

# Index: Sports Law in Law Reviews and Journals

Sean P. McCarthy

Emily K. Hartsinck

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



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

---

### Repository Citation

Sean P. McCarthy and Emily K. Hartsinck, *Index: Sports Law in Law Reviews and Journals*, 26 Marq. Sports L. Rev. 845 (2016)

Available at: <http://scholarship.law.marquette.edu/sportslaw/vol26/iss2/20>

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](mailto:megan.obrien@marquette.edu).

## INDEX

### SPORTS LAW IN LAW REVIEWS AND JOURNALS

#### ALTERNATIVE DISPUTE RESOLUTION

Jared Bishop, *Implementing Mediation into NHL Salary Negotiations for Restricted Free Agents Prior to Salary Arbitration*, 23 SPORTS LAW. J. 137 (2016).

Christian Dennie, *The Benefits of Arbitration: Arbitration in NCAA Student-Athlete Participation and Infractions Matters Provides for Fundamental Fairness*, 46 U. MEM. L. REV. 135 (2015).

Zachary Gotlib, Note, *Athletes Have Rights Too, Right? Investigating the Extreme Unfairness in Sports' Purported Supreme Authority – Why the International Court of Arbitration For Sport Fails to Reign Supreme*, 24 CARDOZO J. INT'L & COMP. L. 389 (2016).

Matthew J. Mitten, *Book Review: The Code of the Court of Arbitration for Sport: Commentary, Cases, and Materials*, 26 MARQ. SPORTS L. REV. 265 (2015).

Andrew Steckler, Note, *Time to Pay College Athletes? Why the O'Bannon Decision Makes Pay-for-Play Ripe for Mediation*, 17 CARDOZO J. CONFLICT RESOL. 1071 (2016).

#### ANTITRUST

Joy Blanchard, *Flag on the Play: A Review of Antitrust Challenges to the NCAA. Could the New College Football Playoff Be Next?*, 15 VA. SPORTS & ENT. L.J. 1 (2015).

Michael A. Carrier, *How Not to Apply the Rule of Reason: The O'Bannon Case*, 114 MICH. L. REV. FIRST IMPRESSIONS 73 (2015).

Marc Edelman, *How Antitrust Law Could Reform College Football: Section 1 of the Sherman Act and the Hope for Tangible Change*, 68 RUTGERS L. REV. 809 (2016).

Marc Edelman, *In Defense of Sports Antitrust Law: A Response to Law Review Articles Calling for the Administrative Regulation of Commercial Sports*, 72 WASH. & LEE L. REV. ONLINE 210 (2015).

Noah J. Goodman, Note, *The Evolution and Decline of Free Agency in Major League Baseball: How the 2016-2016 Collective Bargaining Agreement is Restraining Trade*, 23 SPORTS LAW. J. 19 (2016).

Nathaniel Grow, *The Curiously Confounding Curt Flood Act*, 90 TUL. L. REV. 859 (2016).

C. Scott Hemphill, *Less Restrictive Alternatives in Antitrust Law*, 116 COLUM. L. REV. 927 (2016).

Sean R. Madden, *Out of Bounds: Commerce Clause Protection from State Antitrust Statutes for Regional Athletic Conferences*, 38 CAMPBELL L. REV. 109 (2016).

Bradley V. Murphy, Note, *Protecting America's Pastime: The Necessity of Major League Baseball's Antitrust Exemption for the Survival of Minor League Baseball*, 49 IND. L. REV. 793 (2016).

Stephen F. Ross & Michael James, Jr., *A Strategic Legal Challenge to the Unforeseen Anticompetitive and Racially Discriminatory Effects of Baseball's North American Draft*, 115 COLUM. L. REV. SIDEBAR 127 (2015).

#### CONCUSSIONS

Taylor Adams, Comment, *The Repercussions of Concussions in Youth Football Leagues: An Analysis of Texas's Concussion Law and Why Reform is Necessary*, 18 SCHOLAR: ST. MARY'S L. REV. & SOC. JUST. 285 (2016).

Tracey B. Carter, *From Youth Sports to Collegiate Athletics to Professional Leagues: Is There Really "Informed Consent" by Athletes Regarding Sports-Related Concussions?*, 84 UMKC L. REV. 331 (2015).

