

Book Review: Baseball and the Law: Cases and Materials

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BOOK REVIEW

BASEBALL AND THE LAW: CASES AND MATERIALS

Louis H. Schiff & Robert M. Jarvis

[Carolina Academic Press 2016]

1,040 pages

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INTRODUCTION

*Baseball and the Law*¹ offers a wealth of information for students and baseball fans alike. Readers meet a who's who of baseball history, while also learning a tremendous amount of law. The intersection of baseball and law is significant, and Schiff and Jarvis include many baseball facts and details that will delight students who love the game. Babe Ruth, Ty Cobb, Jackie Robinson, Joe Dimaggio, Nap Lajoie, Rogers Hornsby, Denny McClain, Casey Stengel, Bob Feller, Mickey Mantle, George Brett, Bob Uecker, Roberto Clemente, Frank Robinson, Joe Jackson, Roger Maris, Darryl Strawberry, Pete Rose, Curt Flood, Alex Rodriguez, and Mark McGuire are just some of the famous players who find their way into the cases and notes.²

Owners, commissioners, league presidents, and lawyers have also played important roles in shaping the law relating to baseball. Among those who appear in *Baseball and the Law* are: Branch Rickey, George Steinbrenner, Charles O. Finley, Bowie Kuhn, Bud Selig, Happy Chandler, Fay Vincent, Ban Johnson, Marvin Miller, Bill Veek, Charles Comisky, Bart Giamatti, Kenesaw

1. LOUIS H. SCHIFF & ROBERT M. JARVIS, *BASEBALL AND THE LAW: CASES AND MATERIALS* (2016).

Chapter 1: Introduction pp. 3–77

Chapter 2: Commissioners pp. 79–273

Chapter 3: Teams pp. 275–460

Chapter 4: Stadiums pp. 461–608

Chapter 5: Players pp. 609–802

Chapter 6: Fans pp. 803–936

Chapter 7: Amateurs pp. 937–1005

2. Other important players who appear include: Charlie Brown, the Peanuts character; Josh Hamilton; Bobby Thompson; Carl Mays; Ray Chapman; Eddie Cicotte; George Toolson; Steve Howe; Curt Shilling; Alfred Niemiec; Len Dykstra; Wilfredo Cordero; Juan Marichal; and the Little League sensation, Mo'ne Davis.

Mountain Landis, Ted Turner, Bob Lurie, Wayne Huizenga, Marge Schott, and Gene Autry. And a few well-known judges have penned influential cases that have shaped baseball law, including: Oliver Wendell Holmes, Harry Blackmun, Alex Kozinski, and Richard Posner.³ Presidents (e.g., Franklin Roosevelt, Jimmy Carter, and Barack Obama), journalists (e.g., Mel Allen, Daniel Okrent, Dick Young, Melissa Ludtke, and Jessica Mendoza), umpires (e.g., John Hirschbeck), doctors (e.g., Arthur Pappas and Frank Jobe), and even entertainers and celebrities (e.g., Jerry Seinfeld, George Carlin, Abbott and Costello, Bill Murray, and Stephen King) also have affected, to varying degrees, legal aspects of the game. But beyond these famous people, the cases and notes present stories of other, lesser-known persons who have affected the law's connection to baseball in one way or another.⁴

Students meet teams—some well-known and some obscure, some from the present and some from the past—that have helped shaped the law: the New York Metropolitan, “Black Sox,” Kansas City Athletics, Brooklyn Dodgers, Boston Braves, Milwaukee Braves, Seattle Pilots, Washington Senators, Ottawa Rapids, Las Vegas Diamondbacks, Toledo Blue Stockings, Pythian Baseball Club, Kansas City Monarchs, Red Devils (Mexican League), Detroit Wolverines, Cleburne Railroaders, Brooklyn Superbas, Cleveland Spiders, Chicago Cubs, Kansas City Royals, Detroit Tigers, Boston Red Sox, Toronto Blue Jays, and the New York Yankees. The book also includes a peek into interesting ways that ballparks have been associated with legal problems (e.g., Wrigley Field, Yankee Stadium, Coors Field, and Fenway Park).

Most importantly, Schiff and Jarvis present cases and notes that help us appreciate, understand, and gain insight into some of the most important legal and social issues of the past and present. Antitrust, labor unions and collective bargaining, civil rights (e.g., issues relating to race, gender, and sexual orientation), the reserve clause, betting, gambling, drugs (both recreational and performance-enhancing), alcohol, violence, accidents and injuries, cheating, agency, family law, immigration law, environmental law, and communication technologies (e.g., radio, television, and Internet) all enter the mix of the interface between the sport of baseball and the law. The abundance of information and wealth of knowledge that this text offers makes it an invaluable resource.

3. Justice Sonia Sotomayor's photograph appears on page fifteen; she is throwing out the ceremonial first pitch at a game in Yankee Stadium.

