A Statutory Analysis of the "Laws" of Little League Baseball (An Essay Urging Changes to the Little League Rules)

Russ VerSteeg
ESSAYS

A STATUTORY ANALYSIS OF THE "LAWS" OF LITTLE LEAGUE BASEBALL (AN ESSAY URGING CHANGES TO THE LITTLE LEAGUE RULES)

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INTRODUCTION

In his essay, On the Contribution of Baseball to American Legal Theory, Professor Charles Yablon observes that baseball rules are really a kind of microcosmic law code. Jared Finkelstein says roughly the same thing in his essay, In re Brett: The Sticky Problem of Statutory Construction: "[t]he baseball rules, while not rules of law or equity, are akin to penal statutes. The rules specify offenses and corresponding punishments." This essay analyzes the Official Playing Rules of Little League baseball played by nine to twelve year-olds (hereinafter the "Little League Rule(s)") in a similar vein. The essay boils down to a series of suggestions for changes to the Little League Rules. I make my suggestions by offering "Proposed Rules." I have retained the analogous Little League Rule section numbers for the Proposed Rules. Occasionally,

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keeping the Little League section numbers necessitates deleting a Little League Rule—and simply noting “DELETED” next to a section number, but, in the interest of keeping analogous section numbers for easy reference, this seems to be the best approach. Unless otherwise noted (usually by the notation “No Change”), I only discuss Rules for which I propose some type of change. Otherwise, the reader should assume that I advocate retaining the Little League Rules not discussed.

Some proposed changes are substantive and some changes are cosmetic. In general, the substantive changes reflect certain differences in philosophy. Some things simply make practical sense (e.g., the manager’s privilege to go to the mound to confer with a pitcher). Some changes foster simplicity for coaches and provide for greater player participation than the current Little League Rules (e.g., I suggest a departure from the batting order and substitution rules).

Some proposed changes are purely stylistic “Editor” or “English Teacher” corrections—for example, I suggest changing many ridiculous-sounding passive verb constructions into active verb constructions. I also suggest correcting some errors, omissions, and inconsistencies that are in the Little League Rules. I suggest other corrections to strengthen weak writing, poor grammar, and punctuation (e.g., a number of Little League Rules begin using one syntactical approach and then shift in mid-rule, leaving a hopelessly incomprehensible and/or ungrammatical sentence). Occasionally, I suggest adding words or rearranging clauses in an attempt to clarify a rule’s meaning. On several occasions, I have referred to, and relied on, the analogous Major League Baseball Rule to try to render the Little League Rule less ambiguous or unclear.

I have tried to explain my additions, deletions, corrections, and/or other proposed changes that are substantive. In some instances, I propose broad, sweeping changes, without detailing each word or phrase that I suggest adding or deleting.

In regards to substantive changes, I note that most rules in sports fit into one of six categories:

3. See infra discussions of § 4.05 and § 8.06.
4. See infra e.g., § 3.03 and § 6.01.
5. But the Major League Rules are often no better in terms of clarity, consistency, sentence structure, and grammar. All references to the Major League Rules in this essay (unless otherwise noted) are from MAKE THE RIGHT CALL: MAJOR LEAGUE BASEBALL’S OFFICIAL RULES AND INTERPRETATIONS PLUS LEAGUE UMPIRE’S GUIDE AND INSTRUCTIONS [hereinafter MAKE THE RIGHT CALL].
1) **Rules that define the game.** *(e.g., runners run counter-clockwise, going to first base before second base; three strikes and you’re out; three outs and you change from offense to defense);*

2) **Rules that promote safety.** *(e.g., runners must slide into home when there is a play at the plate; batters must wear a genuine protective helmet when batting);*

3) **Rules that prohibit unfair advantage.** *(e.g., pitchers cannot throw “quick return” pitches; each player must play a minimum of six defensive outs);*

4) **Rules that promote administrative efficiency.** *(e.g., if a game is called on account of rain after it has become a regulation game—but before six innings have been completed—and with one team leading at the end of a complete inning, the team leading wins; with no need to suspend the game to complete the full six innings);*

5) **Rules that foster good sportsmanship.** *(e.g., an umpire can eject a player for foul language); and*

6) **Rules that promote fairness.** *(e.g., rules to remedy interference).

Some baseball rules fall into more than one category. Nevertheless, each of these categories of rules promotes certain values. On occasion, a rule sacrifices one value for another. Obviously, safety rules must be given great deference. When I suggest a change to the substance of a Little League Rule, I try to keep in mind the type of rule that it is, and I try to identify the reason for my proposed change. Although I hesitate to suggest changing a safety rule, I freely recommend changing administrative efficiency rules that encroach upon basic concepts of fairness.6

In sum, some changes in the Proposed Rules are merely changes in form, others, however, are substantive. My goal is to suggest improvements for the Little League Rules, and to create fair rules (always keeping in mind the physical and emotional make-up of pre-teens), rules that promote a game that can be played with minimal intrusions, and rules that encourage amicable and healthy competition in a context of good sportsmanship, compromise, and friendship. I hope that the Rules Committee of Little League Baseball will take the time to consider my suggestions seriously and thoroughly. I also hope that other youth baseball organizations will do the same. If this essay has the effect of bringing about even incremental positive change in Little League or any other

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youth league baseball (and thereby improving the enjoyment of the children who play), then it will have served its purpose.

1.00—Objectives of the Game

§ 1.01

Rule 1.01 provides that a Little League Baseball game must be played by two teams with nine players each.\(^7\) Later, in Proposed Rule 4.16, I suggest that, as a practical matter today (given the increasing demands on families and children), since it is often difficult to get nine players to a game, a team should be allowed to play with as few as seven players. Thus, I recommend that this rule be modified by adding the parenthetical "(See Rule 4.16 for exceptions)." This Rule also stipulates that the game shall be played under direction of a manager and two assistant coaches. On the theory that additional coaches are useful, I suggest that the Rule permit, instead, "any number of assistant coaches." Certainly, an extra adult can help "crowd control" in the dugout. Lastly, throughout my Proposed Rules, I capitalize the word "Rule(s)" whenever it refers either to the official body of rules or to a specific rule. Therefore, I capitalize it in this Rule.

Proposed Rule 1.01:

Little League Baseball is a game played between two teams of nine players each (See Rule 4.16 for exceptions), under the direction of a manager and any number of assistant coaches, played on a regulation Little League Field in accordance with these Rules, under jurisdiction of one or more umpires.

§ 1.02

Little League Rule 1.02 states that the primary objective of a game is to win: "The objective of each team is to win by scoring more runs than the opponent."\(^8\) It seems to me that such a blatant endorsement of the American "winning is everything" ethos is misguided and inappropriate for children nine to twelve years old.\(^9\) I recommend, instead, that this Rule be changed.

At Little League age (nine to twelve years), children need to participate and learn values more than they need to focus on winning. They

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8. Id. § 1.02.
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will have ample time to worry about the almighty "winning attitude" when they play on junior high and high school teams in their teens. Prior to that, it is psychologically more important to emphasize character, sportsmanship, teamwork, and participation. In his book, Life Lessons From Little League (a book endorsed by Little League Baseball), Dr. Vincent Fortanasce admonishes:

We, as managers and coaches, must recognize that Little League rules are guidelines first, to ensure fairness and safety, and then establish the rules of the game, such as three strikes and you are out. . . . Little League is about fun and growth and learning life's important Lessons. To teach sportsmanship, one of life's crucial lessons, we, the coaches, managers, and parents, must all agree to emphasize its cardinal rule: how you play the game is more important than anything else—even the game itself.10

Proposed Rule 1.02
The primary objective of each team is to engage in clean, fair competition that promotes individual character, sportsmanship, and teamwork. Secondarily, each team's objective is to win by scoring more runs than the opponent.

§1.05
Little League Rule 1.05 purports to define the dimensions for home plate. Interestingly, the dimensions given are inaccurate. Somehow, the drafters of this Rule described the sides and corners incorrectly. The Rule states, in pertinent part: "Home base shall be marked by a five-sided slab of whitened rubber. It shall be a 12-inch square with two of the corners filled in so that one edge is 17 inches long, two 8 1/2 inches and two are 12 inches."11 My math is not that strong but these dimensions are physically impossible. In order to accurately describe home plate, the Rule should be changed.

Proposed Rule 1.05:
Home base shall be marked by a five-sided slab of whitened rubber. It shall be a 17-inch square with two of the corners removed so that one edge is 17 inches long, two adjacent sides are 8 1/2 inches and the remaining two sides are 12 inches and set at an angle to make a point.12

10. Id. at 97.
11. Little League Rules 1.05, at 23.
12. (emphasis added). This is what the analogous Major League Rule states. See Make the Right Call, supra note 5, at 7. See also David Nemec, The Rules of Baseball: An
This is probably just a typographical error, but it is a typographical error that should be corrected.

§ 1.11

Rule 1.11 (a) articulates the Little League "dress code."\textsuperscript{13} Given that the game is, after all, a game, and that we are dealing with busy parents and children, the anal-retentive character of many of the subsections of this Rule really makes little sense. This Rule specifies items such as sleeve length ((c)(1) "Sleeve lengths may vary for individual players, but the sleeves of each individual shall be approximately the same length."\textsuperscript{14}) and the appearance of undershirts ((a)(3)"Any part of an undershirt exposed to view shall be of a uniform solid color (not white) for all players on a team."\textsuperscript{15}). A cursory comparison makes it obvious that this Rule is patterned very closely on the analogous Major League Rule.\textsuperscript{16} Many of these uniform requirements are superficial. They emphasize appearance and create the likelihood that petty-minded individuals will use these inconsequential, picky rules in an attempt to disqualify a player.\textsuperscript{17} Therefore, I think that it would be wise to nip this potential misuse of trifling rules in the bud. I suggest removing all reference to sleeve length and other rigid details regarding uniform appearance. Should we really penalize a player and team when someone forgets his hat? Pride in personal appearance for purposes of enhancing self esteem is one thing, but penalizing a player for not having every aspect of his/her uniform "just so" makes little sense.\textsuperscript{18} Dr. Fortanasce puts this matter in perspective:

Isn't this trivial? Well, yes—and no. No, because children must learn that discipline and rules help everyone have an equal opportunity. Yes, because in the development of a child, do you really

\textsuperscript{13} \textit{Little League Rules} 1.11(a), at 24.
\textsuperscript{14} \textit{Little League Rules} 1.11(c)(1), at 24.
\textsuperscript{15} \textit{Little League Rules} 1.11(a)(3), at 24.
\textsuperscript{16} See \textit{Make the Right Call}, \textit{supra} note 5, at 10-11.
\textsuperscript{17} In 1983 I saw a high school cross country coach try to disqualify runners on an opposing team (a team clearly superior to his) by invoking a rule that required runners on a team to wear matching shorts. Conduct such as that seems antithetical to the spirit of youth sports.
\textsuperscript{18} For an interesting account of the development of the appearance rules in Rule 1.11 at the Major League level, see \textit{Nemec}, \textit{supra} note 12, at 14-19 (an undershirt belonging to Cleveland Indians pitcher Johnny Allen—whose sleeves were allegedly too long, bringing about Allen's ejection from a game against the Red Sox in 1938—now rests in the Baseball Hall of Fame in Cooperstown, N.Y.).
think it matters how he or she is dressed, or what his or her sleeve length is? 19

I propose simplifying this rule to the following:

Proposed Rule 1.11:

(a)(1) Managers, parents, and players shall make a good faith, reasonable effort to ensure that all players on a team wear numbered uniforms identical (to a practicable extent) in color, trim and style. (2) Little League Baseball recognizes and accepts that players may occasionally play with an incomplete or discolored uniform. Wearing the official team jersey is mandatory. Wearing the complete uniform is not mandatory. Appearance is not as important as participation.