Betsey J. Grey & Gary E. Merchant, *Biomarkers, Concussions, and the Duty of Care*, 2015 MICH. ST. L. REV. 1911 (2016).

Jay Barry Harris, *We've Only Just Begun: Determining Who Pays after the Approval of the NFL Concussion Settlement*, 83 DEF. COUNS. J. 156 (2016).

Sarah James, Note, *Ring the Bell for the Last Time: How the NFL's Settlement Agreement Overwhelmingly Disfavors NFL Players Living with Chronic Traumatic Encephalopathy (CTE)*, 11 J. HEALTH & BIOMED. L. 391 (2016).

Dionne L. Koller, *Putting Public Law into "Private" Sport*, 43 PEPP. L. REV. 681 (2016).

Sean D. O'Brien & Kenneth Ferguson, *Traumatic Brain Injury and the Law: Introduction*, 84 UMKC L. REV. 287 (2015).

Lydia Townsend, Comment, *The Youth Sports Concussion Act and Why Congress Needs to Get Its Head in the Game*, 84 UMKC L. REV. 575 (2015).

#### CONSTITUTIONAL LAW

Leoangelo Cristobal, Case Note, *In re NCAA Student-Athlete Name and Likeness Licensing Litigation: How Free Speech Lost a Key Battle in the War for Creativity*, 46 GOLDEN GATE U. L. REV. 7 (2016).

Emmett Gill, *The UNC Football Investigation and Student-Athlete Due Process*, 32 ENT. & SPORTS LAW. 45 (2015).

Maria L. Ontiveros, *NCAA Athletes, Unpaid Interns, and the S-Word: Exploring the Rhetorical Impact of the Language of Slavery*, 2015 MICH. ST. L. REV. 1657 (2016).

Meg Penrose, *Sharing Stupid \$h\*t with Friends and Followers: The First Amendment Rights of College Athletes to Use Social Media*, 17 SMU SCI. & TECH. L. REV. 449 (2014).

Hammad Rasul, *The Washington Redskins' Deflating Hope: The Lanham Act Survives the First Amendment Challenge*, 26 MARQ. SPORTS L. REV. 159 (2015).

Ryan M. Rodenberg, John T. Holden & Asa D. Brown, *Real-Time Sports Data and the First Amendment*, 11 WASH. J.L. TECH. & ARTS 63 (2015).

James Stewart & Sarah Waidelich, *Redskins and Slants: The Lanham Act and the First Amendment on a Collision Course?*, 31 COMM. LAW. 11 (2015).

David M. Ullian, "A Rope, a Tree, Hang the Referee!": *Exploring the First Amendment Boundaries of Offensive Fan Speech in College Sports*, 23 SPORTS LAW. J. 1 (2016).

Alex Vlisides, Comment, *Video Games and NCAA Athletes: Resolving a Modern Threat to the First Amendment*, 45 U. BALT. L. REV. 1 (2015).

#### CONTRACT LAW

John Woods, Case Note, *Oquendo v. CCC Terek: Simple Boxing Injunction Case Deals Sport Another Body Blow*, 23 SPORTS LAW. J. 217 (2016).

Eric D. Yordy ET. AL., *The Big Red Mess: The University of Phoenix Stadium Concessions Contract*, 22 J.L. BUS. & ETH. 27 (2016).

#### DRUG TESTING & DOPING

Melissa Hewitt, Note, *An Unbalanced Act: A Criticism of How the Court of Arbitration for Sport Issues Unjustly Harsh Sanctions by Attempting to Regulate Doping in Sport*, 22 IND. J. GLOBAL LEGAL STUD. 769 (2015).

Dionne L. Koller, *Sports, Doping, and the Regulatory "Tipping Point,"* 26 MARQ. SPORTS L. REV. 181 (2015).

Andrew Zoeller, Comment, *Singh v. PGA: A David v. Goliath Battle*, 23 JEFFREY S. MOORAD SPORTS L.J. 337 (2016).

#### GAMBLING

Marc Edelman, *Navigating the Legal Risks of Daily Fantasy Sports: A Detailed Primer in Federal and State Gambling Law*, 2016 U. ILL. L. REV. 117 (2016).