4. Some of these people present fascinating and important stories. Included in this list are: Cynthia Schoeneck, Shawn Adams, Kirk Radomski, Michael Davidson, Michael and Carol Keedy, Alex Popov, Patrick Hayashi, Kayla Landon, and Dillon Yeamon.

I. *The Book's Structure*

Unlike many textbooks that deal with non-traditional, legal subject matter, this book is not organized by legal topic/doctrine. Rather than organizing their cases and materials by legal topics, such as, for example, contracts, torts, antitrust, property, or tax, Schiff and Jarvis have used groups of people (e.g., commissioners, teams, players, fans, and amateurs) and things (stadiums) as their organizational centerpieces. At first blush, this structure may appear somewhat difficult for teachers and students because American law students typically learn subjects organized by the underlying legal theories and principles, such as contracts, torts, antitrust, etc. It may take students some time and patience to become comfortable learning from cases and materials organized by persons and things. Nevertheless, once the students have “gotten over” their initial period of discomfort, they should be fine.

In fact, this structure of using persons and things as the principal means of organization probably has some advantages over the more traditional contracts, torts, antitrust, tax, etc. approach. After all, when clients approach lawyers with problems, it is not always easy (or common, necessarily) for them to say, “Hey, I have a parole evidence problem with this contract,” or “I was injured while playing a game, but I’m not certain whether primary implied assumption of risk negates the opportunity for me to prove negligence in tort.” Instead, clients come to lawyers and tell them stories. They explain their frustrations. They explain that someone or something has injured them or has deprived them of money. Or they explain that someone else is accusing them of having caused an injury or caused a loss of money. It is up to the lawyer to analyze the client’s story and, using their knowledge and research skills, to assess the problems in terms of legal categories and principles.

Thus, students who study *Baseball and the Law* will learn to associate particular persons, things, and events with certain kinds of potential legal issues. Clearly this can be positive for anyone who intends to practice law. For professors, this structure may pose some challenges, but this Review will identify some of the salient legal doctrines that they may wish to cover/teach, and which sections they can assign to their classes to address those doctrines.

II. *Principal Strengths*

Baseball and the Law has a number of strengths as a textbook. In particular, it is current, enthusiastic, well-researched, thorough, and full of fascinating, historical details (lots of interesting baseball trivia too). Students have the opportunity to learn about the most important connections between baseball and law. The text offers cases dealing with multiple legal doctrines and issues, including diverse topics such as:

- *Agency
- *Antitrust
- *Civil Procedure
- *Civil Rights
- *Constitutional Law
- *Contracts
- *Criminal Law
- *Environmental Law
- *Family Law
- *Immigration
- *Intellectual Property
- *Labor and Employment Law
- *Municipal Law
- *Private Organizations
- *Property
- *Race and Gender Discrimination
- *Tax and Accounting
- *Torts

As a practical matter, given the length of the text (over 1,000 pages), it is probably unrealistic to think that a class could cover all of the casebook in a single semester (even as a three-credit class).⁵ The cases are rather dense, and each case typically contains three, four, five, and sometimes more, major legal issues and doctrines. However, because the cases offer a high volume of legal principles, doctrines, topics, and issues, professors have a great deal of choice to select what they would like to emphasize in their own courses. This wide selection provides freedom for those who might otherwise feel constrained by a limited menu. Students who read these cases will gain exposure to a broad spectrum of knowledge of the law. They will learn how and why the various people involved with the sport of baseball encounter and deal with these multifaceted fields of law and social policy.

One of the most enjoyable aspects of the text is the notes following the cases. The notes practically comprise a treatise on baseball law and lore in and of themselves. Since the majority of students who register for a class on

5. In the Teacher's Manual, the authors make practical, pragmatic suggestions regarding what sections might be included for courses of 1-4 credits.

Baseball and the Law are likely to be fans (and many, probably, former baseball and softball players) with a high level of interest, the notes add a significant degree of richness, insight, context, background, “the rest-of-the-story,” and, in some instances, just plain fun trivia that keeps the reading entertaining and lively.

Schiff and Jarvis also provide an exceptional Teacher’s Manual. The Teacher’s Manual gives practical teaching advice, along with detailed synopses and annotations of both the cases and the notes. It offers incredible detail and background information about the people, cases, and topics. In it, the authors explain why they selected certain cases. It also prepares the teacher for class, by routinely suggesting points of emphasis, discussion questions, issues to prioritize, and, on occasion, it explains correlations (i.e., cross-references) between cases that appear in different chapters. Lastly, Schiff and Jarvis include a sample syllabus, plus two sample practice questions with model answers and a sample exam with a grading sheet. The Teacher’s Manual is extraordinarily useful!⁶

III. *Potential Weaknesses*

As the cliché goes, beauty is often in the eye of the beholder. And with *Baseball and the Law*, some may perceive the book’s structure as a weakness. As was noted above, the book’s chapters use persons and things as organizing principles. And, as was suggested, thinking about the law in this manner has its advantages. In fact, some of the earliest collections of legal documents known to humankind are organized by persons and things (e.g., law collections from ancient Mesopotamia are organized into categories such as Soldiers, Land Owners, Women, Innkeepers, Oxen, Crops, etc.).