Little League officials may wish to impose the more rigid attire rule for its tournament rules. That is probably justifiable, given the “more serious” nature of tournaments and the “Little League World Series.” But for the day-to-day spring and summer games, the Proposed Rule 1.11 would provide a relaxed “dress code” that would be more practical and desirable. The other subsections of Rule 1.11 (b-g) are mostly either safety-rules (e.g., “(f) Glass buttons and polished metal shall not be used on a uniform.”; “(h) Shoes with metal spikes or cleats are not permitted. Shoes with molded cleats are permissible.” 20) or rules designed to prevent unfair advantage (e.g., “(e) No part of the uniform shall include a pattern that imitates or suggests the shape of a baseball.” 21) and, as such, should be retained without change. In subsection (j), the Rule prohibits the wearing of watches, pins, and other jewelry. 22 As of the 1998 season, the Little League Rules now include an exception for “[j]ewelry that alerts medical personnel to a specific condition. . . .” 23 This is an intelligent addition to the Rule. Another exception should be considered. Many players today (mostly—but not exclusively—girls) have small stud-type earrings. Small, unobtrusive earrings seem too common today to try to prohibit them categorically. Furthermore, when children have their ears pierced, they are instructed to keep their earrings in place for a certain length of time (for medical reasons). Consequently, it is probably advisable to amend this Rule accordingly. In the “EXCEPTION,” I propose adding another sentence: “An exception may also be made for small, stud-type earrings that the umpire considers safe, or if

19. Fortanasce, supra note 9, at 102.
20. LITTLE LEAGUE RULES 1.11, at 24.
21. LITTLE LEAGUE RULES 1.11(e), at 24.
22. LITTLE LEAGUE RULES 1.11(j), at 24.
23. Id.
the earrings must be kept in place for medical reasons." By giving the umpire a measure of discretion, s/he has the authority to demand that a player remove any jewelry that s/he considers potentially unsafe (unless the earrings need to be kept in place for medical reasons). Perhaps the umpire could require that the child put tape or plastic bandages over the studs.

The Little League Rule also specifies certain regulations regarding the attire of managers and coaches ((i)"Managers and coaches must not wear conventional baseball uniforms or shoes with metal spikes but may wear cap, slacks and shirt."\(^{24}\)). Clearly the prohibition of metal spikes is a valid safety rule. Otherwise, unless it is a tournament game, I think that a dress code for managers and coaches is unnecessary. I propose that all regulations regarding attire for managers and coaches, except the prohibition of metal spikes, be deleted.

Proposed Rule 1.11(i):

Managers and coaches must not wear shoes with metal spikes.

\section*{§ 1.15}

Rule 1.15(a) states: "The pitcher's glove shall be uniform in color, including all stitching, lacing and webbing. The pitcher's glove may not be white or gray."\(^{25}\) I realize that the intent of this rule is to prevent an unfair advantage. In theory, a batter will have a more difficult time seeing the ball if the pitcher's glove is white, gray, or has multiple colors. However, many manufacturers today make gloves with different and/or contrasting colors. It is doubtful whether, as a general rule, a batter will be distracted or confused by a pitcher wearing such a glove. The burden on Little League parents to spend another $30-$40 so that Johnny can pitch under this rule seems to outweigh the benefit to the batters. I suggest that the prohibition on white or gray gloves be retained but that the stitching, lacing, and webbing language be deleted.

Proposed Rule 1.15(a):

The pitcher's glove may not be white or gray.

\footnotesize
\[24. \text{Little League Rules} 1.11(i), \text{at 24.}\]
\[25. \text{Little League Rules} 1.15(a), \text{at 24.}\]
§1.17

The first sentence of Little League Rule 1.17 requires that "[a]ll male players must wear athletic supporters."26 Perhaps this Rule was designed to prevent boys from wearing boxer shorts. Nevertheless, a good pair of briefs will do the job just fine. For Proposed Rule 1.17, I suggest deleting the first sentence of the Little League Rule. The second sentence of the Little League Rule refers to "long-model" chest protectors, using a hyphen, but in the next sentence the hyphen is omitted in the term "short model." I presume that this is merely a typographical error, and thus I add the hyphen in the Proposed Rule for the sake of consistency. Otherwise, I keep the balance of Little League Rule 1.17 as Proposed Rule 1.17.

Proposed Rule 1.17:

Male catchers must wear the metal, fibre or plastic type cup, and a long-model chest protector. Female catchers must wear long or short-model chest protectors. All catchers must wear chest protectors with neck collar, throat guard, shin guards and catcher’s helmet, all of which must meet Little League specifications and standards. All catchers must wear a mask, "dangling" type throat protector and catcher’s helmet during practice, pitcher warm-up and games. NOTE: skull caps are not permitted.

2.00—Definition of Terms

This section of the Little League Rules begins by stating, "[a]ll definitions in Rule 2.00 are listed alphabetically."27 Alphabetization is all well and good, but it would be infinitely easier to find a rule if the definitions in this section were given separate numbers.28 Therefore, I propose that all of the definitions be individually numbered. In the Proposed Rules, I have added individual section numbers for easy reference. Presumably, this will facilitate discussions about definitions and appeals concerning them. In this section of the essay, I give a complete catalogue of all definitions for § 2.00 (i.e., 2.01-2.82).

I explain in brackets and boldface type the rationale for any changes in the Proposed Rules. I also indicate whether the change (i.e., the dif-

27. Little League Rules 2.00, at 25.
ference between the Proposed Rule and the Little League Rule) is: (1) a change involving the substance of the definition [Substance]; (2) a change merely in the wording [Wording]; (3) a change or addition for the sake of clarification [Clarification]; or, (4) simply a minor change in punctuation or capitalization [Punctuation/Capitalization]. For the definitions that I have not changed (except for the addition of the section number), I have indicated that there is no change by simply stating after the definition, “no change.”

2.01—ADJUDGED is a judgement decision by an umpire.29 No Change.

2.02—An APPEAL is an act of a fielder in claiming violation of the Rules by the offensive team.30 [Capitalization: I capitalized the word “Rules.”]  

2.03—A BACKSTOP is the barrier erected behind the catcher in order to allow the catcher to retrieve passed balls easily.31 No Change.

2.04—A BALK is an illegal act by the pitcher with a runner or runners on base, entitling all runners to advance one base.32 No Change.

2.05—A BALL is a pitch which does not enter the strike zone in flight and is not struck at by the batter.33 No Change.

2.06—A BASE is one of four points which must be touched by a runner in order to score a run; more usually applied to the canvas bags and the rubber plate which mark the base points.34 No Change.

2.07—A BASE COACH is a team member in uniform or an adult manager or coach, or any other responsible person designated by a manager, who is stationed in the base coacher’s box at first or third base to direct the batter and the runners.35 [Substantive: The Little League Rule only permits one (1) adult base coach.]36 This Proposed Rule 2.07 allows, for example, an assistant coach to act as first base coach and the manager to act as third base coach. It also permits a manager to designate someone

29. Little League Rules 2.00, at 25.
30. Id.
31. Id.
32. Id. For an excellent discussion of the balk rule and various possibilities, see Tim McCarver, Baseball For Brain Surgeons and Other Fans, 297-300 (1998).
33. Little League Rules 2.00, at 25.
34. Id.
35. See id.
36. See infra § 4.05.
else, like a parent as a base coach. The reality is that sometimes we are forced to recruit parents on the spot when assistant coaches have other obligations.]

2.08—A BASE ON BALLS is an award of first base granted to batters who, during their time at bat, receive four pitches that the umpire calls "balls." [Wording: The Little League Rule says: "A BASE ON BALLS is an award of first base granted to batters who, during their time at bat, receive four pitches outside the strike zone." Clearly this cannot be categorically correct, since: 1) a batter might swing at pitches outside the strike zone; and, 2) a batter might receive a pitch outside of the strike zone that the umpire calls a "strike." Curiously, the analogous Major League Rule uses the same definition verbatim. The definition should be corrected accordingly.]

2.09—A BATTER is an offensive player who takes a position in the batter's box. No Change.

2.10—BATTER-RUNNER is a term that identifies the offensive player who has just finished a time at bat until that player is put out or until the play on which that payer becomes a runner ends. No Change.

2.11—The BATTER'S BOX is the area within which the batter must stand during a time at bat. No Change.

2.12—The BATTERY is the pitcher and catcher. No Change.

2.13—BENCH OR DUGOUT is the seating facility reserved for players, substitutes, one manager and assistant coaches when they are not actively engaged on the playing field. [Substantive: I removed the provision in the Little League Rule that prohibits batboys or batgirls. This seems to be an unnecessary prohibition. I also removed the portion of the Little League Rule that restricts the number of assistant coaches to two (2). Wording: In the first sentence, I changed the plural word "facilities" to the singular "facility" because it is a predicate nominative for a singular ("Bench or Dugout").]

37. Little League Rules 2.00, at 25.
38. Id.
39. Make the Right Call, supra note 5, at 19.
40. Little League Rules 2.00, at 25.
41. Id.
42. Id.
43. Id.
44. Id.
2.14—A **BUNT** is a batted ball not swung at, but intentionally met with the bat and tapped slowly.\(^{45}\) No Change.

2.15—A **CALLED GAME** is one in which, for any reason, the umpire-in-chief terminates play.\(^{46}\) No Change.

2.16—A **CATCH** is the act of a fielder in getting secure possession in the hand or glove of a ball in flight and firmly holding it before it touches the ground, providing such fielder does not use cap, protector, pocket or any other part of the uniform in getting possession. It is not a catch, however, if simultaneously or immediately following contact with the ball, the fielder collides with a player, or with a wall, or if that fielder falls down, and as a result of such collision or falling, drops the ball. It is not a catch if a fielder touches a fly ball which then hits a member of the offensive team or an umpire and then is caught by another defensive player. If the fielder has made the catch and drops the ball while in the act of making a throw following the catch, the ball shall be adjudged to have been caught. In establishing the validity of the catch, the fielder shall hold the ball long enough to prove complete control of the ball and that release of the ball is voluntary and intentional.\(^{47}\) **Punctuation:** I added a comma in the first sentence between the words “ground” and “providing.” In the two other instances where the Little League Rules begin an explanatory clause with the present participle, “providing,” a comma precedes the word “providing.” (i.e., Rules 2.23 and 2.80.)

2.17—The **CATCHER** is the fielder who takes the position behind the home base.\(^{48}\) **Wording:** The Little League Rule uses the phrase “back of” instead of “behind.”

2.18—The **CATCHER’S BOX** is that area within which the catcher shall stand until the pitcher delivers the ball.\(^{49}\) No Change.

2.19—An (**ASSISTANT**) **COACH** is appointed to perform such duties as the manager may designate.\(^{50}\) **Wording:** I merely added “Assistant” parenthetically. Otherwise, this is the same definition as the Little League Rule definition for “Coach.”

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\(^{45}\) Little League Rules 2.00, at 25.

\(^{46}\) Id.

\(^{47}\) Id.

\(^{48}\) Id.

\(^{49}\) Id.

\(^{50}\) Little League Rules 2.00, at 25.
2.20—Coacher (see definition of "BASE COACH" supra § 2.07).\textsuperscript{51} [Wording/Same definition in another Rule: The Little League Definition for "Coacher"\textsuperscript{52} appears to me to be functionally the same as the definition for "Base Coach." Because I wish to maintain the same numbering (and therefore order) as the Little League Rules—to facilitate utilization and integration of the Proposed Rules—I decided to keep the definition caption (i.e., the "slot") for "Coacher" but to delete the text of the definition. Instead of providing a substantive definition for "Coacher," I have opted to refer to the definition of "Base Coach."]

2.21—A DEAD BALL is a ball out of play because of a legally created temporary suspension of play.\textsuperscript{53} No Change.

2.22—The DEFENSE (or DEFENSIVE) is the team, or any player of the team, in the field.\textsuperscript{54} No Change.

2.23—A DOUBLE PLAY is a play by the defense in which two offensive players are put out as a result of continuous action, providing there is no error between putouts.

(a) A force double play is one in which both putouts are force plays.

(b) A reverse force double play is one in which the first out is made at any base and the second out is made by tagging a runner who originally was forced, before the runner touches the base to which that runner was forced.\textsuperscript{55} No Change.

2.24—DUGOUT (see definition of "BENCH" supra § 2.13).\textsuperscript{56} [Clarification: I added the reference to the new section number in parentheses "(2.13)."]