Timothy Furman, *Going All In: New Jersey and the Sports Betting Landscape*, 14 DEPAUL BUS. & COM. L.J. 111 (2015).

James C. W. Goodall, Note, *Bringing Down the House: An Examination of the Law and Policy Underpinning the Professional and Amateur Sports Protection Act of 1992*, 67 RUTGERS U. L. REV. 1097 (2015).

Katarzyna Kordas, Student Article, *Dropping the Ball: How FIFA Can Address the Match-Fixing Problem Facing Professional Football*, 23 SPORTS LAW. J. 107 (2016).

Jeffrey C. Meehan, *The Predominate Goliath: Why Pay-to-Play Daily Fantasy Sports are Games of Skill Under the Dominant Factor Test*, 26 MARQ. SPORTS. L. REV. 5 (2015).

I. Nelson Rose, *Law, Politics, and Daily Fantasy Sports*, 58 ORANGE COUNTY LAW. 38 (2016).

Zachary Shapiro, *Regulation, Prohibition, and Fantasy: The Case of FanDuel, DraftKings, and Daily Fantasy Sports in New York and Massachusetts*, 7 HARV. J. SPORTS & ENTERTAINMENT L. 289 (2016).

Michael Trippiedi, Note, *Daily Fantasy Sports Leagues: Do You Have the Skill to Win at These Games of Chance?*, 5 UNLV GAMING L.J. 201 (2015).

#### GENDER EQUITY & TITLE IX

Bryan Adamson, *Michael Sam: Upending NFL Heteronormativity with a Piece of Cake*, 17 TEX. REV. ENT. & SPORTS L. 33 (2015).

Diane Heckman, *The Role of Title IX in Combatting Sexual Violence on College Campuses*, 325 ED. L. REP. 1 (2016).

Dionne L. Koller, *The Obese and the Elite: Using Law to Reclaim School Sports*, 67 OKLA. L. REV. 383 (2015).

Wyatt Lyles, *Ollier v. Sweetwater Union High School District: Examining Gender Discrimination in the High School Context*, 23 SPORTS LAW. J. 169 (2016).

Stacey Michel, Comment, *Not Quite a First Place Finish: An Argument*

*That Recent Title IX Policy Clarification from the United States Department of Education Does Not Adequately Protect Transgender Interscholastic Athletes*, 25 TUL. J.L. & SEXUALITY 145 (2016).

Devon Vincent, Comment, *Gender Diversity in the NFL: The Importance of Female Leadership in a Historically Made-Dominated Organization*, 13 WILLAMETTE SPORTS L.J. 60 (2016).

#### INSURANCE LAW

Richard C. Giller, *Lawsuits Involving Former USC Football Stars Shine a Light on the Murky World of Loss-of-Value Insurance*, 32 ENT. & SPORTS LAW. 18 (2015).

Michael D. Randall, Note, *Even I Can't Cover Me: Examining the NCAA's Effective Prohibition on "Loss of Value" Insurance for Its Student-Athletes*, 21 CONN. INS. L.J. 521 (2015).

#### INTELLECTUAL PROPERTY

Michael E. Baughman & Eli Segal, *Can the Right of Publicity Be Squared with New York Times v. Sullivan and Its Progeny?*, 31 COMM. LAW. 18 (2015).

Stephanie Jade Bollinger, Comment, *Between a Tomahawk and a Hard Place: Indian Mascots and the NCAA*, 16 BYU EDUC. & L.J. 73 (2016).

Christian Bray, *Leaving Your Mark: An Analysis of Collegiate Student-Athlete Trademark Rights*, 23 SPORTS LAW. J. 87 (2016).

Scott J. Champagne, Comment, *Hicks v. PGA Tour: An Examination of Caddies' Rights and Human Billboards in Sports*, 23 SPORTS LAW. J. 185 (2016).

Alexandria Chu, Note, *The Washington Redskins and the Current Standard for Disparaging Trademarks: The Impact of Disparaging Trademarks in the Modern World*, 25 S. CAL. REV. L. & SOC. JUST. 39 (2015).

Jennifer L. Commander, Comment, *The Player, the Video Game, and the Tattoo Artist: Who has the Most Skin in the Game?*, 72 WASH. & LEE L. REV. 1947 (2015).

