi, 570; Volume II, pp. xxv, 581. $90.00.

REVIEWED BY DEBRA DOBRAY†

As Yogi Berra once said, "It ain't over 'till it's over," but at times this reviewer questioned whether the task of sifting through this exhaustive compilation of material would ever be over. This two volume set of books[1] represents a truly comprehensive treatment of the business and legal issues that affect both amateur and professional sports. The authors recognize that these issues do not exist in separate vacuums. They address economic issues and legal issues ranging from contract and tort liability to constitutional considerations. Specifically, the topics discussed sequentially in volume one, entitled "Professional Sports Leagues," are the background of professional sports, the legal structure of professional sports, basic agreements controlling sports, player representation, professional sports unions, and management perspectives on sports leagues and clubs. In volume two, entitled "Common Issues in Amateur and Professional Sports," the chapters include amateur athletic associations, the amateur athlete, sex discrimination in athletics, tort liability, criminal law and sports, and sports and the media.[2] In addition to analyzing the current status of the sports industries under these topics, the authors also predict future areas of controversy and trends in the law. These volumes reflect the authors' vast knowledge[3] of the subject matter and represent perhaps

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† Assistant Professor, Law and Taxation, Edwin L. Cox School of Business, Southern Methodist University.

1. The reviewer will refer to the appropriate text as v. I or v. II in the following discussion.

2. These texts exemplify the recent expansion of legal principles to sports along with an increased sophistication of legal analyses in this area. The growth of this field of law may best be appreciated by comparing earlier publications on sports and legal issues. *Cf.* A. GRIEVE, THE LEGAL ASPECTS OF ATHLETICS (1969) (legal issues arising out of amateur athletic competition).

3. *See, e.g.*, R. BERRY, W. GOULD & P. STADOHAR, LABOR RELATIONS IN PROFESSIONAL SPPRTS (1986); Berry & Gould, *A Long Deep Drive to Collective Bargaining: Of Players, Owners, Brawls and Strikes*, 31 CASE W. RES. L. REV. 685 (1981); Wong & Ensor, *Sex Discrimination in Athletics: A Review of Two Decades of Accomplishments and Defeats*, 21 GONZ. L. REV. 345 (1986); Wong, *A Survey of Grievance Arbitration Cases in Major League Baseball*, 41 ARB. J. 42 (1986); Wong & Ensor, *Recent Developments in Amateur Athletics: The Organization's Responsibility to the Public*, 2 ENT. & SP. L. J. 123 (1985); Wong &

the most in-depth resource available for individuals interested in the business of sports and sports law.

The specific audience the volumes are directed towards is somewhat undefined. The compilation is certainly too technical for the average sports fan. The volumes may be of limited use for novice practitioners because there is a lack of specific direction on techniques for the management or representation of athletes.[4] Moreover, many of the issues presented in the various sections overlap one another, causing the total picture of these areas to be dispersed throughout the two volumes.[5] This organizational flaw tends to limit the books' utility as a practical guide. Nonlawyers might experience some difficulty comprehending some of the legal problems explored,[6] while lawyers might find some of the basic legal analysis presented to be simplistic. Nevertheless, the books provide a good background and explore a variety of legal and managerial problems likely to be encountered by someone involved in the sports industries.

As a text for courses in sports management or sports law, a two volume set might be too costly for adoption. Because the discussion of professional sports issues is scattered throughout both volumes, as are those of amateur athletics to a lesser degree, opting only for one volume might be unwise. Generally, it is difficult to discern the line of demarcation that separates the two volumes. If some of the redundant discussions were omitted and some of the more extensive discussions summarized, perhaps the books could be consolidated into one text. Additionally, some of the examples of bargaining agreements, contracts, and other reference material could be included in a separate appendix rather than included verbatim within the chapters. These general considerations aside, this review will proceed to briefly highlight some of the sections which

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Ensor, *The NCAA's Enforcement Procedure: Erosion of Confidentiality*, 4 THE ENT. & SP. LAW. 1 (1985); Wong, *Of Franchise Relocation, Expansion and Competition in Professional Team Sports: The Ultimate Political Football?* 9 SETON HALL LEGAL J. (1985); Wong & Ensor, *The Impact of the U.S. Supreme Court's Antitrust Policy in College Football*, 3 THE ENT. & SP. LAW. 3 (1985).

