

Sports Law in Law Reviews and Journals

Kyle M. Tompkins

Follow this and additional works at: <http://scholarship.law.marquette.edu/sportslaw>



Part of the [Entertainment and Sports Law Commons](#)

Repository Citation

Kyle M. Tompkins, *Sports Law in Law Reviews and Journals*, 23 Marq. Sports L. Rev. 567 (2013)

Available at: <http://scholarship.law.marquette.edu/sportslaw/vol23/iss2/2>

This Index is brought to you for free and open access by the Journals at Marquette Law Scholarly Commons. For more information, please contact megan.obrien@marquette.edu.

INDEX

SPORTS LAW IN LAW REVIEWS AND JOURNALS

KYLE M. TOMPKINS

ALTERNATIVE DISPUTE RESOLUTION

Michael A.R. Bemasconi, *Rapid-Fire Dispute Resolution at the London Olympics*, 30 DEL. LAW. 14 (2013).

Christopher Immormino, Note, *I'm Gonna Knock You Out: Why Physical Force Is a Legitimate Form of Dispute Resolution*, 27 OHIO ST. J. ON DISP. RESOL. 207 (2012).

Louise Reilly, *An Introduction to the Court of Arbitration for Sport (CAS) and the Role of National Courts in International Sports Disputes*, 2012 J. DISP. RESOL. 63.

AMATEURISM ISSUES

Tristan Griffin, *Payment of College Student-Athletes at Center of Legal Battles*, 75 TEX. B.J. 850 (2012).

Darren A. Heitner, *Money and Sports: Economic Realities of Being an Athlete*, 8 DEPAUL J. SPORTS L. CONTEMP. PROBS. 161 (2012).

Richard T. Karcher, *Broadcast Rights, Unjust Enrichment, and the Student-Athlete*, 34 CARDOZO L. REV. 107 (2012).

Matthew Lane, *Economic Realities and Issues Olympic Athletes Encounter*, 8 DEPAUL J. SPORTS L. CONTEMP. PROBLEMS 121 (2012).

ANTITRUST LAW

David Haddock, Tonja Jacobi & Matthew Sag, *League Structure & Stadium Rent Seeking—The Role of Antitrust Revisited*, 65 FLA. L. REV. 1 (2013).

Trevor Jack, Note, *Blue Field of Dreams: A BCS Antitrust Analysis*, 39 J.C. & U.L. 165 (2013).

Samuel G. Mann, Note, *In Name Only: How Major League Baseball's Reliance on Its Antitrust Exemption Is Hurting the Game*, 54 WM. & MARY L. REV. 587 (2012).

Henry H. Perritt, Jr., *Competitive Entertainment: Implications of the NFL Lockout Litigation for Sports, Theater, Music, and Video Entertainment*, 35 HASTINGS COMM. & ENT. L.J. 93 (2012).

Kemper C. Powell, Comment, *A Façade of Amateurism: An Examination of the NCAA Grant-in-Aid System Under the Sherman Act*, 20 SPORTS LAW. J. 241 (2013).

Robert T. Sharkey, Casenote, *Pecover v. Electronic Arts, Inc.: Should Exclusive Licensing Agreements Made by Madden NFL's Publisher Be Sacked by the Sherman and Cartwright Acts*, 20 VILL. SPORTS & ENT. L.J. 167 (2013).

BANKRUPTCY LAW

John Dillon, Comment, *Major League Baseball Team Bankruptcies: Who Wins? Who Loses?*, 32 LOY. L.A. ENT. L. REV. 297 (2012).

Jeffrey M. Schlerf, *At Bat in Bankruptcy Court*, 30 DEL. LAW. 22 (2013).

BUSINESS AND CORPORATE ISSUES

Garret R. Broshuis, *Deterring Opportunism Through Clawbacks: Lessons for Executive Compensation from Minor League Baseball*, 57 ST. LOUIS U. L.J. 185 (2012).

Heather M. Field, *Throwing the Red Flag: Challenging the NFL's Lessons for American Business*, 38 J. CORP. L. 381 (2013).

Justin R. Hunt, Note, *To Share or Not to Share: Revenue Sharing Structures in Professional Sports*, 13 TEX. REV. ENT. & SPORTS L. 139 (2012).

CONSTITUTIONAL LAW

Scott Kingdon, *Play Ball—Or Not: ISHAA Eligibility Cases*, 56 RES GESTAE 231 (2012).

Shane Kotlarsky, *What's All the Noise About: Did the New York Yankees Violate Fans' First Amendment Rights by Banning Vuvuzelas in Yankee Stadium*, 20 VILL. SPORTS & ENT. L.J. 35 (2013).