Mitchell D. Diles, Note, *Condemning Clothes: The Constitutionality of Taking Trademarks in the Professional Sports Franchise Context*, 73 WASH. & LEE L. REV. ONLINE 1 (2016).

Christian Frodl, *Commercialisation of Sports Data: Rights of Event Owners over Information and Statistics Generated About Their Sports Events*, 26 MARQ. SPORTS L. REV. 55 (2015).

Andrew M. Klemash, Note, *Applying the Appropriate APA Standard of Review to §1052(A) Disparagement Findings of the Trademark Trial and*

*Appeal Board in a District Court: The Washington Redskins and Its Trademarks*, 43 AIPLA Q.J. 659 (2015).

Kate Manolakas, *Images in Play*, 39 L.A. LAW. 18 (2016).

William T. Mason, Note, *Blackhorse Down: Do NFL Teams Need Trademark Protection?*, 94 TEX. L. REV. 131 (2016).

Stephen McKelvey, Jonathan Goins, & Frederick Krauss, *The Air Jordan Rules: Image Advertising Adds New Dimension to Right of Publicity-First Amendment Tension*, 26 FORDHAM INTELL. PROP. MEDIA & ENT. L.J. 945 (2016).

Ingrid Messbauer, *Beyond "Redskins": A Source-Based Framework for Analyzing Disparaging Trademarks and Native American Sports Logos*, 25 FED. CIRCUIT B.J. 241 (2016).

Victoria F. Phillips & Ryan M. Van Olst, *The Longstanding Pro Bono Battle Challenging the Washington Football Team Trademarks*, 8 NO. 3 LANDSLIDE 47 (2016).

Candy P. Reyes, *AEREO, Sports Leagues' Favorite Cookie?: An Analysis of Its Impact on Professional Sports Leagues' Exclusive Rights, Technological Innovation, and Consumer Welfare*, 26 MARQ. SPORTS L. REV. 221 (2015).

Matt Simenstad, *The Ed O'Bannon Class Action Lawsuit -- A New Paradigm for College Sports*, 45 COLO. LAW. 31 (2016).

Zachary Stirparo, Case Note, *Top Bashing Breyer: How the Justice's Powerful Subtlety Outwitted Scalia in Aereo III*, 23 JEFFREY S. MOORAD SPORTS L.J. 149 (2016).

#### INTERNATIONAL & COMPARATIVE LAW

Jo-Annie Charbonneau, *A Comparative Analysis of American and Canadian Antitrust and Labor Laws as Applied to Professional Sports League Lockouts and Potential Solutions to Prevent Their Occurrence*, 26 MARQ. SPORTS L. REV. 111 (2015).

Anna Kaminsky, Note, *A Major Smuggle Struggle: It's Time for Major League Baseball to Step Up to the Plate and Alleviate Its Cuban Smuggling Problem*, 24 CARDOZO J. INT'L & COMP. L. 193 (2015).

Robert D. Macdonald & Ian M. Ramsay, *Constitutional Voting Rules of Australian National Sporting Organizations: Comparative Analysis and Principles of Constitutional Design*, 7 HARV. J. SPORTS & ENT. L. 53 (2016).

Arjyo Mitra, *An Ethical Analysis of the 2014 FIFA World Cup in Brazil*, 21 LAW & BUS. REV. AM. 3 (2015).

## LABOR &amp; EMPLOYMENT LAW

Charlotte S. Alexander & Nathaniel Grow, *Gaming the System: The Exemption of Professional Sports Teams from the Fair Labor Standards Act*, 49 U.C. DAVIS L. REV. 123 (2015).

Alicia J. Anderson, Comment, *Leveling the Playing Field Among the NFL, Clubs, and Players—By Amending the Employee Retirement Income Security Act*, 26 MARQ. SPORTS L. REV. 199 (2015).

Mary Kate Bird, Comment, *Northwestern University: Opening the Door for Unionization in Collegiate Athletics*, 84 UMKC L. REV. 423 (2015).

Samuel L. Gurney, *Without Thanks to Richie Incognito: Should Employers Owe a Duty to Employees to Protect Against Psychological Harm from Status-Blind Bullying in the Workplace?*, 26 MARQ. SPORTS L. REV. 37 (2015).