4. Chapter four of volume one contains a section on counseling but it needs expansion to be effective. (v. I, p. 20). The section on negotiation couches recommendations on knowing the factual background, knowing with whom one is dealing, and mapping a negotiation strategy in very general terms without specific advice. (v. I, p. 199).

5. For example, the Sports Violence Act is reported and summarized in volume two; subsequently, it is again discussed in the proposed legislative solutions to sports violence. (v. II, pp. 422-426, 434-435). A discussion on drug use in sports is presented randomly in volume one (v. I, pp. 436-441), then discussed in detail in volume two (v. II, pp. 477). *See also infra* note 20 and accompanying text.

6. *See infra* notes 10-16 and accompanying text.

seem exceptionally strong, interesting or insightful, and then discuss some of the problem areas in the presentation.

Given the overall superior content and breadth of the volumes it is difficult, and maybe even inequitable, to select just a few parts to praise. Nevertheless, the authors' use of charts and graphs was particularly noteworthy; this graphic approach rendered the concepts presented both understandable and memorable.[7] While the bulk of the volumes' content concentrated on only four sports—football, basketball, baseball and hockey—this narrow selection is justifiable, because it would be a virtual impossibility to discuss issues peculiar to every individual or team sport. However, when circumstances permitted, the authors added variety by using cases involving other sports to illustrate basic legal principles which encompass all sports or participants.[8]

In the treatment of individual topics in volume one, the discussion on player's salaries and tax consequences was particularly concise and understandable, as was the following section on bonus clauses in player contracts. The authors' inclusion of specific examples of bonus clauses was comprehensive yet readable. Also interesting was the inclusion of some general consumer interests that the typical reader might not otherwise pause to consider (v. I, p. 548-52).

Volume two also included several strong discussions. The section dealing with workers' compensation for college athletes clearly and concisely explained the law and then addressed its application to college athletics.[9] The case selection in the discussion on sex discrimination in athletic employment presented a nice variety of issues that were prefaced by a good initial summary of the topic (v. II, p. 266-75). The last chapter in volume two was truly "state of the art" in its survey of the most current topics concerning sports and the media. As previously noted, these particular parts of the

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7. For example, the use of charts dealing with league economics; (v. I, pp. 45-63) player mobility; (v. I, p. 69) processing an NCAA infractions case (v. II, p. 69) and the structure of the National Federation of State High School Associations (v. II, p. 26) are commendable. Charts that summarized the structures of other athletic associations also would have been useful.

8. *See, e.g.*, Ali v. St. Athletic Comm'n. of New York, 316 F. Supp. 1246 (S.D.N.Y. 1970) (boxing and constitutional protections) (v. I, p. 345); Deesen v. Prof. Golfers' Ass'n of Am., 358 F.2d 163 (9th Cir. 1966) (golf and antitrust protections for the athlete) (v. I, p. 349); Manok v. Southeast District Bowling Ass'n, 306 F. Supp. 1215 (C. D. Ca. 1969) (bowling suspensions and blacklists) (v. I, p. 366).

9. V. II, p. 145. Perhaps the authors should have included the section on insurance at this point instead of separately in volume 2 (pp. 390-392) in order to address more policy considerations regarding protection or the lack thereof against injuries for amateur athletes.

texts represent just a few examples of the extraordinary treatment given by the authors to a multitude of sports related issues.

However, most Herculean efforts are plagued by some faults, and this work is no exception. As previously noted, the potential audience for these books could embrace lawyers, nonlawyers, and students. Without an appropriate legal background, some of the discussions would be hard to digest, particularly for the nonlawyer with no exposure to legal analysis or basic legal principles. An explanation of many of the provisions of the National Labor Relations Act was omitted; consequently, key concepts of the Act were noted without an appropriate context. Sometimes sections of the Act were cited in the cases but there was no subsequent summary of the content of these sections.[10] Terminology in the Act which carries specific legal meaning was also presented in some cases without an interpretation of its legal significance.[11] In some instances, parts of the Act's provisions were discussed, (v. I, p. 383) but for the most part, a lay reader may find it difficult to discern the express provisions of the Act and become frustrated with the scattered explanation of its application to sports. A brief explanation of general administrative law and the nature of judicial review of administrative decisions would also be helpful.[12] In contrast, actual excerpts from the Sherman and Clayton Antitrust Acts were included, (v. I, p. 91) yet it was equally difficult to discern the meaning of the bare, statutory language.[13] A concise explanation of the basic principles of the antitrust and labor laws, with perhaps an appendix containing key provisions, would have facilitated comprehension.[14] Nonlawyers might also need a fuller discussion of the

10. *See, e.g.*, Morio v. North Am. Soccer League, 501 F. Supp. 633 (S.D.N.Y. 1980). (v. I, p. 14); The Am. League of Prof. Baseball Clubs, 180 N.L.R.B. 189 (1969). (v. I, p. 108).