But for professors and students who are accustomed to thinking about law using traditional legal categories as organizing principles, this persons-and-things approach may present difficulties. Because most of the cases in the text contain multiple legal doctrines, rules, and issues, students may have trouble deciding what the “take-away” of any given case is supposed to be (if there is, indeed, supposed to be a “take-away”). To pick one random example, in Chapter Three “Teams,” the case *City of Anaheim v. Angels Baseball, L.P.*, No. G037202, 2008 WL 5274631 (Cal. App. 4th Dec. 19, 2008), includes issues regarding: jury instructions, preliminary injunctions, leases, abuse of discretion, contract formation (including objective and subjective theories regarding intent to be bound), trial procedure, witnesses, rebuttal evidence, videotaped

6. The one thing that I believe would be useful to add (as I suggest for the case book itself) would be a paragraph (or so) introduction to each chapter, which could provide an overview of legal topics presented and explain the common threads in each.

depositions, expert testimony, and offers of proof. This smorgasbord of doctrines and issues included in nearly every case will require professors and students to work rather hard in an effort to filter, or distinguish, the more important aspects of any given case from the less important.⁷ The authors could alleviate this problem with more judicious and aggressive editing, which would focus attention more sharply on specific rules, principles, doctrines, and issues. Presumably, Schiff and Jarvis know which points that they wish to emphasize in any given case; thus, it would be helpful for them to pare the cases to better reflect those points of emphasis.

The lack of more selective and aggressive editing of the cases presents another problem; most cases are simply too long. Many cases stretch from ten to fifteen pages and more. The combination of numerous legal issues and excessive length makes many of the cases difficult to read and makes it difficult for readers to retain their focus. Although most cases are intrinsically interesting for students who love baseball, and they introduce students to hundreds of legal principles, rules, doctrines, and issues, the overload of information and the length of many cases will, no doubt, present a roadblock for many professors and students.

Lastly, another potential weakness of the book is that the chapters do not contain introductions. Although the title of each chapter sets the stage to a limited degree, the authors could enhance the students' focus by adding an introduction for each chapter that draws attention to the principal lessons that they (i.e., the authors) regard as most important.⁸ Chapter introductions would help serve as mini-roadmaps (or guideposts) for students as they embark on each chapter. Students often need help with knowing what to look for (tuning/adjusting their antennae/radar) when they sit down to read a case.

IV. *A User's Guide to Legal Doctrines/Issues*

As was suggested above, both a strength and potential weakness of *Baseball and the Law* is its structure (i.e., organized by persons and things rather than legal/doctrinal categories). Although not pretending to be, by any means, comprehensive, below is an outline of some major legal/doctrinal categories and cases (including page numbers) that address or relate to those issues. Perhaps this outline will help professors select cases for their syllabi that will facilitate their use of this excellent text for their own courses.

7. As I previously mentioned, the Teacher's Manual often provides suggestions regarding what the authors consider most important about some cases and notes.

8. The Teacher's Manual, to a limited degree, does provide some guidance on these matters.

A. Agency

Tortious Interference: 770–78 (*Speakers of Sport, Inc. v. Proserv, Inc.* and Notes)

B. Antitrust

Antitrust Claim: 862–77 (*Right Field Rooftops, LLC v. Chicago Baseball Holdings, LLC*)

Baseball’s Antitrust Exemption (History, etc.): 50–77 (*Federal Baseball Club of Baltimore, Inc. v. National League of Professional Baseball Clubs; Toolson v. New York Yankees, Inc.; Flood v. Kuhn*; and Notes); 330–31 (Notes); 439–49 (*Laumann v. NHL*); 826–30 (*McCoy v. MLB*); 862–77 (*Right Field Rooftops, LLC v. Chicago Baseball Holdings, LLC*)

Broadcast Rights: 439–60 (*Laumann v. NHL* and Notes; *TCR Sports Broadcasting Holdings, LLP v. Washington Nationals Baseball Club, LLC*; and Notes)

Contracts and Antitrust: 275–81 (*Morsani v. MLB* and Notes)

Franchise Relocation: 304–21 (*State v. Milwaukee Braves, Inc.* and Notes); 337–48 (*Selig v. United States* and Notes)

Monopolies: 304–18 (*State v. Milwaukee Braves, Inc.*)

Sherman Act: 304–18 (*State v. Milwaukee Braves, Inc.*); 439–49 (*Laumann v. NHL*)

C. Bankruptcy

Bankruptcy and Unsecured Creditors: 296–304 (*In re Texas Rangers Baseball Partners* and Notes)

Telecast Rights and Bankruptcy: 428–37 (*In re Los Angeles Dodgers L.L.C.*)

D. Civil Procedure and Evidence

Abuse of Discretion: 356–64 (*Metropolitan Sports Facilities Commission v. Minnesota Twins Partnership*); 374–89 (*City of Anaheim v. Angels Baseball*,