2.25—A FAIR BALL is a batted ball that settles on fair ground between home and first base, or between home and third base, or that is on or over fair territory when bounding to the outfield past first or third base, or that touches first, second or third base, or that first falls on fair territory on or beyond first base or third base, or that, while on or over fair territory touches the person of an umpire or player, or that, while over fair territory passes out the playing field in flight.

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\textsuperscript{51} Id.

\textsuperscript{52} "A COACHER is a member of the team roster or an adult manager or coach who occupies the coacher's box at first or third base to direct a base runner or batter." Little League Rules 2.00, at 26.

\textsuperscript{53} LITTLE LEAGUE RULES 2.00, at 26.

\textsuperscript{54} Id.

\textsuperscript{55} Id.

\textsuperscript{56} Id.
NOTE: A fair fly shall be adjudged according to the relative position of the ball and the foul line, including the foul pole, and not as to whether the fielder is on fair or foul territory at the time such fielder touches the ball.\textsuperscript{57} No Change.

2.26—FAIR TERRITORY is that part of the playing field within, and including the first base and third base lines, from home base to the bottom of the playing field fence and perpendicularly upwards. Home plate, first base and third base and all foul lines are in fair territory.\textsuperscript{58} No Change.

2.27—A FIELDER is any defensive player.\textsuperscript{59} No Change.

2.28—FIELDER'S CHOICE is the act of a fielder who handles a fair grounder and, instead of throwing it to first base to put out the batter-runner, throws to another base in an attempt to put out a preceding runner. The term is also used by scorers (a) to account for the advance of the batter-runner who takes one or more extra bases when the fielder who handles the safe hit attempts to put out a preceding runner; (b) to account for the advance of a runner (other than by stolen base or error) while a fielder is attempting to put out another runner; and (c) to account for the advance of a runner made solely because of the defensive team's indifference. (Undefended steal).\textsuperscript{60} No Change.

2.29—A FLY BALL is a batted ball that goes high in the air in flight. Generally speaking, a fly ball travels at an angle between 45 and 90 degrees.\textsuperscript{61} [Clarification: I have added the second sentence in an attempt to provide a mathematical guideline that can help distinguish between a "fly ball" and a "line drive."\textsuperscript{62}

2.30—A FORCE PLAY is a play in which a runner legally loses the right to occupy a base by reason of the batter becoming a runner.\textsuperscript{63} No Change.

2.31—A FORFEITED GAME is a game declared ended by the umpire-in-chief in favor of the offended team by the score of 6 to 0, for violation of the Rules.\textsuperscript{64} [Capitalization: I capitalized the word "Rules."]
2.32—A **FOUL BALL** is a batted ball that settles on foul territory between home and first base, or between home and third base, or that bounds past first or third base on or over foul territory, or that first falls on foul territory beyond first or third base, or that while on or over foul territory, touches the person of an umpire or player, or any object foreign to the natural ground.

**NOTE:** A foul fly shall be judged according to the relative position of the ball and the foul line, including the foul pole, and not as to whether the fielder is on foul or fair territory at the time that fielder touches the ball.\(^{65}\) No Change.

2.33—**FOUL TERRITORY** is that part of the playing field outside the first and third base lines extended to the fence and perpendicularly upwards.\(^{66}\) No Change.

2.34—A **FOUL TIP** is a batted ball that goes sharp and direct from the bat to the catcher’s hands and is legally caught. It is not a foul tip unless caught and any foul tip that is caught is a strike, and the ball is in play. It is not a catch if it is a rebound, unless the ball has first touched the catcher’s glove or hand.\(^{67}\) No Change.

2.35—A **GROUND BALL** is a batted ball that rolls or bounces close to the ground.\(^{68}\) No Change.

2.36—The **HOME TEAM** is the team which takes the field first at the start of the game. Adopted schedules will determine which team this will be.\(^{69}\) No Change.

2.37—**ILLEGAL** (or **ILLEGALLY**) is contrary to these Rules.\(^{70}\) [Capitalization: I capitalized the word “Rules.”]

2.38—An **ILLEGAL PITCH** is:

(1) a pitch delivered to the batter when the pitcher does not have the pivot foot in contact with the pitcher’s plate;

(2) a quick return pitch;

(3) any pitch other than a fastball, change up, or knuckleball (including but not limited to any breaking ball, such as a curveball,

\(^{65}\) *Id.*

\(^{66}\) *Id.*

\(^{67}\) *Id.*

\(^{68}\) *Little League Rules* 2.00, at 27.

\(^{69}\) *Id.*

\(^{70}\) *Id.*
screwball, or slider) which, in the umpire's judgment, the pitcher throws intentionally.

**PENALTIES:** The umpire shall call any illegal pitch a "ball" and warn the pitcher. With runners on base, any illegal pitch is also a balk. For additional penalties regarding these and related pitching infractions, see Rule 8.02(a).\(^71\) [Substantive: I am proposing a significant addition to the definition of "illegal pitch." This proposal also indirectly affects other Rules that relate to illegal conduct on the part of a pitcher (especially Proposed Rule 8.02). The Little League Rule states: "An ILLEGAL PITCH is (1) a pitch delivered to the batter when the pitcher does not have the pivot foot in contact with the pitcher's plate; (2) a quick return pitch. An illegal pitch with runners on base is a balk."\(^72\) I am suggesting a change for the purpose of safety; specifically to avoid injuries to pre-adolescent arms. I submit that the Rules should be amended to outlaw all breaking pitches that cause torque on a pitcher's arm. Practically every authority on youth baseball agrees, throwing breaking balls is physically injurious to pre-teens. For example, in *Little League's Official How-To-Play Baseball Book*, Peter Kreutzer and Ted Kerley warn that "each of these pitches [i.e., breaking pitches] puts an extra strain on your arm..."\(^73\) Their advice is unequivocal: "If you hope to keep pitching, don't start throwing these pitches until you're fifteen or sixteen."\(^74\) This is really a combination safety rule and a rule that prevents unfair advantage (it is probably too much to ask an ordinary nine year-old to hit a breaking ball). I considered but rejected the idea of providing merely a warning for the first offense. If only a warning were given for the first offense, a pitcher could save his/her breaking ball for a crucial situation, where the team really needs an out. For safety reasons, pitchers should not even learn how to throw breaking balls. The severe pen-

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\(^71\) *Id.*
\(^72\) *Id.*
\(^74\) *Id.; see also Pat Jordan, Pitching: The Keys to Excellence* 77-78 (1988, 1993) (explaining that pitching curveballs and other breaking pitches increases the probability of injury for pre-teens); Wendell Kim & Sally Trumpet Rains, *Youth Baseball: A Coach's and Parents Guide* 61 (1988); John P. McCarthy, Jr., *A Parent's Guide to Coaching Baseball* 63 (noting that "a kid can hurt his arm snapping his wrist if he does it wrong" but acknowledging that "it's not an illegal pitch."); Coaching Youth Baseball, *American Sport Education Program* 87 (1996 2d ed.). Cf. McCarver, *supra* note 32 at 112 (acknowledging—but not necessarily advocating—that many Little League pitchers are likely to throw a curve on an 0-2 or 1-2 count).
alty without a prior warning is necessary to act as a deterrent. Nevertheless, the Proposed Rule still leaves some judgment that is required on the umpire's part. Some youngsters have something of a "natural breaking ball" as a result of their normal throwing motion that cannot be avoided and that ought not be penalized. In the PENALTIES provision, I added that every illegal pitch shall be called a "ball" and that the umpire shall warn the pitcher. These additions make the penalties for an "Illegal Pitch" consistent with the penalties for other pitching infractions detailed in Rule 8.02(a).]

2.39—An ILLEGALLY BATTED BALL is one hit by the batter with one or both feet on the ground entirely outside the batter's box. No Change.

2.40—An INFIELDER is a fielder who occupies a position in the infield. No Change.

2.41—An INFIELD FLY is a fair fly ball (not including a line drive nor an attempted bunt) which can be caught by an infielder with ordinary effort, when first and second, or first, second and third bases are occupied, before two are out. The pitcher, catcher and any outfielder stationed in the infield on the play shall be considered infielders for the purpose of this Rule.

When it seems apparent that a batted ball will be an Infield Fly, the umpire shall immediately declare "Infield Fly" for the benefit of the runners. If the ball is near the baseline, the umpire shall declare, "Infield Fly if Fair."

The ball is alive and runners may advance at the risk of that ball being caught, or retouch and advance after the ball is touched, the same as on any fly ball. If the hit becomes a foul ball, it is treated the same as any foul.

NOTE: If a declared Infield Fly is allowed to fall untouched to the ground, and bounces foul and remains foul before passing first or third base, it is a foul ball. If a declared Infield Fly falls untouched to the

75. McCarthy, supra note 74, at 63.
76. Little League Rules 2.00, at 27.
77. Id.
ground, outside the baseline, and bounces fair before passing first or third base, it is an Infield Fly.\textsuperscript{79} \textbf{[Capitalization \\ & Wording (typographical error):} I capitalized the word “Rule” in the second sentence. In the last sentence of the NOTE, I added the article “a” between the words “If” and “declared” to make that sentence grammatically consistent with the one that precedes it.\textbf{]}

2.42—\textbf{IN FLIGHT} describes a batted, thrown, or pitched ball which has not yet touched the ground or some object other than a fielder. If the pitch touches the ground and bounces through the strike zone it is a “ball.” If such a pitch touches the batter, that batter shall be awarded first base. If the batter hits such a pitch, the ensuing action shall be the same as if the ball was hit in flight.\textsuperscript{80} No Change.

2.43—\textbf{IN JEOPARDY} is a term indicating that the ball is in play and an offensive player may be put out.\textsuperscript{81} \textit{No Change}.

2.44—An \textbf{INNING} is that portion of a game within which the teams alternate on offense and defense and in which there are three putouts for each team. Each team’s time at bat is a half-inning. An inning starts the moment the third out is made completing the preceding inning.\textsuperscript{82} \textbf{[Wording \\ & Capitalization:} The last sentence of the Little League Rule begins with the phrase “It will be held that. . . .” This phrase seems to me entirely superfluous. Therefore, I have deleted it and begin the sentence with “An.” Hence, I have capitalized “An.”\textbf{]}

2.45—\textbf{INTERFERENCE}

\begin{enumerate}
\item Offensive interference is an act by the team at bat which interferes with, obstructs, impedes, hinders or confuses any fielder attempting to make a play. If the umpire declares the batter, batter-runner or a runner out for interference, all other runners shall return to the last base that was, in the judgment of the umpire, legally touched at the time of the interference, unless otherwise provided by these Rules.\textsuperscript{83} \textbf{[Capitalization:} I capitalized the word “Rules.”\textbf{]}
\item Defensive interference is an act by a fielder which hinders or prevents a batter from hitting a pitch.\textsuperscript{84} \textit{No Change}.
\end{enumerate}

\begin{itemize}
\item \textsuperscript{79} \textit{Little League Rules} 2.00, at 27.
\item \textsuperscript{80} \textit{Id.}, at 27-28.
\item \textsuperscript{81} \textit{Little League Rules} 2.00, at 28.
\item \textsuperscript{82} \textit{Id}.
\item \textsuperscript{83} \textit{Id}.
\item \textsuperscript{84} \textit{Id}.
\end{itemize}
(c) Umpire’s interference occurs (1) when an umpire hinders, impedes or prevents a catcher’s throw attempting to prevent a stolen base, or (2) when a fair ball touches an umpire on fair territory before passing a fielder.\footnote{Id.} No Change.

(d) Spectator interference occurs when a spectator reaches out of the stands or goes on the playing field, and touches a live ball, or otherwise impedes play.\footnote{LITTLE LEAGUE RULES 2.00, at 28.} [Substantive: I added the phrase “or otherwise impedes play” to the last sentence. I think that an umpire should call spectator interference if, for example, a spectator were to run onto the field an knock down an outfielder (\textit{i.e.}, impeding play without actually touching the ball). Touching the ball should not have to be the “touchstone” of spectator interference.]