11. *See, e.g.*, Morio v. North Am. Soccer League, 501 F. Supp. 633 (S.D.N.Y. 1980) ("unilaterally changed conditions of employment" and "unfair labor practices") (v. I, p. 374); Silverman v. Major League Baseball Player Relations Comm., 516 F. Supp. 588 (S.D.N.Y. 1981) ("inability to pay") (v. I, p. 422).

12. *See* North Am. Soccer League v. NLRB, 613 F.2d 1379 (5th Cir. 1980) (the jurisdiction of the NLRB and restricted judicial review unexplained) (v. I, p. 372).

13. Section numbers of the Acts were referred to in Mackey v. NFL, 543 F.2d 606 (8th Cir. 1976), (v. I, p. 122) but it was still difficult to comprehend what sections were involved even with the excerpts previously listed.

14. The authors presented a fine discussion on the background of these laws before their extension to sports (v. I, pp. 112-116). The antitrust discussion involving illegal tying arrangements was adequately explained by the cases. (v. I, pp. 548-551). However, the overall picture of antitrust violations in the sports arena remained foggy as did other specific areas. *See* Gunter Harz Sports, Inc. v. United States Tennis Ass'n, Inc., 511 F. Supp. 1103 (D. Neb. 1981) (antitrust and group boycott) (v. I, p. 538).

fair use doctrine,[15] "minimum contacts" and a court's jurisdiction if cases allude to such issues.[16]

On the other hand, readers without a legal background should have no difficulty understanding the law of trademark infringement as well as constitutional issues such as standing and both substantive and procedural due process. The authors successfully communicated these concepts either through cases or textual discussion.

Untrained readers should be able to comprehend the book's discussion of contract and tort principles as well. The authors included a fine brief explanation of the legal elements of a contract such as offer, acceptance and consideration along with a subsequent practical application of contract terminology.[17] However, the discussion in volume one on a negative covenant's requirement of mutuality of obligation preceded any explanation of the consideration doctrine which might result in some confusion.[18]

Chapter four in the second volume contained a straightforward and understandable discussion of basic principles of intentional torts, negligence and product liability.[19] The main problem was the disjointed presentation of defamation and privacy torts. In parts of volume one, particularly chapter four, section five, issues such as libel, publicity and privacy, and commercial appropriation are given sketchy discussions, none of which are definitive and most of which raise more questions than they answer. Defamation and privacy rights were discussed again in chapter four, volume two. The multitude of sports issues addressed in these volumes will inherently overlap, but this area seems unnecessarily scattered

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15. *See* Sony Corp. v. Universal City Studios, Inc., 464 U.S. 417 (1984) (v. II, p. 520).

16. *See* Johnston v. Time, Inc., 321 F. Supp. 837 (M.D.N.C. 1970). (v. II, p. 344).

17. (v. II, pp. 229-30). Chuy v. Philadelphia Eagles Football Club, 545 F.2d 1265 (3rd Cir. 1979) adequately explained the more specific principle of the parol evidence rule (v. I, p. 258).

18. An inclusion or summary of Madison Square Garden Corp., Ill. v. Carnera, 52 F.2d 47 (2d Cir. 1931) might serve to illustrate the concept more succinctly. Tortious interference with contractual obligations represents another area which was initially unexplained (v. I, p. 255) yet thoroughly illustrated in a subsequent chapter. (v. I, pp. 540-548).