Michelle Newman, Note, *Foul Territory: Identifying Media Restrictions in High School Athletics Outside the Bounds of First Amendment Values*, 14 TEX. REV. ENT. & SPORTS L. 59 (2012).

Josephine (Jo) Potuto, *NCAA as a State Actor Controversy: Much Ado About Nothing*, 23 MARQ. SPORTS L. REV. 1 (2012).

Aaron Davis Rosenberg, *How Clean Is Too Clean?: The Purposes, Effects, and Constitutionality of Super Bowl "Clean Zones,"* 20 SPORTS LAW. J. 43 (2013).

CONTRACT LAW

Joe Meyer, *Paying to Play (Somewhere Else): An Examination of the Enforceability of Athletic Conferences' Liquidated Damages Provisions*, 20 VILL. SPORTS & ENT. L.J. 107 (2013).

CRIMINAL LAW

Christian Dennie, *Post-Penn State: Protecting Against Sexual Harassment and Misconduct in Athletics*, 75 TEX. B.J. 828 (2012).

DISCRIMINATION ISSUES

Jeremy Corapi, Note, *Red Card: Using the National Football League's "Rooney Rule" to Eject Race Discrimination from English Professional Soccer's Managerial and Executive Hiring Practices*, 23 FORDHAM INTELL. PROP. MEDIA & ENT. L.J. 341 (2012).

Michael Stefanilo, Jr., "If You Can Play . . . You Can Play"—An Exploration of the Current Culture Surrounding Gay Athletes in Professional Sports with a Particular Focus on *Apilado v. NAGAAA*, 20 SPORTS LAW. J. 21 (2013).

Jennifer K. Wagner, *Sidelining GINA: The Impact of Personal Genomics and Collective Bargaining in Professional Sports*, 12 VA. SPORTS & ENT. L.J. 81 (2012).

DRUG TESTING AND DOPING

Sara Arfmann, *The Intersection Between the FDA's Dietary Supplement Health and Education Act and the Anti-Doping Agency's Regulation of Banned Substances for Athletes*, 20 SPORTS LAW. J. 159 (2013).

Tony R. Bertolino, *High-Profile Athlete Doping Cases Provide Insight for Sports Law Attorneys*, 75 TEX. B.J. 844 (2012).

Paul A. Czarnota, *The World Anti-Doping Code, the Athlete's Duty of "Utmost Caution," and the Elimination of Cheating*, 23 MARQ. SPORTS L. REV. 45 (2012).

Robert M. Gallman, Comment, *Enhancement or Recovery? The Scientific and Legal Paradox of Performance-Enhancing Substances*, 15 SMU SCI. & TECH. L. REV. 495 (2012).

Gregory Ioannidis, Casenote, *BOA v. WADA: Harmonisation v Self-Regulation*, 24 DENNING L.J. 169 (2012).

Jeremy L. Kahn, Note, *Shedding Rights at the College Gate: How Suspicionless Mandatory Drug Testing of College Students Violates the*

Fourth Amendment, 67 U. MIAMI L. REV. 217 (2012).

John T. Wendt, Essay, *Toward Harmonization: British Olympic Ass'n v. World Anti-Doping Agency*, 23 MARQ. SPORTS L. REV. 155 (2012).

GAMBLING

Ronald J. Rychlak, *Gambling with the Bronx Bombers: Betting on, Against, and with the Bronx Bombers*, 3 UNLV GAMING L.J. 165 (2012).

GENDER ISSUES

Erin Elizabeth Berry, *Respect for the Fundamental Notion of Fairness of Competition: The IAAF, Hyperandrogenism, and Women Athletes*, 27 WIS. J.L. GENDER & SOC'Y 207 (2012).

Benjamin C. Block & Jacqueline Paradee Mette, *Title IX: Its History and Impact on Female Athletes*, 30 DEL. LAW. 18 (2013).

Maggie Jo Poertner Buchanan, Note, *Title IX Turns 40: A Brief History and Look Forward*, 14 TEX. REV. ENT. & SPORTS L. 91 (2012).

Janice Crosswhite Oam & Tim Fuller, *Sport & the Law: London, a Watershed for Women's Participation in the Olympics*, 37 ALTERNATIVE L.J. 279 (2012).

Colton Puckett, Comment, *American Sports Council v. United States Department of Education: Forty Years of Title IX and Still Standing (or Not)*, 20 SPORTS LAW. J. 261 (2013).

Alison Renfrew, Comment, *The Building Blocks of Reform: Strengthening Office of Civil Rights to Achieve Title IX's Objectives*, 117 PENN ST. L. REV. 563 (2012).