(e) On any interference the ball is dead. In certain circumstances, a runner or batter is declared “out” due to offensive interference (\textit{e.g.}, Rules 7.09 and 7.11). In other circumstances, (\textit{e.g.}, Rule 3.16) the umpire shall impose such penalties as in the umpire’s opinion will nullify the act of interference (\textit{i.e.}, the umpire may fashion whatever remedy s/he deems appropriate under the circumstances).\footnote{Id.} [Clarification: Everything in subsection (e) is new, except the first sentence. Other Rules specify the penalties for interference. Little League Rule 3.16 omits important language regarding the penalty for interference.\footnote{See discussion \textit{infra} regarding § 3.16.} Hence, I think that it is useful to cross-reference these Rules and to clarify that an umpire, generally speaking, in order to promote fairness, has the discretion to nullify the effects of any interference by fashioning an appropriate remedy.]

2.46—The \textbf{LEAGUE} is a group of teams who play each other in a pre-arranged schedule (which may be amended) under these Rules for the league championship.\footnote{LITTLE LEAGUE RULES 2.00, at 28.} [Capitalization: I capitalized the word “Rules.”]

2.47—\textbf{LEGAL} (or \textbf{LEGALLY}) is in accordance with these Rules.\footnote{Id.} [Capitalization: I capitalized the word “Rules.”]

2.48—\textbf{A LINE DRIVE} is a batted ball that travels directly from the bat on a course through the air that is, generally speaking, between 0 and 45 degrees (\textit{i.e.}, roughly parallel to the ground). A line drive has less arc
than a fly ball.\textsuperscript{91} [Clarification, wording, substance(?): The Little League Rule states that a line drive "is a batted ball that goes sharp and direct from the bat to a fielder without touching the ground."\textsuperscript{92} There are a number of serious flaws in this definition. First, "sharp" and "direct" are adjectives. Grammatically speaking, in order to modify the verb "goes," they should be adverbs ("sharply" and "directly"). Second, I do not believe that every line drive can be described accurately as "sharp." Many line drives are best described as "soft." Lastly, the Little League Rule states that all line drives go "to a fielder without touching the ground."\textsuperscript{93} This is simply ludicrous. Baseball history is full of base hits that were line drives that eluded a fielder before they (i.e., the line drives) touched the ground. As written, the definition currently in the Little League Rule utterly fails to describe a line drive accurately. My Proposed Rule is simply an effort to state the definition more accurately, using, in part, a mathematical guideline that can help distinguish between a "fly ball" and a "line drive."]\textsuperscript{94}

2.49—A LIVE BALL is a ball which is in play.\textsuperscript{95} No Change.

2.50—The MANAGER is a person appointed by the president to be responsible for the team's actions on the field, and to represent the team in communications with the umpire and the opposing team.

(a) The manager shall always be responsible for the team's conduct, observance of the official rules and deference to the umpires.

(b) If a manager leaves the field, that manager shall designate an assistant coach as a substitute and such substitute manager shall have the duties, rights and responsibilities of the manager.\textsuperscript{96} [Wording: The Little League Rule says "the manager shall designate the coach as a substitute. . . ." Because I use the term "assistant coach" in the Proposed Rules instead of "coach," I have used that term here in subsection (b).]

2.51—OBSTRUCTION is the act of a fielder who, while not in possession of the ball or not in the act of fielding the ball, impedes the progress of any runner. A fake tag is considered obstruction.\textsuperscript{97} No Change.

\textsuperscript{91} Id.
\textsuperscript{92} Id.
\textsuperscript{93} Id.
\textsuperscript{94} See supra § 2.29 ("FLY BALL").
\textsuperscript{95} Little League Rules 2.00, at 28.
\textsuperscript{96} Id.
\textsuperscript{97} Id.
2.52—OFFENSE (or OFFENSIVE) is the team, or any player of the team, at bat. No Change.

2.53—The OFFICIAL RULES are the rules contained in this book. [Wording: Because the majority of the other definitions in this section are written in complete sentences rather than in sentence fragments, I amended this definition to make it a complete sentence. The Little League Rule reads: “OFFICIAL RULES. The rules contained in this book.”]

2.54—OFFICIAL SCORER See Rule 10.00 in “What’s the Score” publication. No Change.

2.55—An OUT is one of the three required retirements of an offensive team during its time at bat. Generally speaking, an out occurs as a result of an act—other than removal from the game for purposes of substitution, illness, injury, or ejection—(overtly recognized by an umpire) that legally deprives either a batter or a runner of his/her right to attempt to bat, to attempt to advance to a base, or to attempt score. [Clarification: Everything after the first sentence is new. The Little League definition is woefully vague. I am not certain that my attempt is much better but I wanted to try to elaborate.]

2.56—An OUTFIELDER is a fielder who occupies a position in the outfield, which is the area of the playing field most distant from home base. No Change.

2.57—OVERSLIDE (or OVERSLIDING) is the act of an offensive player when the slide to a base is with such momentum that the player loses contact with the base. [Substantive/Wording: Here the Little League Rules present a subtle inconsistency. The Little League definition reads as follows: “OVERSLIDE (or OVERSLIDING) is the act of an offensive player when the slide to a base, other than when advancing from home to first base, is with such momentum that the player loses contact with the base.” I suspect that the phrase “other than when advancing from home to first base” should be removed.]

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98. Id.
99. Id.
100. LITTLE LEAGUE RULES 2.00, at 28.
101. Id.
102. Id.
103. Id.
104. Id., at 29.
"base" was inserted in a good faith effort to emphasize that a runner, in the ordinary case, is not subject to being put out when s/he overslides first base (unless s/he fails to return "immediately" to first—in which case s/he is liable to being put out either by a tag or on appeal as the case may be). Little League Rule 7.08 makes this clear in subsections (c) (EXCEPTION) and (j). Those very subsections, however, refer to the act of "oversliding first base" three times.\textsuperscript{105} The inconsistency (perhaps Catch 22 more aptly describes this situation) is that, by definition (i.e., the definition given in § 2.00 for "overslide (or oversliding)") the words "overslide" and "oversliding" cannot apply to the act of "advancing from home to first base." Nevertheless, that is precisely what subsections (c) (EXCEPTION) and (j) purport to do. Clearly, this inconsistency ought to be resolved. It seems most efficient to me to delete the phrase—"other than when advancing from home to first base"—from the definition, and that is the course I take in the Proposed Rule definition for "overslide (or oversliding)." By doing so, the definition is still clear. Rules 7.08(c) (EXCEPTION) and (j) still make it clear that a runner will not be liable to being put out for oversliding first base if s/he returns immediately. The phrase "other than when advancing from home to first base" was probably inserted with good intentions but it creates an unnecessary inconsistency in the Rules and is superfluous.\textsuperscript{2}

\textbf{2.58}—A PENALTY is the application of these Rules following an illegal act.\textsuperscript{106} [Capitalization: I have capitalized the word "Rules."]

\textbf{2.59}—The PERSON of a player or an umpire is any part of the body, clothing or equipment.\textsuperscript{107} No Change.

\textbf{2.60}—A PITCH is a ball delivered to the batter by the pitcher.\textsuperscript{108} No Change.

\textbf{2.61}—A PITCHER is the fielder designated to deliver the pitch to the batter.\textsuperscript{109} No Change.

\textbf{2.62}—The Pitcher's PIVOT FOOT is that foot which is in contact with the pitcher's plate as the pitch is delivered.\textsuperscript{110} No Change.

\textsuperscript{105} The first instance in subsection (j) actually says "oversliding that base" (emphasis added). It is clear, however, from the context of the sentence that "first base" is the antecedent of "that."

\textsuperscript{106} LITTLE LEAGUE RULES 2.00, at 29.

\textsuperscript{107} \textit{Id.}

\textsuperscript{108} \textit{Id.}

\textsuperscript{109} \textit{Id.}

\textsuperscript{110} \textit{Id.}
2.63—"PLAY" is the umpire’s order to start the game or to resume action following any dead ball. No Change.

2.64—A QUICK RETURN is a pitch made with obvious intent to catch a batter off balance. It is an illegal pitch. No Change.

2.65—REGULATION GAME. See Rules 4.10 and 4.11. No Change.

2.66—A RETOUCH is the act of a runner returning to a base as legally required. No Change.

2.67—A RUN (or SCORE) is the score made by an offensive player who advances from batter to runner and touches first, second, third and home bases in that order. No Change.

2.68—A RUNDOWN is the act of the defense in an attempt to put out a runner between bases. No Change.

2.69—A RUNNER is an offensive player who is advancing toward, or touching, or returning to any base. No Change.

2.70—"SAFE" is a declaration by the umpire that a runner is entitled to the base for which that runner was trying. No Change.

2.71—SET POSITION is one of the two legal pitching positions. No Change.

2.72—A STRIKE is a legal pitch which meets any of these conditions—
(a) is struck at by the batter and is missed;
(b) is not struck at, if any part of the ball passes through any part of the strike zone;
(c) is fouled by the batter when there is less than two strikes;
(d) is bunted foul (batter is out and ball is dead, if batter bunts foul on third strike);
(e) touches the batter’s person as the batter strikes at it (dead ball);
(f) touches the batter in flight in the strike zone; or
(g) becomes a foul tip (ball is live and in play).

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111. Id.
112. Little League Rules 2.00, at 29.
113. Id.
114. Id.
115. Id.
116. Little League Rules 2.00, at 29.
117. Id.
118. Id.
119. Id.
120. Id.
No Change.

2.73—The STRIKE ZONE is that space over home plate which is between the batter’s armpits and the top of the knees when the batter assumes a natural stance. The umpire shall determine the strike zone according to the batter’s usual stance when that batter swings at a pitch.121 No Change.

2.74—A SUSPENDED GAME is a called game which is to be completed at a later date.122 No Change.

2.75—A TAG is the action of a fielder in touching a base with the body while holding the ball securely and firmly in the hand or glove; or touching a runner with the ball or with the hand or glove holding the ball, while holding the ball securely and firmly in the hand or glove.123 No Change.

2.76—A THROW is the act of propelling the ball with the hand and arm to a given objective and is to be distinguished always from the pitch.124 No Change.

2.77—A TIE GAME is a regulation game which is called when each team has the same number of runs.125 No Change.

2.78—“TIME” is the announcement by the umpire of a legal interruption of play, during which the ball is dead.126 No Change.

2.79—TOUCH. To touch a player or umpire is to touch any part of the player or umpire’s body, clothing or equipment.127 No Change.

2.80—A TRIPLE PLAY is a play by the defense in which three offensive players are put out as a result of continuous action, providing there is no error between putouts.128 No Change.

2.81—A WILD PITCH is one so high, or low, or wide of the plate that it cannot be handled with ordinary effort by the catcher.129 No Change.

121. Little League Rules 2.00, at 29.
122. Id.
123. Id.
124. Id.
125. Id.
126. Little League Rules 2.00, at 30.
127. Id.
128. Id.
129. Id.
2.82—WIND-UP-POSITION is one of the two legal pitching positions.130 No Change.

3.00—Game Preliminaries

§ 3.01

Little League Rule 3.01 (e)(3) requires that an alternate ball "shall be put in play when...the pitcher requests such alternate ball."131 This appears to give the pitcher extraordinary power. The use of the word "shall" appears to make ball replacement mandatory at a pitcher's request. It probably makes more sense to give the umpire some discretion in this matter. We do not want a pitcher to delay the game unreasonably.

Proposed Rule 3.01 (e)(3):

Such alternate balls shall be put in play when: (3) the pitcher requests such alternate ball, and the umpire deems the pitcher's request reasonable.

§ 3.03

Little League Rule 3.03 is somewhat complicated. This Rule explains under what conditions players may substitute and re-enter a game.132 Basically, the rule boils down to this: once a starter leaves the game, s/he cannot re-enter the game until his/her replacement has batted at least once and has played at least six consecutive defensive outs. In addition, once a manager removes a pitcher, s/he cannot return to pitch again in that game. Lastly, "only a player in the starting line-up may re-enter the game."133 Little League Rule 3.03 is very similar to the analogous Major League Rule.134 I propose significant changes to this rule. I believe a manager should be able to insert and remove players in a more flexible manner. For example, in a six inning game, a manager should be able to allow his "substitutes" to alternate defensive innings (for example 1,3,5 and 2,4,6). The easiest way to accomplish this is to permit substitutions rather freely, but also to change the batting order so that players bat consecutively, straight through the roster, regardless of whether the

130. Id.
131. LITTLE LEAGUE RULES 3.01(e)(3), at 30.
133. Id.
134. See MAKE THE RIGHT CALL, supra note 5, at 37.
player is technically “in the game” under traditional baseball rules. Proposed Rule 3.03 retains the requirement of six defensive outs but it abolishes the necessity for the outs to be “consecutive.” That way, if a manager wants to alternate players defensively (e.g., innings 1, 3, 5 and 2, 4, 6) s/he may. The Proposed Rule also keeps the Little League Rule’s prohibition on a pitcher returning to pitch once removed.

