

THE UNIVERSITY OF MISSISSIPPI
SCHOOL OF LAW
UNIVERSITY, MS 38677

SPORTS LAW

SPRING SEMESTER 1996
PROFESSOR DAVIS

FINAL EXAMINATION

PLEASE READ THESE DIRECTIONS CAREFULLY BEFORE BEGINNING THE EXAMINATION.

MAKE SURE THAT THE FRONT OF THE BLUE BOOK HAS YOUR EXAM NUMBER ON IT.

RETURN THIS EXAMINATION WITH YOUR BLUE BOOK UPON COMPLETION. WRITE YOUR EXAMINATION NUMBER ON YOUR BLUE BOOK AND ON THIS EXAMINATION.

THIS IS A TAKE HOME EXAMINATION. YOU MAY NOT DISCUSS OR CONSULT WITH ANYONE REGARDING THIS EXAMINATION. YOU MAY BE REQUIRED TO LOOK BEYOND THE CASEBOOK IN ORDER TO ANSWER QUESTIONS.

YOU ARE REQUIRED TO ANSWER EACH QUESTION. PLEASE BE SURE TO WRITE OR PRINT LEGIBLY. YOU MUST TURN IN YOUR EXAMINATION TO MY OFFICE (ROOM NUMBER 559) ON OR BEFORE 5:00 PM ON WEDNESDAY APRIL 24, 1996.

YOUR EXAMINATION CANNOT BE GRADED UNLESS YOU ACKNOWLEDGE THE FOLLOWING PLEDGE WITH YOUR EXAMINATION NUMBER WRITTEN IN THE SPACE PROVIDED BELOW THE PLEDGE:

BY THE ACT OF SUBMITTING MY EXAMINATION PAPER OR BOOKS FOR EVALUATION, I DO PLEDGE ON MY HONOR THAT I HAVE NEITHER GIVEN NOR RECEIVED ANY IMPROPER ASSISTANCE AND THAT I WILL REPORT ANY IMPROPER ASSISTANCE GIVEN OR RECEIVED BY OTHERS THAT I AM MADE AWARE OF.

FAILURE TO SUBMIT THE ABOVE PLEDGE MAY RESULT IN ZERO CREDIT FOR THIS COURSE.

RELAX, TAKE YOUR TIME, AND THINK THROUGH YOUR ANSWERS. HAVE FUN AND GOOD LUCK!

QUESTION I

What is the jurisdiction of a court to review a professional sport commissioner's action within the league? Support your answer with case citations from your text book or other sources.

QUESTION II

What is the source of the commissioner's legal authority to act in a given case? Why is this authority given to the commissioner rather than to an individual club, to an outside arbitrator, or to a public official or judge? Support your answer with case citations from your text book or other sources.

QUESTION III

At Senate hearings in early 1994 concerning a bill to remove baseball's antitrust exemption, Bud Selig and Senator Howard Metzenbaum testified. Provide the citation for those hearings. Specifically, what amendments were Selig and Metzenbaum referring to? What was the thrust of Selig and Metzenbaum's remarks? Quote relevant language and provide the citation.

QUESTION IV

On separate type-written pages (no more than 5) fully brief the district court opinion (1995) and the 1st circuit opinion (1993) in *Cohen v. Brown University*. Include each argument by the parties and the courts response.

On separate type-written pages (no more than 5) fully brief *Kelley v. University of Illinois*. Include each argument by the parties and the courts response.

On separate type-written pages (no more than 5) fully brief *Stanley v. USC*. Include each argument by the parties and the courts response.

QUESTION V

Which of the following items should be considered mandatory subjects for bargaining? Provide at least one case on point or other support for your conclusion.

1. Enlarging the regular schedule or playoffs.
2. Installation of artificial turf in football or baseball parks.
3. Hockey's repeal of its rule that players must wear helmets during a game.
4. Relocation of a team to a new city.

QUESTION VI

List specifically all of the statutory exemptions and provide the citation for where each is found.

QUESTION VII

Explain what the nonstatutory exemption is and provide a citation for at least one case where it is discussed.

QUESTION VIII

Explain what impasse means and provide a citation for at least one case where it is discussed.

QUESTION IX

What policy of federal labor law is served by telling the parties that the labor exemption expires if, and only if, the players association goes out of business of collective bargaining as a union? Provide support for your answer.

QUESTION X

Why did the major sports commissioners oppose the Sports Violence Act? Cite the authority for your answer. As commissioner, what would you do to put an end to sports violence?