19. Some limited criticisms include the omission of the permissible inference approach used by some jurisdictions in applying res ipsa loquitur and the failure to mention pure comparative negligence. *See* Li v. Yellow Cab Co., 13 Cal. 3d 804, 119 Cal. Rptr. 858, 532 P.2d 1266 (1975). Proximate cause might have been explained more fully by discussing foreseeability of harm or alternatively, proximate cause as a limitation on duty. In the products liability section, there was no discussion of "fitness for a particular purpose" (U.C.C. § 2-315 (1977)), although breach of that warranty was the theory of recovery in the first note case (v. II, p. 388). There was also no mention of the implied warranty of merchantibility as a grounds for recovery. The significance of public figures, malice, and truth as a *qualified* defense in defamation actions was never fully explained.

with the concepts never fully explained in a legal sense or as applied to sports.[20]

Another problem area for readers, whether or not they possess legal training, is that the resolution of the sports law issues presented in the text often remains obscure. The ultimate holding of several cases is never revealed and the reader is left to ask ". . . and then what?"[21] In some legal texts, socratically developed analysis rather than "black letter law" is the desired goal. The ostensible objective of these volumes is to enunciate the essence of the law as applied today to the sports industries, it seems imperative for the authors to draw a conclusion wherever possible.[22] At times, however, they attempt no reconciliation of apparently different results in similar situations nor offer any possibilities for distinguishing the cases.[23] Contrasts are sometimes drawn but without conclusive reasoning, particularly as to how undesirable results could be avoided.[24] Although some of the material could have been abbreviated, the authors successfully noted distinctions and explained the split of authority in discussing the right of women to participate in contact or noncontact sports in a variety of situations.[25] Varying approaches to the same issue were presented in some of the notes, which at least allowed the reader to attempt a comparison.[26] Un-

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20. Some legal terms used in conjunction with defamation and privacy torts such as "discoverable" and "privileged" might confuse the nonlegal audience. (v. II, p. 310-311). The authors should also have mentioned the survival rights to the right of publicity. *See* Factors Etc., Inc., v. Creative Card Co., 444 F. Supp. 279 (S.D.N.Y. 1977).

21. *See, e.g.*, Robertson v. N.B.A., 389 F. Supp. 867 (S.D.N.Y. 1975) (v. I, p. 5); Charles O. Finley & Co. v. Kuhn, 569 F.2d 527 (7th Cir. 1978) (v. I, p. 11); New England Patriots Football Club, Inc. v. University of Colorado, 592 F.2d 984 (1st Cir. 1979) (v. I, p. 545). *See also* Hecht v. Pro Football, Inc., 570 F.2d 982 (D.C. Cir. 1977) (result on remand) (v. I, p. 507): Strauss v. Long Island Sports, Inc., 89 Misc.2d 827, 394 N.Y.S.2d 341, (N.Y. Sup. Ct. 1977) (result of subsequent class action) (v. I, p. 552). The authors reported the result of subsequent actions or settlements in the notes, particularly in the second volume. Gardella v. Chandler, 172 F.2d 402 (2d Cir. 1949) (v. I, p. 97, n.1.). (Hackbart v. Cincinnati Bengals, Inc.) 601 F.2d 516 (10th Cir. 1979) (v. II, p. 329, n.1.)

22. An example of an exception would be the significance of the Tennessee case regarding the funding of public facilities with or without a final disposition. Lester v. Public Building Authority, No. 78491 (Chancery Ct., Knox Cty. 1983) (v. II, p. 38).

23. *See, e.g.*, v. I, pp. 45-46 (antitrust liabilities of amateur associations) (v. I, pp. 364-369) (challenges to suspensions and blacklists).

24. *Compare* Sample v. Gotham Football Club, 59 F.R.D. 160 (S.D.N.Y. 1973) (v. I, p. 257) *with* Chuy v. Philadelphia Eagles Football Club, 595 F.2d 1265 (3d Cir. 1979) (v. I, p. 258).

25. V. II, pp. 242-265. The section on the hair length issue in amateur athletics justified the differing results by delineating the split of authority in the circuits on the issue. (v. II, pp. 191-193).