Proposed Rule 3.03:

A pitcher, once removed, may not re-enter the game as a pitcher. Otherwise, a player who has been removed may re-enter the game for an unlimited number of times, in any position provided: every available player, unless prevented by sickness, injury, problems of a personal nature, legitimate mistake (i.e., manager’s, coach’s, or player’s mistake), or any other reason that the umpire deems reasonable and/or justifiable (but in no case for purposes of gaining an unfair advantage), shall play for a minimum of six defensive outs during the course of every game that lasts for a minimum of five (5) complete innings.

Proposed Rule 3.03 allows a manager to pre-plan precisely which players will play every position in each inning. Of course, like any plan, a manager may have to make adjustments as a game progresses, but the system made possible under Proposed Rule 3.03 is much easier for managers and players than the Little League Rule 3.03. Furthermore, Proposed Rule 3.03 reduces stress and anxiety for both managers and players (and parents too). Proposed Rule 3.03 makes substitutions easy but still requires the same minimum number of defensive outs for

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each player as the Little League Rule. It also permits reasonable excuses for noncompliance such as illness, parental discretion, and honest mistake (which the Little League Rule appears not to tolerate).\textsuperscript{136}

§ 3.04

The fundamental changes in Proposed Rule 3.03 necessitate changing many other rules that are related in some manner to substitutions and batting order. As a matter of fact, the very next rule, Little League Rule 3.04, prohibits any player who is in the "batting order" from acting as a "substitute runner." Since Proposed Rule 3.03 contemplates a consecutive batting order,\textsuperscript{137} all players on a team's roster present for any given game are technically in the batting order. Consequently, I have amended Proposed Rule 3.04 accordingly. The language of this Rule comports with the "consecutive batting order" in Proposed Rule 6.01, \textit{infra}, and also provides for a pinch runner when the circumstances are otherwise reasonable.

Proposed Rule 3.04:

Any player on the team may become a substitute runner for another member of the team when it is impractical for the ordinary runner to run due to accident, illness, or injury. Otherwise a "courtesy runner" is not permitted.

§§ 3.06-3.08

Little League Rules 3.06-3.08 specify the formal notification and announcement of substitutes.\textsuperscript{138} Given the changes in Proposed Rule 3.03, these Rules are unnecessary. Therefore, in order to retain a numbering system that mirrors the current Little League Rules, I suggest that these section numbers appear with a notation that these Rules have been purposely deleted.

Proposed Rule 3.06: [Rule Deleted]
Proposed Rule 3.07: [Rule Deleted]
Proposed Rule 3.08: [Rule Deleted]

§ 3.09

Little League Rule 3.09 states:

\textsuperscript{136} See also Proposed Rules \textit{infra} §§ 3.17, 4.04, 4.12, and 6.01.
\textsuperscript{137} See \textit{infra} Proposed Rule 6.01.
\textsuperscript{138} See \textit{Little League Rules} 3.06-3.08, at 31.
Players, managers and coaches on the participating teams shall not address, or mingle with spectators, nor sit in the stands during a game in which they are engaged. Managers or coaches must not warm up a pitcher at home plate or in the bull pen or elsewhere at any time, [sic] They may, however, stand by to observe a pitcher during warmup in the bull pen. This Rule is nearly identical to the analogous Major League Rule. These constraints do, indeed, seem designed for adults playing a competitive game. The restrictions in this Little League Rule, however, are too stringent for a children’s game and unrealistic given the freedom that parents give their children in today’s society. It probably makes sense to permit players to see their parents—if need be. It probably makes sense to permit players to use the bathroom. It probably makes sense to permit players to visit the concession stand with the manager’s permission (perhaps a player forgot to bring his water bottle on a hot, humid day). The Little League prohibition on managers and coaches warming up pitchers is unreasonable, especially given the number of times that the catcher is likely to be at bat, on deck, or on the bases when an inning ends. Allowing a manager or coach to receive a pitcher’s warm up tosses while the catcher is getting his gear on can speed up the game. In addition, if a manager or coach catches for a pitcher during his/her warm up pitches, it might provide the coach or manager an opportunity to detect a sore arm or other problem. Thus, I suggest that Proposed Rule 3.09 expressly allow managers and coaches to warm up a pitcher.

Proposed Rule 3.09:
A manager or an assistant coach may warm up a pitcher at home plate or in the bull pen or elsewhere at any time.

§ 3.10

Little League Rule 3.10(a) provides: “The managers of both teams shall agree on the fitness of the playing field before the game starts. In the event that the two managers cannot agree, the president or a duly delegated representative shall make the determination.” To me it seems odd that the president or a delegate should have to be available for every game. Perhaps it would be easier if this Rule included the

139. Clearly, the comma here should be a period.
140. LITTLE LEAGUE RULES 3.09, at 31.
141. See Make the Right Call, supra note 5, at 40-42.
142. See generally Nemec, supra note 12, at 53-54.
143. LITTLE LEAGUE RULES 3.10, at 31.
umpire-in-chief. Making the umpire part of the decision-making team would simply make the process more efficient and would add another objective opinion to the decision.

Proposed Rule 3.10(a):
The managers of both teams and umpire-in-chief shall agree on the fitness of the playing field before the game starts. In the event that the two managers and umpire-in-chief cannot agree, the majority of those three shall make the determination.

§ 3.15

Little League Rule 3.15 prohibits persons other than those directly involved with the game or otherwise authorized from entering the field of play. It also provides that in the event of intentional interference "by any person authorized to be on the playing field," "the ball is dead at the moment of the interference and no runners on base may advance." As written, this part of the Rule is flawed. First, by declaring the ball dead and prohibiting the runners from advancing, the rule makes it possible—theoretically—to intentionally interfere with play and to achieve thereby an unscrupulous objective; namely, to halt the runners of the offensive team. I believe that this Rule contains a simple drafting error of omission, and it is an omission that ought to be corrected. Little League Rule 3.16 (regarding spectator interference) and the analogous Major League Rules 3.15 and 3.16 provide evidence that suggests this is a drafting error, and they also provide the omitted language that ought to be added to the Little League Rule 3.15. Those three Rules (i.e., Little League Rule 3.16 and Major League Rules 3.15 and 3.16) each conclude with the following language regarding intentional interference: "and the umpire shall impose such penalties as in the umpire's opinion will nullify the act of interference." By adding the same language to this Rule, it can be made consistent with the Rule on spectator interference (Little League Rule 3.16) as well as the analogous Major League Rules (Major League Rules 3.15 and 3.16). Apparently, the drafters of the Little League Rules simply forgot to include this important language.

144. See Little League Rules 3.15, at 312
145. Id.
146. This is the language of the Little League Rule 3.16. The Major League Rules 3.15 and 3.16 fail to use the gender neutral language adopted by the Little League Rule (i.e., instead of saying "the umpire's," the Major League Rules say "his"). See Make the Right Call, supra note 5, at 47-49.
Proposed Rule 3.15:
No person shall be allowed on the playing field during a game except uniformed players, batboys or batgirls,147 managers, and coaches, umpires and news photographers authorized by the league. In case of intentional interference with play by any person authorized to be on the playing field, the ball is dead at the moment of the interference and no runners on base may advance; and the umpire shall impose such penalties as in the umpire’s opinion will nullify the act of interference. Should an overthrown ball accidentally touch an authorized person, it will not be considered interference and the ball will remain live.

§ 3.17

Little League Rule 3.17 requires that players and managers and coaches remain in the dugout “unless participating in the game or preparing to enter the game.”148 Proposed Rule 3.17 is somewhat different. First, the words “generally should” replace “shall.” This change recognizes certain legitimate reasons for a player leaving the dugout (e.g., parental request, bathroom, concession stand).149 Second, since the Proposed Rules permit batboys/batgirls, they are included in this Rule. Third, since the Proposed Rules permit more than two assistant coaches, the restrictions on the number of assistant coaches is deleted.

Proposed Rule 3.17:
Players and substitutes generally should sit on their team’s bench or in the dugout unless participating in the game or preparing to enter the game. No one except eligible players in uniform, batboys, batgirls, and coaches shall occupy the bench or dugout. When batters or base runners are retired, they must return to the bench or dugout at once.

4.00—Starting and Ending the Game

§ 4.04

Little League Rule 4.04 states: “The batting order shall be followed throughout the game unless a player is substituted for another. Substitutes must take the place of the replaced player’s position in the batting order except as covered by Rule 3.03.”150 Because the Proposed Rules

147. See supra § 2.13 regarding the inclusion of batboys/batgirls.
148. Little League Rules 3.17, at 32.
149. See also Proposed Rules supra § 3.03, infra §§ 4.04, 4.12, and 6.01.
150. Little League Rules 4.04, at 33.
use a "consecutive order," it is necessary to change this Rule. Proposed Rule 4.04 also takes a realistic approach to batting out of turn.

Proposed Rule 4.04:
The batting order shall be followed throughout the game unless one of the following occurs: (1) a player is unable to bat due to sickness, injury, honest mistake, temporary absence due to personal health or hygiene; (2) a parent or other adult responsible for the player decides to remove the player for reasons of a personal nature; or, (3) a player arrives late and is added to the batting order.

This approach represents a complete change from the Little League Rule. The Little League Rule is certainly less democratic. As was noted above, Little League Rule 3.03 provides that once a player is removed, s/he cannot be put back in until his/her designated substitute has completed one at bat and six defensive outs; and then s/he may only return once, and only starting players may reenter (not substitutes). Proposed Rule 4.04 permits an alternating system for defensive positions, gives players an opportunity to participate more frequently, and helps them to avoid "getting cold" while sitting on the bench for extended periods of time. An alternating system also allows managers to establish fielding and batting lineups at the outset of a game, reducing the need to make unanticipated changes during the course of the game (i.e., one less thing for a manager to worry about during the game itself).

§4.05

Little League Rule 4.05 mandates that "[t]he offensive team shall station two coaches on the field during its time at bat. . . ." Subsection (1) specifies that these two coaches must be "eligible players in the uniform of their team; or one (1) adult manager or coach." This Little League Rule is consistent with the definition of "BASE COACH" in the definitions section (2.00). Because I have changed the definition of "BASE COACH," Proposed Rule 4.05(1) must be changed also for the sake of internal consistency. In addition, Little League Rule 4.05

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151. See e.g., Proposed Rule supra § 6.01.
152. See LITTLE LEAGUE RULES 3.03, at 30-31.
153. See supra note 135 and accompanying text. See also Rules supra § 3.03 and infra § 6.01(b).
154. See supra note 135.
155. LITTLE LEAGUE RULES 4.05, at 33.
156. Id.
157. See Proposed Rule supra § 2.07.
establishes both the permissible and prohibited conduct of base coaches. For example, a base coach must "remain within the coaches' boxes at all times"\textsuperscript{158} (subsection (2)) and "talk to members of their own team only."\textsuperscript{159} (subsection (3)). Both of these provisions are flawed. They suffer from being overbroad.

First, an adult base coach (like a Major League manager) ought to be permitted to enter the field when time is called (\textit{i.e.}, he should be permitted to leave the coacher's box) for reasonable purposes. It has always struck me as comical, for example, that a Little League manager has to wait at the sidelines for his pitcher to come confer with him. It would probably speed up the process if a manager could jog out to the mound and then jog back when time is called. Similarly, if a player is injured, a manager or coach must be allowed to go onto the field. Thus, Proposed Rule 4.05, subsection (2), permits \textit{adult} base coaches to enter the field for reasonable purposes. This change allows adult base coaches greater freedom and flexibility than the Little League Rule.