Claudia Harke, Comment, *Pom Poms, Pigskin & Jiggle Tests: Is It Time for the National Football League Cheerleaders to Unionize?*, 30 WIS. J.L. GENDER & SOC'Y 157 (2015).

Andrew C. Harmes, *Forecheck, Backcheck...Paycheck? Employment Status of the Quasi-Professional Athlete: A Case Study of the CHL and the Major Junior Hockey Player*, 7 HARV. J. SPORTS & ENTERTAINMENT L. 238 (2016).craft

Deseriee A. Kennedy, *Using the NFL as a Model? Considering Zero Tolerance in the Workplace for Batterers*, 45 U. BALT. L. REV. 293 (2016).

Jay D. Lonick, *Bargaining with the Real Boss: How the Joint-Employer Doctrine Can Expand Student-Athlete Unionization to the NCAA as an Employer*, 15 VA. SPORTS & ENT. L.J. 135 (2015).

Sheldon D. Pollack & Daniel V. Johns, *Northwestern Football Players Throw a “Hail Mary” but the National Labor Relations Board Punts: Struggling to Apply Federal Labor Law in the Academy*, 15 VA. SPORTS & ENT. L.J. 77 (2015).

César F. Rosado Marzán & Alex Tillet-Saks, *Work, Study, Organize!: Why the Northwestern University Football Players are Employees Under the National Labor Relations Act*, 32 HOFSTRA LAB. & EMP. L.J. 301 (2015).

Andrew Steadman, *Getting an Icy Reception: Do Canadian Hockey League Players Deserve to be Paid?*, 13 WILLAMETTE SPORTS L.J. 39 (2016).

Randall S. Thomas & R. Lawrence Van Horn, *College Football Coaches' Pay and Contracts: Are They Overpaid and Unduly Privileged?*, 91 IND. L.J. 189 (2016).

## LEAGUE GOVERNANCE

Caroline A. Carmer, Case Note, *NFL Management Council v. NFL Players*



*Ass'n: District Court Deflates the NFL Commissioner's Authority*, 23 SPORTS LAW. J. 201 (2016).

Mark Hovell & Tiran Gunawardena, *UEFA's Financial Fair Play Regulations: Saving Football from Itself?*, 32 ENT. & SPORTS LAW. 37 (2015).

Zachary J. LaFleur, Comment, *National Football League Management Council v. National Football League Players Association: Deflategate Reviewed*, 66 CASE W. RES. L. REV. 639 (2015).

Joshua S.E. Lee & Jaimie K. McFarlin, Article, *Sports Scandals from the Top-Down: Comparative Analysis of Management, Owner, and Athletic Discipline in the NFL & NBA*, 23 JEFFREY S. MOORAD SPORTS L.J. 69 (2016).

Sean P. McCarthy, *Bending the Rules to Change the Rule? Was the National Football League's Domestic Violence Policy Collectively Bargained for?*, 26 MARQ. SPORTS L. REV. 245 (2015).

Cole Renicker, Note, *A Comparative Analysis of the NFL's Disciplinary Structure: The Commissioner's Power Players' Rights*, 26 FORDHAM INTELL. PROP. MEDIA & ENT. L.J. 1051 (2016).

Hank Stebbins, *Blind Draw: How Major League Soccer's Single Entity Structure and Unique Rules Have Impacted Soccer in the United States*, 13 WILLAMETTE SPORTS L.J. 1 (2015).

#### MISCELLANEOUS

Nicholas Bittner, Comment, *A Hazy Shade of Winter: The Chilling Issues Surrounding Hazing in School Sports and the Litigation that Follows*, 23 JEFFREY S. MOORAD SPORTS L.J. 211 (2016).

Michael Cottingham ET. AL., *The Historical Realization of the Americans with Disabilities Act on Athletes with Disabilities*, 26 J. LEGAL ASPECTS SPORT 5 (2016).

Ryan Gauthier, *Olympic Game Host Selection and the Law: A Qualitative Analysis*, 23 JEFFREY S. MOORAD SPORTS L.J. 1 (2016).

Andrew J. Guilford, & Joel Mallord, *Time to Drop the Infield Fly Rule and End a Common Law Anomaly*, 164 U. PA. L. REV. 281 (2015).