L.P.); 944–46 (*In re University Interscholastic League*)

Arbitrary and Capricious: 944–46 (*In re University Interscholastic League*)

Arbitration and Alternative Dispute Resolution: 237–42 (*Office of the Commissioner of Baseball v. World Umpires Ass'n*); 348–55 (*Canadian American Ass'n of Professional Baseball v. Ottawa Rapidz*)

Administrative Remedies: 983–86 (Failure to Exhaust) (*Coletti v. Florida High School Athletic Ass'n*)

Evidence and Witnesses: 374–89 (Videotaped Deposition, Special Jury Instructions, Expert Witnesses, and Offers of Proof) (*City of Anaheim v. Angels Baseball, L.P.*); 967–74 (Expert Witnesses) (*Yeaman v. Hillerich & Bradsby Co.*); 976–82 (Expert Witnesses and Medical Malpractice) (*Shartz v. Miulli*)

Federal Rules: 637–42 (Joinder and Indispensable Parties) (*Camacho v. MLB*)

Injunctions: 304–18 (Restraining Orders) (*State v. Milwaukee Braves, Inc.*); 356–64 (Temporary) (*Metropolitan Sports Facilities Commission v. Minnesota Twins Partnership*); 369 (Preliminary) (*Las Vegas Diamondbacks, Inc. v. Arizona Diamondbacks, Inc.*); 389 (Preliminary) (*City of Anaheim v. Angels Baseball, L.P.*); 677 (Test for Granting) (*Silverman v. Major League Baseball Player Relations Committee, Inc.*); 866 (Preliminary) (*Right Field Rooftops, LLC v. Chicago Baseball Holdings, LLC*); 875 (Irreparable Harm Standard) (*Right Field Rooftops, LLC v. Chicago Baseball Holdings, LLC*); 894 (Standard for Preliminary Injunction) (*Popov v. Hayashi*); 934 (Likelihood of Success on the Merits) (*Office of Commissioner of Baseball v. Markell*); 938 (Preliminary) (*Pottgen v. Missouri State High School Activities Ass'n*)

Jurisdiction: 354 (Personal) (*Canadian American Ass'n of Professional Baseball v. Ottawa Rapidz*); 401–06 (Federal and Common Law Cause of Action) (*Major League Baseball Properties, Inc. v. Sed Non Olet Denarius, Ltd.*); 419 (*Baltimore Orioles, Inc. v. Major League Baseball Players Ass'n*)

Jury Instructions: 374–89 (*City of Anaheim v. Angels Baseball, L.P.*)

Mootness: 938 (*Pottgen v. Missouri State High School Activities Ass'n*)

Standards of Review and Various Motions: 186–96 (Summary Judgment) (*Steinbrenner v. Esquire Reporting Co.*); 237–42 (Summary Judgment) (*Office of the Commissioner of Baseball v. World Umpires Ass'n*); 250–59 (Summary Judgment and Declaratory Judgment) (*Major League Baseball Properties, Inc. v. Opening Day Productions, Inc.*); 275 (Dismissal of Complaint) (*Morsani v. MLB*); 287 (Summary Judgment) (*Farmer v. Hersh*); 354 (Motion to Dismiss) (*Canadian American Ass'n of Professional Baseball, Ltd. v. Ottawa Rapidz*); 506 (Summary Judgment) (*Schoeneck v. Chicago National League Ball Club, Inc.*); 513–17 (*Adams v. Detroit Tigers, Inc.*); 548 (Summary Judgment) (*Swiecicki v. Delgado*); 564 (Directed Verdict) (*Cunningham v. Rogers*); 604 (Various Motions) (*Baker v. Major League Baseball Properties, Inc.*); 762 (Trial Court) (*J.H. v. Brown*) 791 (Summary Judgment) (*Brocail v. Detroit Tigers, Inc.*); 847 (Motion to Dismiss/12(b)(6)) (*Weinstein v. eBay, Inc.*); 853–54 (Motion to Amend) (*Weinstein v. eBay, Inc.*); 894 (Standard for Preliminary Injunction) (*Popov v. Hayashi*); 926 (Legal Standard for Motion to Dismiss) (*Humphrey v. Viacom, Inc.*); 971 (Judgment as a Matter of Law) (*Yeaman v. Hillerich & Bradsby Co.*); 987 (Summary Judgment Standards) (*Swanson v. Wabash College*); 992 (Summary Judgment Standards) (*Primrose v. Amelia Little League*); 995–99 (Summary Judgment Standards) (*Forrester v. WVTM TV, Inc.*)

Standing: 523 (*Green v. Garrett*); 847 (*Weinstein v. eBay, Inc.*); 984 (*Coletti v. Florida High School Athletic Ass'n*)

Statute of Limitations: 548 (*Swiecicki v. Delgado*)

E. Civil Rights (Age, Race, Disability, Religious, and Gender Discrimination)

Age: 609–16 (*Niemiec v. Seattle Rainier Baseball Club, Inc.*)