I propose that subsection (3) of the Little League Rule be deleted. It provides that base coaches may "talk to members of their own team only."\textsuperscript{160} (emphasis added). This is another unnecessarily overbroad rule. The apparent intent is to prohibit a coach from verbally interfering with the defensive team. Unfortunately, it is too broad a prohibition for youth baseball. It also prohibits encouragement like "Nice play shortstop!" or "Great catch Second Baseman!" Technically, an umpire could remove a base coach for encouragement of this nature. Obviously, an umpire can invoke Little League Rule 9.01(b)\textsuperscript{161} to accomplish the same result—if a base coach were to say inappropriate things to a player—without resorting to a separate, overly-broad rule that prohibits base coaches from talking to players on the other team.

In addition, I suggest that a base coach expressly be permitted to pat a player on the back or shake hands with a player after a good hit. I have seen Little League umpires call a player out—after hitting a triple—when the third base coach gave the player a "high-five." This is just plain ridiculous. Therefore, Proposed Rule 4.05 contains a new subsection (3). Its purpose is to clarify that a baserunner will not be called out in the event that a base coach pats a runner on the back or shakes

\textsuperscript{158} Little League Rules 4.05, at 33.
\textsuperscript{159} \textit{Id.}
\textsuperscript{160} \textit{Id.}
\textsuperscript{161} Little League Rule 9.01 gives the umpire very broad discretionary power (especially subsections (c), (d), and (e)) to fashion remedies for inappropriate conduct.
hands. The alternative approach, of declaring the runner out, is unreasonable and unjustified. A high-five after a great hit is just the sort of positive reinforcement and encouragement that pre-adolescents need for their psychological well being.\textsuperscript{162} Being called out for such congratulatory conduct sends the wrong message to youngsters about the operation of rules in our society. Nevertheless, Proposed Rule 4.04(3) still provides that physical contact used to control the baserunner is prohibited, and may result in an out. That part of the Rule is needed to prevent a base coach from giving an unfair advantage.

Proposed Rule 4.05:
The offensive team shall station two base coaches on the field during its time at bat, one near first base and one near third base.

(1) Base coaches shall be team members in uniform or an adult manager or coach, or any other responsible person designated by a manager;

(2) Adult base coaches (and the manager) are entitled to enter the field of play when Time is called for a reasonable period of time to talk to players and/or inquire about their health, status of an injury, fitness to continue playing, or to discuss strategy.

(3) Base coaches are permitted to make physical contact with a base runner for purposes of congratulations or adjusting a player's equipment. A base coach is not permitted to make physical contact with a base runner for purposes of controlling the player's base running actions.

\textsection 4.06

Little League Rule 4.06 (which relates to unsportsmanlike conduct) has a number of serious problems. One subsection (subsection (2)) is, like parts of Little League Rule 4.05, overbroad. The penalty provisions of Little League Rule 4.06 are, at best, ambiguous. At worst, they are inconsistent. Lastly, the wording of subsections (2) and (4) lacks parallel structure to such a degree that they are nearly incomprehensible.

Let us begin with the easy things. It is fairly clear what kind of conduct it is that this Rule is trying to outlaw. The Rule is designed to make it illegal for managers, coaches and players: (1) to incite a demonstration by the spectators; (2) to say disparaging things to opponents, their managers and coaches, the umpires, and the spectators; (3) to intentionally cause the other team's pitcher to commit a balk; and, (4) to deliberately position themselves (while on defense) in an attempt to distract a bat-

\textsuperscript{162} See Fortanasce, supra note 9, at 60-65.
One of the principal problems with this Rule is that its penalty provisions are not clearly designated as such. The first mention of a penalty comes in subsection (3). The sanction is written after a semicolon but on the next line down. In addition, it specifically addresses the illegal conduct mentioned in subsection (3) (i.e., deliberately causing a balk). Therefore, it is reasonable to assume that the drafters intended this penalty provision to apply only to subsection (3). The next penalty mentioned comes at the end of the Rule. It is set off on a separate line after subsection (4): "The offender shall be removed from the game." Given its position in the text of the Rule, it is reasonable to assume that the drafters intended that this penalty be applied to the offenses articulated in subsections (1), (2), and (4) (since subsection (3) contains its own sui generis penalty clause). If these interpretations are accurate, then it would be simple to make the Rule less ambiguous and difficult to read by doing two things: First, renumbering the subsections, making subsection (3) into subsection (4) and vice versa. Second, clearly identifying the penalty provisions with a caption "PENALTY" in capital letters and boldface. These changes would make it clear that ejection is the penalty for: (1) inciting a demonstration by the spectators; (2) saying disparaging things to opponents, their managers and coaches, the umpires, and the spectators; and, (3) deliberately positioning oneself (while on defense) in an attempt to distract a batter. Similarly, these changes would clarify that a warning for a first offense and ejection for a second offense is the penalty for a player, while on offense, intentionally trying to make the pitcher commit a balk.

At this juncture, I find myself scratching my head trying to figure out why—jurisprudentially speaking—the drafters found it necessary to create different penalties for such similar misconduct. Why give a warning for a first offense for deliberately attempting to cause a balk, but imme-

163. See Little League Rules 4.06, at 33.
164. See id.
165. See id.
166. See id.
167. Id.
168. It is also possible that, as written, Rule 4.06 fails to articulate any penalty for subsections (1) and (2)—leaving it up to the umpire's discretion. If that is the case, then it would be anomalous that subsections (3) and (4) should expressly define penalties (subsection (3) providing for a warning for the first offense and ejection for a second; and subsection (4) immediately punishing the offender with ejection without warning). The positioning of the sentence "The offender shall be removed from the game." in the text, however, makes this interpretation seem unlikely.
169. See Little League Rules 4.06, at 33.
diately eject someone who intentionally tries to get the spectators riled up, says something derogatory to someone else, or tries to distract a batter? All four acts are really kinds of unsportsmanlike conduct. All four acts require the umpire's judgment. I am unconvinced that there is anything meaningfully more or less unsportsmanlike about any one than the others. Thus, I suggest, in Proposed Rule 4.06, that the same penalty be applied for all four infractions. This suggestion actually "kills two birds with one stone." First, it gets rid of the ambiguity of the current Rule (i.e., which penalty applies to which subsection?) and, second, it imposes penalties that are consistent. It is fundamental in jurisprudence that similar misconduct should receive similar penalties. It seems fair that an umpire should issue a warning for a first offense of all four subsections prior to ejection.

Lastly, I must recommend several amendments to the language of subsection (2). Subsection (2) prohibits managers, coaches, and players from using language "which will in any manner refer to or reflect upon opposing players, manager, coach, an umpire or spectators." I suggest that the word "negatively" be inserted between the words "reflect" and "upon." This addition is designed to remedy the same overbreadth that we saw in subsection (4) of Rule 4.05. Competitors should be able to compliment and encourage their opponents. For stylistic reasons, it would be better English to change the direct objects of the sentence (i.e., "players, manager, coach, an umpire or spectators") so that they are all either singular or plural. For the sake of consistency, let me recommend making them all plural: "players, managers, coaches, umpires, or spectators." Thus, Proposed Rule 4.06 subsection (2) makes it illegal for managers, coaches, and players to: "use language which will in any manner refer to or reflect negatively upon opposing players, managers, coaches, umpires, or spectators."

There is one final stylistic change that I make in Proposed Rule 4.06. At the end of the penalty provision in subsection (3), the Little League Rule states: "If such action causes a balk, it shall be nullified." I simply recommend changing the verb to an active construction: "For a violation of subsection (3) that causes a balk, the umpire shall nullify the balk."

170. Little League Rules 4.06, at 33 (emphasis added).
171. Id.
Proposed Rule 4.06:

No manager, coach, or player, shall at any time, whether from the bench or the playing field or elsewhere:

(1) incite, or try to incite, by word or sign, a demonstration by spectators;
(2) use language which will in any manner refer to or reflect negatively upon opposing players, managers, coaches, umpires, or spectators;
(3) make any move calculated to cause the pitcher to commit balk;
(4) take a position in the batter’s line of vision, with deliberate intent to distract the batter.

PENALTY: The umpire shall first warn the player, coach, and/or manager for a first offense. For a second offense, the umpire shall remove the player, coach, and/or manager from the game or bench. If a violation of subsection (3) causes a balk, the umpire shall nullify the balk.

§ 4.07

Little League Rule 4.07 provides: “When a manager, coach, or player is ejected from a game, they shall leave the field immediately and take no further part in that game. They may not sit in the stands and may not be recalled.”\(^\text{172}\) The portion of this Rule that seems overly harsh is the part that specifies that the person ejected “may not sit in the stands...”\(^\text{173}\) Perhaps the intent is to remove the offender from the premises. If so, the Rule apparently is ineffective since, technically, a person ejected could stand and watch the game without “sit[ting] in the stands.” I propose a change that would permit an ejected person to remain on the premises on the condition that s/he remain silent. That way the individual who is ejected could at least stay to see the outcome of the game. Obviously, if the person ejected causes more trouble (e.g., begins shouting obscenities at the umpire), the umpire can invoke Little League Rule 9.01(b)\(^\text{174}\) to take whatever actions are necessary to have the offender removed from the premises. For stylistic reasons, I would change “they” to “s/he”—since the antecedent of the pronoun is singular (“a manager, coach, or player”).

\(^{172}\) Little League Rules 4.07, at 33.
\(^{173}\) Id.
\(^{174}\) “Each umpire has authority to order a player, coach, manager, or league officer to do or refrain from doing anything which affects the administering of these rules and to enforce the prescribed penalties.” Little League Rules 9.01(b), at 53.
Proposed Rule 4.07:
When a manager, coach, or player is ejected from a game, s/he shall leave the field immediately and take no further part in that game. S/he may sit silently in the stands but may not be recalled.

§ 4.10

Little League Rule 4.10(e) (an option that local leagues may adopt) invokes the “mercy rule” in the case of a ten (10) run lead after four innings or four and one-half if the home team is ahead.\textsuperscript{175} My experience with youth baseball is that a ten run lead is not necessarily insurmountable. Thus, Proposed Rule 4.10(e) invokes the “mercy rule” in the case of a fifteen run lead. Essentially, I suggest adding five (5) runs to the Rule. In addition, since the Proposed Rules drastically alter the batting order system currently in place under the Little League Rules,\textsuperscript{176} I have added a proviso requiring that each player get at least one “at bat.”\textsuperscript{177} Therefore, under this rule, if Team A (visitor) is losing to Team B (home) 15-0 after 3\(\frac{1}{2}\) innings—but the number thirteen batter (i.e., the last batter) has not yet had an “at bat” (for example if the first twelve batters were retired in order—unlikely but possible), then play would proceed until after the number thirteen batter has batted, and then the manager of Team A shall concede the victory to Team B. This rule, in concert with Proposed Rule 6.01, \textit{infra}, ensures that every player gets an opportunity for at least one turn at bat in every game.

Proposed Rule 4.10(e):
If after four (4) innings, three and one-half innings if the home team is ahead, one team has a lead of fifteen (15) runs or more, the manager of the team with the least runs shall concede the victory to the opponent (provided that each player on the losing team has had the opportunity to bat at least once).

§ 4.11

I disagree with the approach of Little League Rule 4.11(d) and the “Example” given above as an illustration of that Rule. Because of this disagreement, I am proposing several changes to Little League Rule 4.11 and its related Rule 4.12. The Little League Rule 4.11(d) is as follows:

\begin{footnotesize}
\begin{itemize}
\item[\textsuperscript{175}] See \textit{Little League Rules} 4.10(e), at 34.
\item[\textsuperscript{176}] See Proposed Rule \textit{infra} § 6.01.
\item[\textsuperscript{177}] See \textit{infra} § 6.01 (a further explanation of batting order and the rationale for allowing all players to have at least one “at bat”).
\end{itemize}
\end{footnotesize}
A called game ends at the moment the umpire terminates play. **EXCEPTION:** If the game is called during an incomplete inning, the game ends at the end of the last previous completed inning in each of the following situations:

1. The visiting team scores one or more runs to tie the score in the incomplete inning, and the home team does not score in the incomplete inning.
2. The visiting team scores one or more runs to take the lead in the incomplete inning, and the home team does not tie the score or retake the lead in the incomplete inning.