Jennifer V. Sinisi, Casenote, *Gender Non-Conformity as a Foundation for Sex Discrimination: Why Title IX May Be an Appropriate Remedy for the NCAA's Transgender Student-Athletes*, 19 VILL. SPORTS & ENT. L.J. 343 (2012).

Zachary Swartz, Note, *If It's Broken, Let Them Fix It: Why the Gebser Pre-Litigation Notice Requirement Should Apply to Title IX Athletics Lawsuits*, 61 CATH. U. L. REV. 1207 (2012).

HEALTH AND SAFETY

Phoebe Anne Amberg, Comment, *Protecting Kids' Melons: Potential Liability and Enforcement Issues with Youth Concussion Laws*, 23 MARQ. SPORTS L. REV. 171 (2012).

Jason Navia, Comment, *Sitting on the Bench: The Failure of Youth Football Helmet Regulation and the Necessity of Government Intervention*, 64

ADMIN. L. REV. 265 (2012).

Jarryd Werts, Note, *Ringling the Bell on Concussions: The Rise of Head Injuries and Cognitive Decline in Football Players, and the NFL's Obligation to Improve Safety Measures*, 11 CARDOZO PUB. L. POL'Y & ETHICS J. 173 (2012).

INTELLECTUAL PROPERTY LAW

Rafael Toro Arsuaga, *Freedom of Speech vs. the Right of Publicity in Today's Gaming World*, 81 REV. JUR. U.P.R. 245 (2012).

Talor Bearman, Note, *Intercepting Licensing Rights: Why College Athletes Need a Federal Right of Publicity*, 15 VAND. J. ENT. & TECH. L. 85 (2012).

Timothy J. Bucher, *Game On: Sports-Related Games and the Contentious Interplay Between the Right of Publicity and the First Amendment*, 14 TEX. REV. ENT. & SPORTS L. 1 (2012).

Alexander Bussey, Comment, *Stretching Copyright to Its Limit: On the Copyrightability of Yoga and Other Sports Movements in Light of the U.S. Copyright Office's New Characterization of Compilations*, 20 VILL. SPORTS & ENT. L.J. 1 (2013).

William K. Ford & Raizel Liebler, *Games Are Not Coffee Mugs: Games and the Right of Publicity*, 29 SANTA CLARA COMPUTER & HIGH TECH. L.J. 1 (2012).

Brett Goodman, Michael Kuh, Michael McCann, Harvey Schiller, Scott Schleifstein & Ben Sturmer, Panel, *Brand Promotion and Protection at the London 2012 Olympics*, 20 CARDOZO J. INT'L & COMP. L. 601 (2012).

Joseph Gutmann, Note, *It's in the Game: Redefining the Transformative Use Test for the Video Game Arena*, 31 CARDOZO ARTS & ENT. L.J. 215 (2012).

R. Charles Henn, Jr., Alicia Grahn Jones & Samantha L. Hayes, *Protecting Collegiate Color Schemes: How Recent Developments in Trademark Law Enable Institutions to Further Preserve and Strengthen Their Brand Identities*, 12 VA. SPORTS & ENT. L.J. 1 (2012).

Heather M. Mandelkehr, Comment, *When Toning Shoes Strengthen Nothing More Than Likelihood of Lawsuit: Why the Federal Trade Commission Needs Guidelines Regarding Proper Substantiation of Fitness Advertisements*, 20 VILL. SPORTS & ENT. L.J. 297 (2013).

Lauren T. Warbington, Note, *Crossing the Line: The Collegiate Licensing Company's Overindulgent Attempt to Limit Small Businesses' Online Marketing Techniques Based on Frivolous Claims of Trademark Infringement*, 19 J. INTELL. PROP. L. 517 (2012).

INTERNATIONAL & COMPARATIVE LAW

Courtney D. Hall, Comment, *Fishing for All-Stars in a Time of Global Free Agency: Understanding FIFA Eligibility Rules and the Impact on the U.S. Men's National Team*, 23 MARQ. SPORTS L. REV. 191 (2012).

Ryan S. Hanlon, Comment, *School's out Forever: The Applicability of International Human Rights Law to Major League Baseball Academies in the Dominican Republic*, 26 PAC. MCGEORGE GLOBAL BUS. & DEV. L.J. 235 (2013).

Kris Helge, *The Success of a Nation's Soccer Team: A Bellwether Regarding a Nation's Electronic Information Infrastructure, the Legal Regulations that Govern the Infrastructure, the Resulting Citizen-Trust in Its Government and Its E-Readiness in Nigeria, the DPRK, China, Japan, South Korea, the Netherlands and the United States*, 39 N. KY. L. REV. 467 (2012).