26. *See, e.g.*, v. II, pp. 129-130 (redshirt rules upheld or not upheld); v. II, pp. 194-195 (rules barring married students from participating in extracurricular activities constitution-

doubtedly, the reconciliation of conflicting legal thought is often an impossible task. However, the authors frequently note that careful analysis of an issue is needed but fail to develop the postulation further.[27] If these volumes are to be used as textbooks, perhaps some of the unanswered inquiries could be developed further and used as chapter questions.[28]

In addition to dangling legal issues, at times the authors' use of cases to illustrate textual discussions is flawed. Several of the note cases listed are not on point with the primary analyses explored in the preceding text or case examples.[29] A few times in the main text the leading case failed to address the main point of the section. For example, in the discussion of handicapped student athletes, the primary case of *New York Roadrunners Club v. State Division of Human Rights*[30] had nothing to do with schools or students.[31] Moreover, at times it was difficult to comprehend what legal grounds for relief were being explained when the illustrations were on point. The legal theories involved in some case excerpts or note cases were unknown because of the lack of an appropriate fac-

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ally permissible or impermissible); v. II, p. 7 (injunctions for state action which allegedly infringes on constitutional rights of students athletes denied or granted); v. II, pp. 4-5 (judicial review of private voluntary associations' rules granted or denied).

27. In v. I, p. 81, the authors state that "[w]hat approach should prevail in cases on the clean hands doctrine is a matter for careful analysis" but never state what the careful analysis entails.

28. Some examples: 1) Do the courts generally accept the ideas of Jacobs and Winter on resolving issues associated with the labor exemption as applied to professional sports? (v. I, p. 118), 2) How does the NBA standard contract in chapter three address the problems of conditions precedent in the contracts at issue in the *Robinson* and *Cannon* cases? (v. I, p. 254), and 3) Compare how courts describe the legal significance of the bonus with the arbitration decision in *Horner* (v. I, p. 277).

29. For example, following the discussion on suits brought by spectators against facility owners for injuries caused by other spectators are two note cases that have no relation to the preceding discussion. Parker v. Warren, 503 S.W.2d 938 (Tenn. Ct. App. 1973) (spectator injured by foul ball) and Wells v. Minneapolis Baseball & Athletic Ass'n, 122 Minn., 327, 427 N.W. 706 (1913) (spectator injured when bleacher on which she was sitting collapsed), (v. II, p. 368).

30. 55 N.Y.2d 122, 447 N.Y.S.2d 908, 432 N.E.2d 780 (N.Y. 1982). (v. II, p. 397).

31. Another example can be found in the section on the liability of officials, referees and umpires for intentional and negligent injuries. The first case, Dillard v. Little League Baseball, Inc., 55 A.D.2d 477, 390 N.Y.S.2d 735 (N.Y. App. Div. 1977) (v. II, p. 375), deals with an umpire as plaintiff, while the second case, Carroll v. State of Oklahoma, 620 P.2d 416 (Okla. Crim. App. 1980) (v. II, p. 376), deals with an umpire pressing criminal charges. Interestingly, the note cases in this section all deal with various officials as plaintiff (v. II, p. 378). Another case, McGee v. Bd. of Educ. of City of New York, 16 A.D.2d 99, 226 N.Y.S.2d 329 (N.Y. App. Div. 1962) (v. II, p. 377), addresses a school board's vicarious liability to an assistant coach for the alleged negligence of the head coach. It is difficult to see the golden thread here.

tual setting.[32] Even with sufficient factual background, the reader sometimes had to speculate on the legal analyses being employed. For example, the authors note that the area of law involving a judicial review of an official's decision has the potential for increased litigation (v. II, p. 375); however, the legal grounds plaintiffs could assert is a mystery, unless it is some form of property right.[33] The counterclaim asserted in the leading case of *Bain v. Gillespie*[34] uses tort language like "malpractice" rather than any property terms. The possible cause of action in this type of suit remains vague, so it is hard to understand along what lines litigation can be expected to be developed or increased.[35] Finally, precedent listed either in the text or the cases without some sort of expanded parenthetical information or notes to explain the cases achieves little in the way of defining the applicable law.[36]

To their credit, the authors provide a plethora of notes in conjunction with the text and reported cases that list further reference material as well as other case examples. The placement of the notes immediately after the discussion is a nice organizational approach. Generally, the reference material noted provides a comprehensive bibliography, particularly in volume two and chapter five of volume one (v.I, p. 42, 330).[37] However, the usefulness of some of the case notes is questionable. Some just mention that someone was sued, or that an action was brought. Although the actual case may be explained more fully at another point, this type of notation detracts from the overall effectiveness of the notes and tends to incite reader frustration.[38] Another frustrating feature of the notes

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32. *See, e.g.*, Justice v. NCAA, 577 F. Supp. 356 (D. Ariz. 1983) (v. II, p. 18).