The example given to illustrate Rule 4.11(d) is as follows:

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1 2 3 4 5 6
VISITORS 0 0 0 4 1
HOME 0 0 0 5
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Game called in top of 5th inning on account of rain. Score reverts to last completed inning (4th) and the home team is the winner 5 to 4.

In these situations, the Little League Rule sacrifices runs earned by a team for administrative efficiency. The Little League Rule tells the visiting team: "No, your runs in the incomplete inning don’t count (i.e., we are taking them away from you!) because the home team did not have a chance to complete its half of the inning, and the league officials don’t want to bother scheduling the continuation of the game. You lose!" If the visiting team is able to stage a rally to tie or to go ahead, it does not seem fair to erase the runs that the visiting team scored legitimately. Otherwise, as clouds thicken and rain begins to fall, a home team pitcher could walk batter after batter hoping that, by stalling, the score would revert to the score at the end of the fourth inning. Once a team has earned a run, it makes no sense to take it away because of circumstances beyond the control of the players, manager, and coaches. The approach that I suggest in Proposed Rule 4.11(d) treats these situations as "Suspended Games" and is, in that regard, consistent with the Major League Rule 4.11(d), which permits the game to be continued without taking away runs that a team has scored legitimately. Although treating a game as “Suspended” instead of returning the score to the last completed inning requires more administrative scheduling—to schedule

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178. *Little League Rules* 4.11(d), at 35.
179. See *Make the Right Call*, supra note 5, at 69-74.
the suspended game’s completion—it provides a more fair mechanism for resolution than simply taking away earned runs. Thus, I propose treating these situations as “Suspended Games” to be completed at a later date pursuant to Rules 4.11(e) and 4.12. Fundamentally, I suggest that the rule be changed to treat situations now covered by Rule 4.11(d) like Rule 4.12 (“TIE games”) instead.

Proposed Rule 4.11(d) and (e):

(d) Subject to the provisions of Rule 4.11(e) and 4.12 (regarding a Suspended Game that is called during an incomplete inning), a called game ends at the moment the umpire terminates play.

(e) A game shall be deemed a Suspended Game when it is a regulation game that is tied after four or more completed innings and halted by the umpire, or a regulation game halted by the umpire in which either of the following situations occurs:

1. The visiting team scores one or more runs to tie the score in the incomplete inning, and the home team does not score in the incomplete inning; or,

2. The visiting team scores one or more runs to take the lead in the incomplete inning, and the home team does not tie the score or retake the lead in the incomplete inning.

A Suspended Game shall be resumed from the exact point that play was halted. The game shall continue in accordance with Rules 4.10(a) and 4.10(b).

NOTE: When game is halted pursuant to this Rule, the pitcher of record may continue pitching in the same game on any subsequent date provided said pitcher has observed the required days of rest and has pitching eligibility in the calendar week in which the game is resumed. For scorekeeping purposes, it shall be considered the same game, and all batting, fielding and pitching records will count.

EXAMPLE:
Rule 4.11

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Game called in top of fifth inning on account of rain. The game is a Suspended Game and should be resumed in the top of the fifth, visiting team at bat.
§ 4.12

Because of the changes that I have offered for Rules 4.11(d) and 4.11(e), it is necessary also to modify Little League Rule 4.12. The Little League Rule governs "TIE games" and provides a mechanism for completing games that are tied after four innings and then "halted due to weather, curfew, or light failure. . ."\(^{180}\) Since Proposed Rule 4.11 treats any game that is stopped in the midst of an incomplete inning as a "Suspended Game" (analogous to the Little League "TIE game), it is necessary to make some changes in Rule 4.12 to make it consistent. In addition, there are other changes that relate to the Rule on substitutions and batting order (i.e., in Rule 3.03) that need to be harmonized. For example, what does one do with the lineup if some players are present for the continuation of a Suspended Game who were not present for the original game (and vice-versa)? The Proposed Rule 4.12 attempts to make room for this eventuality. In this Proposed Rule, I have removed the Little League Rule's provisions regarding the use of substitute players, and added provisions regarding reasonable absences.\(^{181}\) I have also made minor amendments to make this Rule consistent with the rule changes in 4.11(d) and 4.11(e) regarding "Suspended Games."

Proposed Rule 4.12:

Suspended Games halted due to weather, curfew, or light failure shall be resumed from that exact point at which they were halted in the original game. A Suspended Game can be completed preceding the next scheduled game between the same teams. A pitcher can pitch in both games on same day subject to the six-inning per week limitation provided in Regulation VI (b). To the extent possible given sickness, injury, and taking into account absences, the lineup and batting order of both teams shall be the same as the lineup and batting order at the moment the game was halted.

EXAMPLE:

Rule 4.12

Suspended Games halted due to weather, curfew or light failure shall be resumed from the exact point at which they were halted in the original game.

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181. See also Proposed Rules, supra §§ 3.03, 3.14, 4.04, infra § 6.01.
LITTLE LEAGUE BASEBALL

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Game called in top of 5th inning on account of rain. The game is a Suspended Game and should be resumed in the top of the 5th, visiting team at bat.

§ 4.15

There are a number of minor rule changes that one might consider making to Little League Rule 4.15. For example, in subsection (1), the Little League Rule allows an umpire to declare a forfeit if a team refuses to begin playing within ten minutes after the game was scheduled to begin. In subsection (3), the Little League Rule allows an umpire to declare a forfeit if, after the umpire stopped play during a game, a team refuses to continue within one minute after the umpire has signaled "Play." A youth league might consider extending these times to fifteen and three minutes respectively. After all, the whole point is to give children a structured environment to play a fair game of baseball, not to grant a win to a team on a technicality. Playing is more important than winning. Thus, Proposed Rule 4.15 does change these time restrictions to fifteen and three minutes.

One change to Rule 4.15 that seems less discretionary, however, is in subsection (6). Little League Rule 4.15(6) states that an umpire may declare a forfeit when a team "employs tactics designed to delay or shorten the game." It seems necessary to me that the word "unfairly" be added. Arguably, every time a defensive team makes a put out, it is a tactic employed to shorten the game, and every time that a batter swings the bat, s/he intends to delay the game's end. I would also recommend that the passive construction of the Little League Rule ("[a] game may be forfeited by the umpire-in-chief. . .") be changed to active ("[t]he umpire-in-chief. . . may declare a game forfeited. . .").

Proposed Rule 4.15:

The umpire-in-chief of a game in progress may declare a game forfeited to the opposing team when a team:

182. See LITTLE LEAGUE RULES 4.15(1), at 36.
183. See id. at § 4.15(3).
184. Id. at § 4.15(6).
185. Id. at § 4.15.
being upon the field, refuses to start play within fifteen (15) minutes after the appointed hour for beginning the game, unless such delay, in the umpire’s judgment, is unavoidable;

(2) No Change.
(3) fails to resume play, after game was halted by the umpire, within three (3) minutes after the umpire has called “Play”;
(4) No Change.
(5) No Change.
(6) employs tactics designed to delay or shorten the game unfairly.

§§ 4.16 & 4.17

Little League Rules 4.16 and 4.17 establish a procedure for dealing with situations where one team is unable (or both teams) to place nine (9) players on the field (either at the outset of a game (4.16) or in the midst of a game (4.17)). In each instance, the Rule provides that the Board of Directors must be consulted in order to decide what to do. Presumably, the Board of Directors would be wise to adopt a “local rule” to govern such situations at the beginning of a season (lest they be required to be “on call” in case such circumstances arise). One should keep in mind that families today have hectic schedules. In the four years that I have been coaching youth baseball, I know of at least two instances per year where a team has had either seven or eight players for a game (once it happened to my team—eight players for a playoff game!). Thus, in order to be realistic in today’s world, I suggest that a team be allowed to play with as few as seven players. As presently rewritten here, Proposed Rule 4.16 permits a team to play with as few as seven (7) players (presumably a defensive team could get by with one fewer infielder and one fewer outfielder). This would enable the game to be played in circumstances where it might not proceed otherwise. This Proposed Rule makes it possible to play when, otherwise, the absence of one or two players could inconvenience many other players and parents by forcing a forfeit or postponement. In Proposed Rule 4.16, as in Proposed Rule 4.17 below, I have, however, provided for automatic forfeiture in the event that a team is unable to field at least seven (7) players. The teams may still play with one or more “borrowed” players just for fun, but for purposes of league standings, it is difficult to justify playing with six (6) or fewer players on one team. I also have added a reference

186. See Little League Rules 4.16-4.17, at 36-37.
187. See id.
to Proposed Rule 4.15 (allowing a team fifteen minutes to place seven players on the field after "game time").

Proposed Rule 4.16: If a game cannot be played because of the inability of one team to place seven (7) players on the field within fifteen (15) minutes after the game was scheduled to begin, the team with less than seven (7) players automatically forfeits the game to the team with seven (7) or more. If a game cannot be played because neither team has seven (7) players within fifteen (15) minutes after the game was scheduled to begin, the game shall be postponed and rescheduled for a time agreed upon by both managers and the president. This Rule expressly permits a team to play with as few as seven (7) players without any penalty whatsoever (e.g., if a team were to play with seven (7), the umpire cannot declare the missing number eight and nine batters "out" due to the decreased roster). Furthermore, if one team forfeits the game due to its inability to field seven (7) players within fifteen minutes after the game was scheduled to begin, that team may "borrow" a player or players from the other team (or elsewhere if both managers mutually agree), and play a game "just for fun;" even though the game has been officially forfeited.

In Proposed Rule 4.17, I suggest a method for dealing with situations where a team begins a game with at least nine (9) players but loses one or two as the game progresses (e.g., due to accident, injury, illness, etc.), resulting in a number either at or below seven players. This Rule is meant to be consistent with Proposed Rule 4.16. It permits a team to continue play with as few as seven (7) players, but imposes an automatic forfeit in cases where a team is unable to field a minimum of seven (7) players. Little League Rule 4.17, however, does not make failure to field nine (9) players cause for automatic forfeiture. Instead the Little League Rule says that these situations "shall be referred to the Board of Directors for a decision." The change here is a trade-off. Proposed Rule 4.17 allows play with seven (7) instead of nine (9) but imposes automatic forfeiture for only fielding six (6) or fewer. Thus, in one respect, it is more lenient than the analogous Little League Rule but provides for a bright-line, but admittedly, severe sanction for a team that cannot field at least seven (7) players. In the long run, I believe that most players, managers, coaches, and parents will find little to dislike in Proposed

188. See Proposed Rule, supra § 4.15.
189. See LITTLE LEAGUE RULES 4.17, at 36-37.
190. Id., at 37.
Rules 4.16 and 4.17. Teams may play with as few as seven (7)—meaning, for example, that games can go on even if several of a team’s players fail to show or get injured. And most reasonable people will agree that playing a game with six (6) or less is a little silly (assuming that you must have a pitcher, catcher, and first baseman, then either you have one side of the infield bare—no short stop or second baseman—or you only have one outfielder).

Proposed Rule 4.17:
If during a game either team is unable to place seven (7) players on the field due to injury, absentees, or ejection, this shall be grounds for automatic forfeiture.

§ 5.08

Little League Rule 5.08 reads: “If a thrown ball accidentally touches a base coach, or a pitched or thrown ball touches an umpire, the ball is alive and in play. However, if the coach interferes with a thrown ball, the runner is out.”191 For the sake of clarity, it is probably wise to add the word “base” before the word “coach” in the second sentence, and to add “intentionally” before “interferes.”

Proposed Rule 5.08:
If a thrown ball accidentally touches a base coach, or a pitched or thrown ball touches an umpire, the ball is alive and in play. However, if the base coach intentionally interferes with a thrown ball, the runner is out.

§ 5.10

Little League Rule 5.10(a) provides that the umpire-in-chief shall call “Time” when “weather, darkness, or similar conditions make immediate further play impossible. . . .”192 The word “impossible” is too imprecise a term to use in this context. I suggest that the phrase “unsafe, impractical, or unwise” should be used instead.