Aiden Johnson, Note, *Update: The Curious Cases of Oscar Pistorius & Caster Semenya*, 14 TEX. REV. ENT. & SPORTS L. 89 (2012).

Brian Kolva, Note, *Lacrosse Players, Not Terrorists: The Effects of the Western Hemisphere Travel Initiative on Native American International Travel and Sovereignty*, 40 WASH. U. J.L. & POL'Y 307 (2012).

Clinton R. Long, *Promoting Competition or Preventing It? A Comparative Law Analysis of UEFA's Financial Fair Play Rules*, 23 MARQ. SPORTS L. REV. 75 (2012).

Seam Rassel, Comment, *The Necessity for National Federations to Stand up for Themselves*, 20 MICH. ST. INT'L L. REV. 797 (2012).

Alex Reinert, Michael Drury & Pete Fussey, Panel, *Surveillance and Privacy at the London 2012 Olympics*, 20 CARDOZO J. INT'L & COMP. L. 571 (2012).

LABOR AND EMPLOYMENT LAW

Alexandra Baumann, Comment, *Play Ball: What Can Be Done to Prevent Strikes and Lockouts in Professional Sports and Keep the Stadium Lights On*, 32 J. NAT'L ASS'N ADMIN. L. JUDICIARY 251 (2012).

Benjamin Block & Cyril Djoukeng, *A Short History of NFL Labor Disputes*, 30 DEL. LAW. 8 (2013).

Kevin Carpenter, *NFL and NBA Lockouts: A U.K. Lawyer's Legal Retrospective*, 20 SPORTS LAW. J. 1 (2013).

Nathaniel Grow, *Decertifying Players Unions: Lessons from the NFL and NBA Lockouts of 2011*, 15 VAND. J. ENT. & TECH. L. 473 (2013).

Courtney D. Hall, Comment, *Track Conditions Uncertain: Analyzing the Need for the NLRB to Reassess Its Denial of Jurisdiction over the Horse Racing*

Industry, 20 SPORTS LAW. J. 71 (2013).

Alexander C. Krueger-Wyman, Note, *Collective Bargaining and the Best Interests of Basketball*, 12 VA. SPORTS & ENT. L.J. 171 (2012).

Benjamin I. Leibovitz, *Unnecessary Roughness? A Review of the NFL Commissioner's On-the-Field Disciplinary Powers*, 20 SPORTS LAW. J. 187 (2013).

Michael H. LeRoy, *An Invisible Union for an Invisible Labor Market: College Football and the Union Substitution Effect*, 2012 WIS. L. REV. 1077.

Michael H. LeRoy, *Federal Jurisdiction in Sports Labor Disputes*, 2012 UTAH L. REV. 815.

Leanne O'Leary, *Regulating the Employment Relationship on Professional Team Sports*, 41 INDUS. L.J. 184 (2012).

Aaron A. Spacone, Comment, *Let Them Train: Why the Eighth Circuit's Decision to Stay the Injunction of the 2011 NFL Lockout Was Incorrect*, 45 CONN. L. REV. 1017 (2013).

Caleb Webster, *Bargaining with Baseball: Labor Relations in an Age of Prosperous Turmoil*, 33 BERKELEY J. EMP. & LAB. L. 215 (2012).

Jennifer A. Wood, Note, *A Dirty Game: Trusting the National Hockey League to Play Judge, Jury, and Executioner*, 13 TEX. REV. ENT. & SPORTS L. 179 (2012).

NCAA GOVERNANCE

Amanda Leone, Comment, *Buying Influence in College Athletics: How Much Does It Cost to Put in Your Two Cents?*, 23 SETON HALL J. SPORTS & ENT. L. 221 (2013).

Joseph M. Long, *A Contextual Study of the Non-Profit Duty of Obedience: The National Collegiate Athletic Association*, 23 SETON HALL J. SPORTS & ENT. L. 125 (2013).

Jason P. Rudderman, *Major Violations for the NCAA: How the NCAA Can Apply the Dodd-Frank Act to Reform Its Own Corporate Governance Scheme*, 23 MARQ. SPORTS L. REV. 103 (2012).

SOCIAL MEDIA

Eric Bentley, *Unnecessary Roughness: Why Athletic Departments Need to Rethink Whether to Aggressively Respond to the Use of Social Media by Athletes*, 75 TEX. B.J. 834 (2012).

Zak Brown, Note, *What's Said in This Locker Room, Stays in This Locker Room: Restricting the Social Media Use of Collegiate Athletes and the Implications for Their Institutions*, 10 J. ON TELECOMM. & HIGH TECH. L. 421

(2012).