Disability: 623–27 (Title VII and Equal Employment Opportunity Commission (EEOC)) (*Moran v. Selig*); 816 (Accommodations for Fans) (*Colorado Cross-Disability Coalition v. Colorado Rockies Baseball Club, Ltd.*); 937–42 (1973 Rehabilitation Act and Americans with Disabilities Act) (*Pottgen v. Missouri State High School Activities Ass'n*)

Gender: (Women's Issues in Particular) 223–34 (*Ludtke v. Kuhn*); 506–13 (*Schoeneck v. Chicago National League Ball Club, Inc.* and Notes); 609–23 (*Niemiec v. Seattle Rainier Baseball Club, Inc.* and Notes); 803–09

(*Abosh v. New York Yankees, Inc.* and Notes); 885–88 (*Cohn v. Corinthian Colleges, Inc.*); 949–56 (Little League) (*National Organization for Women, Essex County Chapter v. Little League Baseball, Inc.*); 958 (Title IX) (*Landow v. School Board of Brevard County*)

Immigration: 648–50 (Notes 8–9)

Racial Integration: 627–37 (Jackie Robinson Breaking Color Barrier) (Notes)

Selective Service Act: 609–16 (*Niemiec v. Seattle Rainier Baseball Club, Inc.*)

F. Constitutional Law

Commerce Clause: 304–18 (*State v. Milwaukee Braves, Inc.*)

Equal Protection: 530–32 (Lights at Wrigley Field) (*Chicago National League Ball Club, Inc. v. Thompson*)

First Amendment: 536–44 (Intermediate Scrutiny, Time-Place-Manner Restrictions, Public Forum, and Allegation That Arresting Officer Violated Freedom of Speech) (*Lewis v. Colorado Rockies Baseball Club, Ltd.*); 555 (Heckling) (*Swiecicki v. Delgado*)

Fourth Amendment: 548 (Excessive Force) (*Swiecicki v. Delgado*); 550 (§ 1983 and Excessive Force) (*Swiecicki v. Delgado*)

Public Health and Safety: 530–32 (Lights at Wrigley Field) (*Chicago National League Ball Club, Inc. v. Thompson*)

Separation of Powers: 530–32 (Lights at Wrigley Field) (*Chicago National League Ball Club, Inc. v. Thompson*)

State Actor: 550 (Off-Duty Police Officer) (*Swiecicki v. Delgado*)

Supremacy Clause: 304–18 (*State v. Milwaukee Braves, Inc.*)

Takings Clause: 484–90 (*Southeast Land Development Associates, L.P. v. District of Columbia*)

G. Contracts

Activities Prohibited by Professional Sports Contracts Because of Risk of Injury: 785–88 (Note 6)

Attorneys' Fees Clause: 291–95 (*Atlantic City Professional Baseball Club, Inc. v. Rodman*)

Auctions (Online): 907–12 (*Gentry v. eBay, Inc.*)

Breach: 260–70 (*ESPN, Inc. v. Office of the Commissioner of Baseball*); 356–64 (*Metropolitan Sports Facilities Commission v. Minnesota Twins Partnership*); 501–04 (*City of New York v. New York Yankees*); 506–10 (*Schoeneck v. Chicago National League Ball Club, Inc.*); 757–65 (*J.H. v. Brown*)

Construction (Interpretation)—Plain, Ordinary Meaning in Contracts: 872–75 (*Right Field Rooftops, LLC v. Chicago Baseball Holdings, LLC*)

Damages (Adequacy of): 356–64 (*Metropolitan Sports Facilities Commission v. Minnesota Twins Partnership*)

Employment Contract: 506–10 (*Schoeneck v. Chicago National League Club, Inc.*)

Intent of Parties: 374–80 (Objective and Subjective Manifestation of) (*City of Anaheim v. Angels Baseball, L.P.*); 872–75 (*Right Field Rooftops, LLC v. Chicago Baseball Holdings, LLC*)

Lease and Contract Agreements Relating to Names: 374–89 (*City of Anaheim v. Angels Baseball, L.P.*)

License Fees in Club Rooftop Case: 862–77 (*Right Field Rooftops, LLC v. Chicago Baseball Holdings, LLC*)

Money: 270–73 (Notes)

Oral Promise/Contract: 291–95 (*Atlantic City Professional Baseball Club, Inc. v. Rodman*); 506–10 (*Schoeneck v. Chicago National League Ball*)

Club, Inc.)