33. *See* Georgia High School Ass'n v. Waddell, 248 Ga. 542, 258 S.E.2d 7 (1981) (v. II, p. 380). However, this discussion is included in the chapter on tort liability.

34. 357 N.W.2d 47 (Iowa Ct. App. 1984) (v. II, p. 379).

35. The grounds for the original complaint in *Bain v. Gillespie* are equally unclear. An official sued merchants who marketed uncomplimentary T-shirts depicting the official's likeness. Perhaps some type of privacy invasion formed the basis of the action, but the inclusion of the case in the discussion on the vicarious liability of coaches and physical education teachers genuinely is perplexing. (v. II, p. 341). Another confused discussion of legal theories involves endorsement contacts. In the discussion of the *Cooga Mooga, Inc.* case and FTC regulation (v. I, p. 322, 326), it is difficult to grasp why Pat Boone would be personally liable under the endorsement contract. Did he not use the product? Is that an FTC violation? What are the grounds for personal liability?

36. *See, e.g.*, v. I, p. 68 (The Initial Approaches and Setting of Standards); v. I, p. 98 (Antitrust Applies to Other Sports).

37. *See also* v. I, p. 42, 330. The authors also make too many references to newspaper articles which inherently possess less authority than other reference material. *See, e.g.*, v. II, pp. 48-49.

38. *See, e.g.*, Mogabgad v. Orleans Parish Sch. Bd. 239 So.2d 456 (La. Ct. App. 1970) (v. II, p. 292, n.4); *Id.*, (v. II, p. 347, n.3.); DeMauro v. Tusculum College, Inc., 603 S.W.2d

is the repetition of some of the cases. Cross reference of material is desirable, particularly when cases address more than one issue, but the tedious recurrence of some of the cases seems unnecessary and often of little value.[39]

The two volumes boast a wide range of documentation. The resources used by the authors cover a multitude of available publications, many of which might be difficult to obtain. This comprehensive compilation contains a variety of materials related to sports, including portions of the NCAA manual,[40] professional league rules, congressional reports and testimony, legislation and proposed legislation and examples of contracts and various other documents. However, the authors often rely too heavily on verbatim recitations of some of this material.[41] Summaries might be more effective as the full text is often difficult to comprehend and burdensome to digest in full.[42] It was particularly difficult to understand the rationale for listing so much of Article VII of the NFL constitution and by-laws regarding the Commissioner's authority (v. I, pp. 511-14). A more pertinent discussion could have concentrated on whether and how collective bargaining agreements can modify these powers and on how the commissioner's jurisdiction to resolve disputes interacts with the increased role of arbitration.[43] A more concise approach to the presentation of much of this

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115 (Tenn. 1980) (v. II, p. 337, n.3); Vargo v. Svitchan, 100 Mich. App. 809, 301 N.W.2d 1 (Mich. Ct. App. 1980) (v. II, p. 345, n.15).

39. *See, e.g*, Martin v. Int'l. Olympic Comm., 740 F.2d 670 (9th Cir. 1984) (v. II, p. 186, n.10, p. 252); Chuy v. Philadelphia Eagles Football Club, 431 F. Supp. 254 (E.D. Pa. 1977) (v. I, pp. 308, 317, n.1, p. 317, n.10, p. 373 n.1(d)); Mogabgad v. Orleans Parish Sch. Bd., 239 So.2d 456 (La. Ct. App. 1970) (v. II, p. 305, n.5, p. 292, n.4, p. 344, n.3, p. 347, n.3); Averill v. Luttrell, 311 S.W.2d 812 (Tenn. 1957), (v. II, p. 356, p. 305, n.7, p. 282, n.3, p. 330 n.7).

40. The authors also reference the "Recommended Policies and Practices for Intercollegiate Athletics" but never define the practical effect of these guidelines. (v. II, p. 82).

41. For example, in the discussion on the National Football League by-laws and the movement of franchises, excerpts from Congressional testimony encompasses twenty pages. (v. I, pp. 20-40). Also in the notes in volume two is a reprint of the NCAA infractions report concerning the list of penalties imposed on the University of Illinois. This report was of great practical interest but the authors exceeded its uniqueness by specifically listing the summary of twenty-four by-law violations (v. II, pp. 76-79).

