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Foreword

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SYMPOSIUM:
**SPORTS LAW: A LAW FACULTY'S INDIVIDUAL
AND COLLECTIVE PERSPECTIVES**

FOREWORD

As part of its Mission, the National Sports Law Institute of Marquette University Law School (NSLI) “strives to be the leading national educational and research institute for the study of legal, ethical, and business issues affecting amateur and professional sports from both an academic and practical perspective.” Through publication of thoughtful scholarship in the *Marquette Sports Law Review*, the NSLI provides a national forum for discussion and consideration of important issues affecting American and international sports. This unprecedented and unique symposium issue is a collective contribution by several members of the Marquette Law School faculty to the rapidly developing body of sports law scholarship; it consists of a series of scholarly articles and essays that analyze how various areas of law regulate the sports industry and athlete conduct. I want to thank my colleague, Professor Scott Idleman, for suggesting that the *Review* publish this symposium issue in furtherance of the NSLI’s mission.

This issue demonstrates that “sports law” is broad in nature and consists of many discrete and related areas of law. For example, not only laws that have traditionally regulated the sports industry such as anti-trust, contracts, torts, and constitutional law, but also areas of law such as family law, bankruptcy law, and criminal law. This series of articles fuels the debate over whether sports law is an independent substantive area of law, or rather an amalgamation of many diverse general bodies of law that combine to regulate various aspects of the sports industry.¹ Whether viewed individually or collectively, these thoughtful articles provide ammunition for either side of this debate.

Many articles discuss how general areas of law such as the United States Constitution,² bankruptcy laws,³ torts,⁴ contracts,⁵ regulation of

1. See generally Timothy Davis, *What Is Sports Law?*, 11 MARQ. SPORTS L. REV. 211 (2001).

2. Scott C. Idleman, *Religious Freedom and the Interscholastic Athlete*, 12 MARQ. SPORTS L. REV. 295 (2001); Alan R. Madry, *Statewide School Athletic Associations and Constitutional*

the arbitration process,⁶ or the Americans With Disabilities Act⁷ apply to sports-related disputes. Conversely, other articles analyze how judicial resolution of disputes arising in the sports arena influences the development of general areas of law (e.g., antitrust,⁸ the right of publicity,⁹ and criminal liability for workplace injuries¹⁰) and their application outside the sports industry.

This symposium issue also attempts to place sports in its appropriate context and illustrates that sports is a lens through which broader societal issues may be viewed and understood. One author challenges us “to step back and reflect on what our society is doing with sport and to ask some questions that may bring the law and sports together for a greater understanding of the social laboratory which the world of sports offers to culture.”¹¹ Another one explores how diplomatic relationships between the United States and Cuba affect current and prospective Cuban major league baseball players.¹²

Other authors examine important social issues implicated by athletes’ off-field conduct. For example, how media reporting of athletes’ criminal conduct influences and reflects society’s perceptions of crime and criminals;¹³ whether the extensive publicity focused on famous male athletes accused of sexual assault, while keeping the victim/accuser’s name

Liability; Brentwood Academy v. Tennessee Secondary School Athletic Association, 12 MARQ. SPORTS L. REV. 365 (2001).

3. Ralph C. Anzivino, *Reorganization of the Professional Sports Franchise*, 12 MARQ. SPORTS L. REV. 9 (2001).

4. John J. Kircher, *Golf and Torts: An Interesting Twosome*, 12 MARQ. SPORTS L. REV. 347 (2001); Michael K. McChrystal, *Privacy in Sports: Recent Developments in the Federal Courts*, 12 MARQ. SPORTS L. REV. 397 (2001).

5. Martin J. Greenberg, *College Coaching Contracts Revisited: A Practical Perspective*, 12 MARQ. SPORTS L. REV. 127 (2001).

6. Jay E. Grenig, *Arbitration of Olympic Eligibility Disputes: Fair Play and the Right to Be Heard*, 12 MARQ. SPORTS L. REV. 261 (2001).

7. Alison M. Barnes, *The Americans with Disabilities Act and The Aging Athlete after Casey Martin*, 12 MARQ. SPORTS L. REV. 67 (2001).

8. Michael P. Waxman, *Fraser v. MLS, L.L.C.: Is There a Sham Exception to the Copeweld Single Entity Immunity?*, 12 MARQ. SPORTS L. REV. 487 (2001).

9. J. Gordon Hylton, *Baseball Cards And The Birth Of The Right Of Publicity: The Curious Case Of Haelan Laboratories v. Topps Chewing Gum*, 12 MARQ. SPORTS L. REV. 273 (2001).

10. Edward A. Fallone, *Reflections on the Accident at Miller Park and the Prosecution of Work-Related Fatalities in Wisconsin*, 12 MARQ. SPORTS L. REV. 105 (2001).

11. Daniel C. McDonald, S.J., *Reflections From a Fan: Searching for More Common Ground in Sociology and Law*, 12 MARQ. SPORTS L. REV. 5, 6 (2001).

12. Andrea Kupfer Schneider, *Baseball Diplomacy*, 12 MARQ. SPORTS L. REV. 473 (2001).

13. David Ray Papke, *Athletes in Trouble with the Law: Journalistic Accounts for the Resentful Fan*, 12 MARQ. SPORTS L. REV. 449 (2001).

confidential, furthers the public's understanding of sexual assault charges and crimes;¹⁴ and whether elite athletes should be sentenced differently for their crimes.¹⁵ Another author explores various issues relating to the payment of child support by professional athletes.¹⁶

This symposium issue will generate a greater awareness of both the breadth and depth of the rapidly developing field of sports law. Sports lawyers, law professors, and sports industry professionals—indeed, all persons interested in studying “sports law” issues—will benefit greatly from the knowledge and insights contained in this series of articles. Many thanks to my colleagues for their hard work and valuable contributions to this symposium issue!

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14. Shirley A. Wiegand, *Sports Heroes, Sexual Assault and the Unnamed Victim*, 12 MARQ. SPORTS L. REV. 501 (2001).

15. Michael M. O'Hear, *Blue-Collar Crimes/White-Collar Criminals: Sentencing Elite Athletes Who Commit Violent Crimes*, 12 MARQ. SPORTS L. REV. 427 (2001).

16. Judith G. McMullen, *The Professional Athlete: Issues In Child Support*, 12 MARQ. SPORTS L. REV. 411 (2001).