Parole Evidence: 291–95 (*Atlantic City Professional Baseball Club, Inc. v. Rodman*)

Promissory Estoppel: 506–10 (*Schoeneck v. Chicago National League Ball Club, Inc.*)

Reserve Clause: 18–22 (*Metropolitan Exhibition Co. v. Ward*)

“Seller” (Definition): 907 (*Gentry v. eBay, Inc.*)

Specific Performance: 356–64 (*Metropolitan Sports Facilities Commission v. Minnesota Twins Partnership*)

Statute of Frauds: 797 (*Brocail v. Detroit Tigers, Inc.*)

Tickets: 803–04 (Pricing) (*Abosh v. New York Yankees, Inc.*); 816–25 (as Revocable Licenses) (Notes and *Davidson v. Toronto Blue Jays Baseball Ltd.*); 837 (Season Ticket Sharing) (Notes); 838–41 (Resale) (*Levine v. Brooklyn National League Baseball Club, Inc.* and Notes)

H. Criminal Law

Betting/Gambling/Gaming: 98–112 (*State of Illinois v. Cicotte* and Notes; *Rose v. Giamatti* and Notes); 913–35 (Generally) (*State v. Lawrence, Miller v. United States; Chaset v. Fleer/Skybox International, LP; Humphrey v. Viacom, Inc.; Office of the Commissioner of Baseball v. Markell*; and Notes); 916 (Large-Scale Betting) (*Miller v. United States*); 919 (Organized Crime) (Notes); 921–23 (Racketeer Influenced and Corrupt Organizations Act (RICO) & Random Insertion of “Chase Cards” in Packs of Baseball Cards) (*Chaset v. Fleer/Skybox International, LP* and Notes); 923–33 (Fantasy Leagues & Betting) (*Humphrey v. Viacom, Inc.* and Notes); 924–25 (Qui Tam Statutes) (*Humphrey v. Viacom, Inc.*); 931–33 (Draft Kings, etc. and Congressional Statutory Exemption) (Notes); 933–35 (Delaware Betting Statute) (*Office of the Commissioner of Baseball v. Markell*); 935–36 (Legalized Betting) (Notes)

Fan Conduct at Games: 546–59 (*Swiecicki v. Delgado* and Notes); 548 (Disorderly Conduct and Resisting Arrest) (*Swiecicki v. Delgado*); 550 (Excessive Force, Probable Cause, and Intoxication) (*Swiecicki v. Delgado*);

559–64 (Intoxication and Assault Among Fans) (*Hering v. New York Yankees* and Notes); 818–25 (Police Conduct and Trespass) (*Davidson v. Toronto Blue Jays Baseball Ltd.*)

Forgery of Sports Memorabilia: 907–12 (Case and FBI Investigation of Scams) (*Gentry v. eBay, Inc.* and Notes)

Knothole Watching of Games: 856–62 (*Detroit Base-Ball Club v. Deppert* and Notes)

Misappropriation of Funds/Theft: 831–35 (By Lawyer, Disbarment) (*People v. Rishel*)

Sexual Abuse: 1001–05 (*State v. Stoughton* and Notes)

Ticket Scalping and Resale: 841–47 (*Lainer v. City of Boston* and Notes); 847–54 (N.Y. Cultural Affairs Statute) (*Weinstein v. eBay, Inc.*); 854–56 (StubHub Lobbying Efforts to Change State Laws Regarding Resale of Tickets and Related Issues) (Notes)

I. Family Law

Child Support and Asset Protection in Divorce: 740–45 (*Cordero v. Mora* and Notes)

Community Property: 745–54 (*In re Marriage of Bonds* and Note 1)

Domestic Violence Allegations: 742 (*Cordero v. Mora*)

Famous Players' Marriages and Divorces: 754–57 (Notes)

Marital Assets (Baseball Card Collection): 878 (*In re Marriage of Keedy*)

Pre-Nuptial Agreements: 745–54 (*In re Marriage of Bonds* and Note 1)

J. Intellectual Property

Broadcast Rights: 413–18 (*Pittsburgh Athletic Co. v. KQV Broadcasting Co.* and Notes); 428–37 (*In re LA Dodgers*); 439–60 (*Laumann v. NHL; TCR Sports Broadcasting Holdings, LLP v. Washington Nationals Baseball Club,*

LLC; and Notes)

Copyright: 413–18 (*Pittsburgh Athletic Co. v. KQV Broadcasting Co.* and Notes); 418–28 (Work for Hire and Preemption) (*Baltimore Orioles, Inc. v. Major League Baseball Players Ass'n*); 520–21 (Music) (Note 5)

Patent (Ball Design, etc.): 16–18 (*Mahn v. Harwood* and Notes)

Right of Publicity (Privacy and Endorsements): 424 et seq. (*Baltimore Orioles, Inc. v. Major League Baseball Players Ass'n*); 716–25 (*Pirone v. MacMillan, Inc.* and Notes)

Trademarks and Unfair Competition: 250–59 (*Major League Baseball Properties, Inc. v. Opening Day Products, Inc.*); 366–74 (*Las Vegas Diamondbacks, Inc. v. Arizona Diamondbacks, Inc.* and Notes); 406–09 (Abandonment) (*Major League Baseball Properties, Inc. v. Sed Non Olet Denarius, Ltd.*); 409–10 (State Laws and Dilution) (*Major League Baseball Properties, Inc. v. Sed Non Olet Denarius, Ltd.*); 410–11 (Logo Trivia) (Notes 2–3); 411 (Trademark Infringement and MLB Properties in General) (Note 4); 474–75 (Corporate Sponsorships and Naming Rights) (Note 1); 716–20 (section 43(a) of the Lanham Act) (*Pirone v. MacMillan, Inc.*); 911–12 (California Unfair Competition Law) (*Gentry v. eBay, Inc.*); 999 (Licensing) (Note 1)