42. For example, in chapter three of volume one, it was difficult to comprehend the allowable amendments to the NBA Uniform Player Contract, the NBA memorandum agreement on revenue sharing, and excerpts from the amendments to and articles of the collective bargaining agreement. A good cross section of sports was covered in the discussion on comparative contract provisions and the governing league articles, but it would have been preferable to highlight important differences or similarities rather than to require the reader to discover such nuances. It was equally difficult to digest some of the more concentrated material such as the college transfer rules (v. II, pp. 114-118).

43. Organizationally, perhaps the example of the baseball commissioner's power

material might be to summarize the key points and place a full report of the necessary provisions or agreements in an appendix rather than within the actual text.[44] Additionally, some of the cases reported could have benefited from a more thorough edit.[45]

There are also some inconsistencies and problems with the style and form of the presentation. In the reporting of court cases, the actual opinion of the court should be distinguished in some way from the authors' summary of a case.[46] A brief introduction to the issues discussed in the actual opinion probably should precede a case as well. In some instances such introductory summaries are included in the preceding text, but there is no consistency to this style.[47] In volume two "Case Studies" suddenly appear, although most of these studies are no different from other material presented. The discussions are interesting, but for the most part they are not case studies and why they are denoted as such is unclear.[48] Lastly, while the authors extensively cross reference the material in the two volumes, it would be easier for the reader to follow such references if page numbers were used instead of section numbers.

In conclusion, these volumes on law and the business of sports

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should be discussed in this section (v. I, pp. 11-13).

44. Examples of parts of the books which would be especially conducive to this approach include: 1) Insurance, Waiver and Release of Liability forms (v. II, pp. 394-417); 2) the National Basketball Association's Collective Bargaining agreement on drug testing (v. II, pp. 456-468); 3) the National Football League Player's Association regulations governing contract advisors and sample agreement (v. I, pp. 217-227); and 4) Tactrust Agreement (v. II, pp. 163-173). The feasibility of this approach is demonstrated by a nicely edited one and half page summary of the NCAA by-laws on recruiting (v. II, pp. 85-87).

45. *See, e.g.*, NCAA v. Board of Regents of the Univ. of Okla. 468 U.S. 85 (1984), (v. II, p. 526); *NFL and NFL Management Council Arbitration*, (v. I, p. 416); Los Angeles Memorial Coliseum Commission v. NFL, 726 F.2d 1381 (9th Cir.), *cert. denied*, 469 U.S. 990 (1984) (v. I, p. 483). The *Los Angeles* case arguably could have omitted the discussion of venue and some of the dissent. Generally, the cases on antitrust protections for athletes could have been shortened as well (v. I, pp. 349-364).

46. Sometimes the fact that it is an actual opinion is noted expressly and at other times it is not. *Compare* Philadelphia Ball Club, Limited v. Lajoie, 51 A. 973 (Pa. 1902), (v. I, p. 71) *with* Philadelphia World Hockey Club, Inc. v. Philadelphia Hockey Club, Inc., 351 F. Supp. 462 (E.D. Pa. 1972) (v. I, p. 119).

47. *See* the cases and text on Sex Discrimination (v. II, pp. 242-265). Sometimes the textual summary is so extensive the following case synopsis seems redundant. Bilney v. Evening Star Newspaper Co., 406 A.2d 652 (Md. Ct. Spec. App. 1979) (v. II, pp. 312-315).

48. *See, e.g.*, "Proposed NCAA Drug Testing Plan and Guidelines for Member Institutions" (v. II, pp. 444-447); Excerpts from Congressional Report on Gambling, "Inquiry into Professional Sports " (v. II, pp. 483-489); "Walter Byers, Executive Director of the NCAA" (v. II, pp. 20-22); "University of San Francisco Case Study" (v. II, pp. 87-89); "Student Athletes at the Florida State University: Planning Responsibility" (v. II, pp. 101-105). The discussion on Michael Ray Richardson, (v. II, pp. 468-70), most closely approaches a case study in that it draws upon more than one source in relating the story (v. II, pp. 468-470).

are fine reference books and more than adequately address the diverse issues which affect this industry. They suffer slightly from redundancy, organizational problems, and an excess of verbatim reproductions of some reference sources. If the materials were edited more succinctly for a defined readership and structured more consistently, the effectiveness of this comprehensive endeavor would be greatly enhanced.