Katherine E. Hollist, Note, *Time to be Grown-Ups About Video Gaming: The Rising eSports Industry and the Need for Regulation*, 57 ARIZ. L. REV. 823 (2015).

#### NCAA GOVERNANCE

Michael Aiello, *Compensating the Student-Athlete*, 23 SPORTS LAW. J. 157 (2016).

Brett Barocas, Note, *An Unconstitutional Playbook: Why the NCAA Must*

*Stop Monitoring Student-Athletes' Password-Protected Social Media Content*, 80 BROOK. L. REV. 1029 (2015).

Jeremy Cole, *Dropping the Ball: How the Commissioner's Exercise of his "Best Interests" Authority is Failing the NFL and What Can Be Done About It*, 17 TEX. REV. ENT. & SPORTS L. 43 (2015).

Joseph Davison, *Throwing the Flag on Pay-for-Play: The O'Bannon Ruling and the Future of Paid Student-Athletes*, 11 WASH. J.L. TECH. & ARTS 155 (2015).

M. Mark Heekin & Bruce W. Burton, *The Deeply Flawed College Football Playoff: A Call for Structural Changes to Protect Against Undue Commercialization, to Ensure Transparency, and to Systematize Democratic Due Process*, 40 DAYTON L. REV. 383 (2016).

Caroline K. Kane, Comment, *The NCAA Is Dropping the Ball: Refining the Rights of Student-Athletes*, 65 DEPAUL L. REV. 171 (2015).

Alexander Lodge, Note, *Who's Afraid of the Big Bad NCAA? ... The Ed O'Bannon v. NCAA Decision's Impact on the NCAA Amateurism Model*, 41 IOWA J. CORP. L. 775 (2016).

Josephine R. Pututo & Matthew J. Mitten, *Comparing NCAA and Olympic Athlete Eligibility Dispute Resolution Systems in Light of Procedural Fairness and Substantive Justice*, 7 HARV. J. SPORTS & ENT. L. 1 (2016).

Taylor Riskin, Comment, *Student-Athletes Put Full-Court Pressure on the NCAA for Their Rights*, 15 J. MARSHALL REV. INTELL. PROP. L. 276 (2016).

Ross E. Simpson, Case Note, *"The Previous Pay is Under Further Review": Payment Problems Arising from O'Bannon v. NCAA*, 68 ARK. L. REV. 1117 (2016).

Audrey C. Sheetz, Note, *Student-Athletes vs. NCAA: Preserving Amateurism in College Sports Amidst the Fight for Player Compensation*, 81 BROOKLYN L. REV. 865 (2016).

#### SECURITIES

Mindi Friedman, *Continuing Disclosure Requirements and the Continued Use of Municipal Bonds in Sports*, 26 MARQ. SPORTS L. REV. 91 (2015).

#### TAX

Eric Carlson, Note, *Unsportsmanlike Conduct: Why the NCAA Should Lose Its Tax-Exempt Status if Scholarship Athletes are Considered Employees of Their Universities*, 66 SYRACUSE L. REV. 157 (2016).

William A. Drennan, *Promoting Health with Sports: When Should Nonprofits Qualify for Tax Benefits?*, 68 SMU L. REV. 469 (2015).

## TORT LAW

Daniel S. Greene, Student Article, *From the Ice to the Courtroom: Analyzing the Relationship Between Professional Ice Hockey and Tort Liability*, 23 SPORTS LAW. J. 57 (2016).

Zachary Stirparo, *No Privacy for the Intolerant: A Reflection on Using an Illegal Recording of Donald Sterling to Set NBA Precedent*, 13 WILLAMETTE SPORTS L.J. 1 (2016).

Benjamin Trachman, *Going to Bat for the "Baseball Rule": Atlanta National League Baseball Club, Inc. v. F.F. et al.*, 7 HARV. J. SPORTS & ENTERTAINMENT L. 205 (2016).

## WORKERS COMPENSATION

Matthew Friede, Comment, *Professional Athletes Are "Seeing Stars": How Athletes Are "Knocked-Out" of States' Workers' Compensation Systems*, 38 HAMLINE L. REV. 519 (2015).