K. Labor and Employment Law

Arbitration and Grievance Procedure: 651–65 (*Kansas City Royals Baseball Corp. v. Major League Baseball Players Ass'n*)

Basic Agreements: 651–65 (*Kansas City Royals Baseball Corp. v. Major League Baseball Players Ass'n*)

Collective Bargaining: 237–42 (*Office of the Commissioner of Baseball v. World Umpires Ass'n*); 651–65 (*Kansas City Royals Baseball Corp. v. Major League Baseball Players Ass'n*)

Collusion (1985-87): 694–98 (*Major League Baseball Players Ass'n v. Garvey* and Note 1)

Federal Statutes: 513–21 (Fair Labor Standards Act, Minimum Wage Laws, and Child Labor Laws) (*Adams v. Detroit Tigers, Inc.* and Notes);

672–80 (National Labor Relations Act (NLRA)) (*Silverman v. Major League Baseball Player Relations Committee, Inc.* (S.D.N.Y. 1981)); 682–89 (NLRA) (*Silverman v. Major League Baseball Player Relations Committee, Inc.* (2d Cir. 1995)); 694–97 (Labor Management Relations Act) (*Major League Baseball Players Ass'n v. Garvey*); 792 (Labor Management Relations Act) (*Brocail v. Detroit Tigers, Inc.*)

Free Agency: 672–80 (*Silverman v. Major League Baseball Player Relations Committee, Inc.* (S.D.N.Y. 1981))

History of MLB Players Association: 665–72 (Notes)

Impasse: 686 (*Silverman v. Major League Baseball Player Relations Committee, Inc.* (2d Cir. 1995))

Minimum Wages and Child Labor Laws: 517–19 (Notes)

Revenue Sharing: 453–60 (*TCR Sports Broadcasting Holdings, LLP v. Washington Nationals Baseball Club, LLC* and Notes)

Unfair Labor Practices and Strikes: 677–82 (*Silverman v. Major League Baseball Player Relations Committee, Inc.* (S.D.N.Y. 1981) and Notes)

Vesting of Rights: 623–27 (*Moran v. Selig*)

L. Property (Including Environmental Law and Nuisance)

Community Property (in Divorce): 745–57 (*In re Marriage of Bonds* and Notes)

Eminent Domain: 491 (Note 2)

Environmental Law: 528–34 (*Chicago National League Ball Club, Inc. v. Thompson*)

Landlord-Tenant: 504–05 (Notes 1–2); 564–66 (*Cunningham v. Rogers*)

Ownership of Foul Balls, Home Run Balls, etc.: 891–902 (Conversion, Constructive Trust, Intentionally Abandoned Property, Definition of

“Possession,” Analogies to Hunting, Fishing, and Salvage Cases, Custom and Practice at Baseball Games, Equitable Division, and Roman Law) (*Popov v. Hayashi* and Notes)

Revitalization of Poor Areas: 491–92 (Note 3)

Zoning and Nuisance: 521–28 (*Green v. Garrett* and Notes); 856–58 (Private Nuisance) (*Detroit Base-Ball Club v. Deppert*)

M. Private Organizations and Municipal Law

“Ballpark Act” (D.C. Statute): 484–90 (*Southeast Land Development Associates, L.P. v. District of Columbia*)

Competitive Balance: 207–13 (Best Interests of Baseball) (*Charles O. Finley & Co., Inc. v. Kuhn*)

Confidentiality and Closed Meetings: 493–500 (*Shapiro v. San Diego City Council*)

High School Eligibility Rules: 937–42 (*Pottgen v. Missouri State High School Activities Ass’n*)

Officiating and Court Intervention Relating to Officiating Mistakes: 983–86 (Rainout) (*Coletti v. Florida High School Athletic Ass’n* and Notes)

Performance Enhancing (and other) Drugs: 112–31 (*Major League Baseball Players Ass’n v. Office of the Commissioner of Major League Baseball (Howe)* and Notes) (Steve Howe); 131–55 (*Major League Baseball Players Ass’n v. Office of the Commissioner of Major League Baseball (Rodriguez)* and Notes) (Alex Rodriguez)

Scoreboards (Construction and Costs): 478 (Note 10)

Stadium Construction and Funding: 461–84 (*Savage v. State* and Notes)

Violence and Related Behavioral Misconduct: 155–70 (*Major League Baseball Players Ass’n v. Office of the Commissioner of Major League Baseball (Rocker)* and Notes) (John Rocker); 170–82 (Owner Misconduct) (*Atlanta National League Baseball Club, Inc. v. Kuhn*); 186–96 (*Steinbrenner v. Esquire*)