Patrick Stubblefield, *Evading the Tweet Bomb: Utilizing Financial Aid Agreements to Avoid First Amendment Litigation and NCAA Sanctions*, 41 J.L. & EDUC. 593 (2012).

Joe Trevino, *From Tweets to Twibel: Why the Current Defamation Law Does Not Provide for Jay Cutler's Feelings*, 19 SPORTS LAW. J. 49 (2012).

SPORT AGENTS

James Masteralexis, Lisa Masteralexis & Kevin Snyder, *Enough Is Enough: The Case for Federal Regulation of Sports Agents*, 20 VILL. SPORTS & ENT. L.J. 69 (2013).

Noam Silverman, *Regulation of Sports Agents and College Football: Perception or Reality?* 7 FIU L. REV. 187 (2011).

SPORT VENUES

Jessica Borowick, Note, *The Olympic Host City Contract: Achieving Relational and Referential Efficiencies to Deliver the Best Games Ever*, 12 VA. SPORTS & ENT. L.J. 126 (2012).

Jessica Blumert, Note, *Home Games: Legal Issues Concerning the Displacement of Property Owners at the Site of Olympic Venues*, 21 CARDOZO J. INT'L & COMP. L. 153 (2012).

Dave Ebersole, *Democracy in Ohio: Ohio's Fiscal Constitution and the Unconstitutional Nationwide Arena Deal*, 40 HASTINGS CONST. L.Q. 319 (2013).

Eric M. McGregor, Comment, *Hooray Beer!?: How the Reemergence of Alcohol Sales at Campus Stadiums Will Affect Universities*, 23 MARQ. SPORTS L. REV. 211 (2012).

TAX LAW

William A. Drennan, *Taxing Commercial Sponsorships of College Athletics: A Balanced Proposal*, 73 OHIO ST. L.J. 1353 (2012)

Lance Taubin, Note, *Welcome to the Real 2011 NBA Lockout: Where Owner-Friendly Tax Provisions and Non-Monetized Benefits Color the Lockout Landscape*, 11 CARDOZO PUB. L. POL'Y & ETHICS J. 139 (2012).

TORT LAW

Michael Campbell, Note, *Ballpark Beat-Downs: A New Framework to Protect Fans*, 22 S. CAL. INTERDIS. L.J. 109 (2012).

Javier Diaz, Comment, *Beware of Deadly Flying Bats: An Examination of the Legal Implications of Maple Bat Injuries in Major League Baseball*, 22 SETON HALL J. SPORTS & ENT. L. 311 (2012).

Joseph B. Kenney, Comment, *Showing On-Field Racism the Red Card: How Use of Tort Law and Vicarious Liability Can Save the MLS from Joining the English Premier League on Racism Row*, 20 VILL. SPORTS & ENT. L.J. 247 (2013).

Robert D. Richards, *When “Ripped from the Headlines” Means “See You in Court”*: *Libel by Fiction and the Tort-Law Twist on a Controversial Defamation Concept*, 13 TEX. REV. ENT. & SPORTS L. 117 (2012).

Garret E. Smith, *Golf: Is “Fore” the Standard?*, 14 T.M. COOLEY J. PRAC. & CLIN. L. 103 (2012).

Steven J. Swenson, *Unsportsmanlike Conduct: The Duty Placed on Stadium Owners to Protect Against Fan Violence*, 23 MARQ. SPORTS L. REV. 135 (2012).

Tyler Tassone, Comment, *Should Metal Bats Come with a Warning Label? Assessing Failure to Warn Claims Before and After Enactment of the BBCOR Baseball Bat Performance Standard*, 20 SPORTS LAW. J. 211 (2013).

WORKERS' COMPENSATION LAW

Rockwell Thomas Gust IV, Comment, *The California Workers' Compensation Act: The Death Knell of NFL Players' “Concussion” Case?*, 44 U. TOL. L. REV. 245 (2012).

MISCELLANEOUS

Jamie M. Miettinen, Comment, *Atkins v. Bert Bell/Pete Rozelle NFL Player Retirement Plan: Former NFL Defensive Back Tackling a Mixed Bag of Conflicting Opinions Is Denied Increased Benefits*, 20 SPORTS LAW. J. 281 (2013).

Geoffrey Christopher Rapp, *Field of Broken Dreams: The Quest for Rule-of-Law in Sports Litigation*, 13 TEX. REV. ENT. & SPORTS L. 103 (2012) (reviewing ROGER I. ABRAMS, *SPORTS JUSTICE: THE LAW AND THE BUSINESS OF SPORTS* (2010)).