Reporting Co.); 999–1001 (Fans, Parents, and Rage in General) (Notes)

N. Taxes and Accounting

Asset Protection: 740–42 (*Cordero v. Mora*)

Business Privilege Tax (“Jock Tax”): 731–33 (Note 2)

Economic Testimony and Appraisals: 337–46 (*Selig v. United States*)

Fan Give-Aways: 889 (Note 3)

General: 725–35 (*Backman v. Department of Revenue* and Notes)

IRS Rules Regarding Player Contract Value: 337–46 (*Selig v. United States*)

Liquidation of Assets: 321–30 (*Hollywood Baseball Ass’n v. Comm’r*)

Partnership Tax Issues (Income and Accounting): 281–87 (*Tampa Bay Devil Rays, Ltd. v. Comm’r*)

Residency in a State for Tax Purposes: 725–35 (*Backman v. Department of Revenue* and Notes)

Tax Evasion/Avoidance: 736–40 (*United States v. Strawberry* and Notes)

O. Torts

Assumption of Risk: 586–602 (“Inherent Risks”) (*Coomer v. Kansas City Royals Baseball Corp.* and Notes); 778–88 (Express and Implied) (*Maddox v. City of New York* and Notes); 986–92 (*Swanson v. Wabash College* and Notes)

Cheating and Rule Violations: 247–48 (Note 9); 943–44 (Lying About Age) (Notes 3–4)

Conflicts of Interest: 800 (Team Doctors) (Note 5)

Concussions: 782 (Note 3)

Consumer Protection: 902–07 (Sports Memorabilia Appraisals) (*Blumstein v. Sports Immortals, Inc.* and Notes)

Defamation: 287–89 (*Farmer v. Hersh*); 995–99 (Libel Relating to Television News Coverage and Prima Facie Elements of Defamation) (*Forrester v. WVTM TV, Inc.*)

Intentional Torts: 782–83 (Player Brawls/Fights) (Note 4); 796–97 (*Brocaill v. Detroit Tigers, Inc.*)

Negligence: 559–61 (No Duty for Security Staff at Games) (*Hering v. New York Yankees* and Note 1); 564–66 (Construction and Maintenance) (*Cunningham v. Rogers*); 568 (“Baseball No-Duty Rule”) (*Fish v. Los Angeles Dodgers Baseball Club*); 570 (Doctor, Causation, and Malpractice) (*Fish v. Los Angeles Dodgers Baseball Club*); 570–75 (Intervening Causes) (*Fish v. Los Angeles Dodgers Baseball Club*); 575 (Notes—Foul Balls and Baseball Rule); 576–86 (Limited Duty) (*Martinez v. Houston McLane Co.* and Notes); 602–06 (Trip-And-Fall in Parking Lot/Premises Liability) (*Baker v. Major League Baseball Properties, Inc.*); 902–05 (Negligent Misrepresentation) (*Blumstein v. Sports Immortals, Inc.*); 907–13 (Internet Auction Provider) (*Gentry v. eBay, Inc.* and Notes); 976–83 (Death and Allegation of Doctor’s Liability for Medical Clearance) (*Shartz v. Miulli* and Notes); 986–91 (Accident in Unsupervised Out-of-Season Practice, Elements of Negligence) (*Swanson v. Wabash College*); 992–94 (Gross Negligence, Malice, Fraud, and Control of Third-Parties Actions in Parking Lot Melee) (*Primrose v. Amelia Little League*)

Product Liability: 245–46 (Umpire’s Mask) (Note 7); 967–75 (Metal Bats, “Unreasonably Dangerous”) (*Yeaman v. Hillerich & Bradsby Co.* and Note 1)

Tenant/Lessee Liability: 564–66 (*Cunningham v. Rogers*)

Tortious Interference: 275–78 (Contract) (*Morsani v. MLB*); 770–78 (Agency Contract and Illinois “Interference with Prospective Economic Advantage”) (*Speakers of Sport, Inc. v. Proserv, Inc.* and Notes)

Trespass: 818–25 (*Davidson v. Toronto Blue Jays Baseball Ltd.*)

Workers’ Compensation: 245–46 (Note 7); 788–99 (*Brocaill v. Detroit Tigers, Inc.* and Notes); 801 (Tommy John Surgery) (Note 7)

CONCLUSION

When writing anything of value, deciding what to include and what to leave on the cutting room floor is a difficult task. Schiff and Jarvis have erred on the side of inclusion. This allows individual teachers to select what they think is important enough to include on their syllabi. Teachers will, nevertheless, probably need to select carefully in order to address specific legal doctrines for their students to study. As was mentioned in the Introduction, the treatment of legal and social issues is tremendous. The authors are insightful and enthusiastic. The book includes an abundance of material that will keep students interested and entertained for a long time. This is a casebook that many will wish to adopt. It is a fabulous resource!

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