Proposed Rule 5.10(a):
The ball becomes dead when an umpire calls “Time.” The umpire-in-chief shall call “Time“—

191. Little League Rules 5.08, at 38.
192. Little League Rules 5.10(a), at 39.
(a) when in said umpire’s judgment, weather, darkness, or similar conditions make immediate further play unsafe, impractical, or unwise;

Similarly, subsection (b) provides that the umpire shall call “Time” “when light failure makes it difficult or impossible for the umpires to follow the play...” I suggest that this subsection be changed to read in a fashion similar to subsection (a).

Proposed Rule 5.10(b):

(b) when light failure makes it difficult, unsafe, or impractical, for the umpires to follow the play. . . .

Subsection (c) of the Little League Rule provides that the umpire shall call “Time”-

(c) when an accident incapacitates a player or an umpire;

(1) If an accident to a runner is such as to prevent said runner from proceeding to an entitled base, as on a home run hit out of the playing field or an award of one or more bases, a substitute runner shall be permitted to complete the play.194

This is an intelligent rule. Baseball is certainly a game where accidents can occur frequently. When a thrown or batted ball hits a child (remember these are nine to twelve year-olds), it can hurt badly and it can even cause serious injury. It might be wise to expand this Rule to cover situations where a fielder is injured as well. Such a rule could govern a situation where a fielder is injured while making a play and the umpire calls “Time” to attend to the injured fielder. The interest in safety and attending to an injured player must be paramount. Thus, for example, after a sharply hit ball hits the pitcher in the face, it may be wise for the umpire to call “Time” immediately. On the other hand, we have an interest in not penalizing the defense for a defensive player’s injury. With “Time” called, technically neither the batter-runner nor any other runners can advance. Therefore, an additional subsection to the Proposed Rule permits the umpire to call “Time” on account of an injury (a very important thing to do) but it also permits the umpire to allow the batter-runner and any other runners to advance in a manner commensurate with the play (absent “Time” having been called). Similarly, the Proposed Rule allows an umpire to wait a few seconds after a fielder’s injury, if the umpire believes that immediate “Time” is not necessary.
By waiting a few seconds when it appears that an injury is not severe, the
umpire can, for example, permit another fielder to retrieve the ball and
bring an end to the play (e.g., If a batted ball were to hit the shortstop in
the chest and the shortstop fell to his/her knees crying, the Proposed
Rule allows the umpire to: (1) call “Time”—immediately freezing the
batter-runner and any other runners—and then, after attending to the
injured shortstop, the umpire may allow the batter-runner and runners
to proceed to the base that the umpire believes they would have pro-
cceeded had “Time” not been called; or, (2) wait a few seconds before
calling “Time” to see whether another fielder has the opportunity to
field the ball and bring play to an end. It makes sense to give the umpire
discretion to determine which course of action is most reasonable).

Proposed Rule 5.10(c)(2):

(2) When an umpire calls “Time” because a fielder is incapacitated
by an accident (e.g., being hit by a ball or colliding with another
fielder), the umpire may, in s/he discretion, permit a runner or
runners to advance the number of bases that the umpire believes
the runner or runners would have advanced had Time not been
called. In order to avoid making this type of judgment, an um-
pire may wish to wait a reasonably short length of time until play
has stopped before calling “Time” on account of an injury to a
fielder.

§ 6.01

Little League Rule 6.01 and other Rules in this general section (i.e.,
6.01-6.09) establish the basic rules for batting order.195 In conjunction
with the Little League Rule 3.03, regarding player substitutions, these
Rules institute a batting order that is similar in many respects to that
used in Major League Baseball.196 Basically, there are nine batting slots.
Those slots are used for the players who are officially in the game—
correlating with the nine defensive positions. Thus, once a player is re-
moved from the game under the Little League Rules, s/he cannot re-
enter the game until his/her substitute has played six defensive outs and
has batted at least once.197 Therefore, it is possible for a substitute to sit
on the bench for four innings, then to be inserted into the game for his/

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196. See id.; see also Make the Right Call, supra note 5, at 95-111.
197. See Little League Rule 3.03 supra § 3.03.
her six defensive outs, and not to get an "at bat."\textsuperscript{198} This seems quite cruel and antithetical to the purposes of youth baseball.\textsuperscript{199} My philosophy is that players should be assured of getting to bat as well as to play six defensive outs. Ask most nine to twelve year-olds: "Would you rather stand in the outfield for two innings or bat?" It is only the rare child that does not want to have his/her turn at the plate. As John P. McCarthy, Jr. says, in his book, A PARENT'S GUIDE TO COACHING BASEBALL, hitting is "the most fun" part of baseball.\textsuperscript{200} Thus, Proposed Rule 6.01(b) puts this philosophy into action. It (along with rule 4.10(e), \textit{supra}) ensures that every player will get at least one "at bat" during the course of a game. This suggestion is really a simple one: consecutive batting order. It provides that players bat straight through the roster (\textit{e.g.}, If there are twelve players present for a game, the manager lists his/her batting order from one-twelve and that is the way that the players bat throughout the game). A manager may reward his better hitters by putting them near the beginning. Nevertheless, a consecutive order promotes fairness and economizes the manager’s administration of batting order. Given the goals of youth baseball, this is really the most equitable approach.\textsuperscript{201} In addition, I suggest adding subsection (a) to acknowledge expressly that there may be reasonable excuses for deviation from the established batting order.

Subsection (c) of Proposed Rule 6.01 is identical to subsection (b) of Little League Rule 6.01.\textsuperscript{202} The "NOTE" that follows subsection (b) of Little League Rule 6.01 contains what I believe is an error—sloppy drafting. That NOTE reads as follows: "In the event that while a batter is in the batter's box, the third out of an inning is made on a base runner, the batter then at bat shall be the first batter of the next inning and the

\textsuperscript{198} See Little League Regulation IV (i) which provides that, if a player does not get a turn to bat in a game, "the player(s) involved shall start the next scheduled game and play no less than the mandatory time limit." Little League Rules Regulation IV(i), at 12. This Regulation also imposes a series of sanctions on the offending manager. \textit{See id.}

\textsuperscript{199} See NED McIntosh, \textit{Managing Little League Baseball} 116-21 (1985).

\textsuperscript{200} McCarthy, \textit{supra} note 74, at 13.

\textsuperscript{201} As Dr. Fortanasce observes, “[c]hildren, especially, quickly determine who is the toughest in the class, who is the prettiest, who is the fastest. Unfortunately, the other side of the coin is fixing who is the ugliest, the slowest, the worst.” \textit{Fortanasce, supra note} 9, at 80. By changing the batting order rule, we can, at least, minimize some of the hurt that goes along with not being one of the best hitters on the team. You may be last in the order but at least you are in the order. \textit{See also id.} at 139 (discussing the difficulties inherent in leaving some players out of the lineup: "This is a disheartening and sometimes unbearable situation, both for the children and their parents."). \textit{See also McIntosh, supra} note 199, at 116-21.

\textsuperscript{202} Therefore, this is one of the few instances where the numbering of a Proposed Rule is different from the numbering of the analogous Little League Rule.
count of balls and strikes shall start over.”203 The problem is simple to illustrate with a typical example. Suppose that a right-handed batter is at bat—two balls, two strikes, two outs, and a runner is on third. Now suppose that the next pitch (ball three) gets by the catcher and the runner at third dashes in to try to steal home. Assume also that the batter, backs up—say ten feet (obviously out of the batter's box)—in order to avoid interfering with either the catcher or the pitcher (who is racing to cover home). Now suppose that the catcher retrieves the ball and flips it to the pitcher who tags out the runner trying to steal home. As written, this NOTE to Little League Rule 6.01 would be inapplicable, because, in this hypothetical situation, the batter was not “in the batter’s box” when the third out of the inning occurred. I imagine that the drafters of the Little League Rule did, in fact, intend for this NOTE to apply in this hypothetical situation. Otherwise, who, pray tell, would lead off the next inning? Would it be the next batter? Of course not! Or is this NOTE intended to mean that, if the batter is not in the batter’s box, s/he still leads-off the next inning but with the same ball and strike count as before? Such a rule seems ridiculous. The Rule itself is plain. Clearly, this language about the batter’s box in the NOTE is simply a drafting error that must be fixed, and in the NOTE that accompanies Proposed Rule 6.01, I have done just that.

Proposed Rule 6.01:

(a) Unless prevented by sickness, injury, legitimate mistake, or other reasonable absence (including but not limited to the need to visit the bathroom or the need to attend to matters of personal health or hygiene), each player of the offensive team shall bat in the order that his/her name appears in the team’s batting order.204

(b) There is one (1) approved, legal batting order: Consecutive batting order. Consecutive batting order is batting straight through the entire team roster of players present for a game, without regard to defensive positioning and without regard to whether a player is a starter or a substitute. For example, if a team has twelve (12) players present for a game, that team bats in consecutive order if they bat number one through twelve and then begin that same cycle over again. The manager must establish the batting order at the outset of each game and may not change the batting order except to add players who arrive late or to delete players who must leave early, or as

203. Little League Rules 6.01(b), at 39.
204. See also Rules, supra §§ 3.03, 3.14, 4.04, and 4.12.
otherwise permitted by the Rules. A manager or coach shall immediately inform the opposing manager of any deviation from the batting order that was established at the game's outset and the reason for such deviation. **NOTE:** A player who arrives so late that s/he misses his/her turn at bat must be added as the last player in the batting order thereafter.

(c) The first batter in each inning after the first inning shall be the player whose name follows that of the last player who legally completed a time at bat in the preceding inning. **NOTE:** In the event that the third out of an inning is made on a base runner while a batter is at bat, the batter then at bat shall be the first batter of the next inning and the count of balls and strikes shall start over.

§ 6.05

Little League Rule 6.05 describes a number of acts that constitute an "out" for a batter. In Proposed Rule 6.05, I have made several changes. First, I attempt to clarify some ambiguous language currently present in the Little League Rule. Second, I edit it to make several passive verbs active and to make the grammatical structure of the various subsections more consistent. Below is Proposed Rule 6.05 and—for the sake of easy comparison—the analogous subsections of Little League Rule 6.05 are in italics. I have annotated the changes briefly in brackets and boldface type. Please note that I delete subsection (c). In addition, I retain—without change (No Change)—subsections (e), (g), (h), (i), (k), and (l) (and therefore I do not bother copying them here).

Proposed Rule 6.05:

A batter is out when:

(a) a fielder legally catches a fair or foul fly ball (other than a foul tip);

Little League Rule: (a) a fair or foul fly ball (other than a foul tip) is legally caught by a fielder;

[This is merely a change from passive voice to active.]

(b) a third strike occurs, regardless of whether the catcher successfully catches the strike;

Little League Rule: (b) a third strike is legally caught by the catcher;

Little League Rule: (c) a third strike caught or not caught by the catcher;

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205. See Little League Rules 6.05, at 40-41.
[The Little League Rule is ambiguous here. Subsection (b) says that a batter is out when “a third strike is legally caught by the catcher” and subsection (c) says that a batter is out when “a third strike caught or not caught by the catcher.”206 Aside from the poor grammatical structure of subsection (c),207 I interpret these two subsections to mean that the batter is out regardless of whether the catcher catches the third strike. Thus, that is the ruling provided in Proposed Rule 6.05(b)].

(c) DELETED

(d) the batter bunts foul on a third strike;
Little League Rule: (d) bunting foul on a third strike;
[This change is merely for the sake of grammatical consistency. I am not sure why the drafters of the Little League Rule opted for a present participle (i.e., “bunting”) but in Proposed Rule 6.05 I use active voice verbs as a general rule.]

(e) No Change.

(f) the batter attempts to hit a third strike and is touched by the ball;
Little League Rule: (f) that batter attempts to hit a third strike and is touched by the ball;
[I use “the batter” instead of “that batter” for the sake of internal consistency.]

(g) No Change.

(h) No Change.

(i) No Change.

(j) after the batter hits a fair ball, a fielder tags either the batter-runner or first base before said batter-runner touches first base;
Little League Rule: (j) after hitting a fair ball, the batter-runner or first base is tagged before said batter-runner touches first base;
[This is merely a stylistic/editor change from passive voice (“is tagged”) to active (“tags”).]

(k) No Change.

(l) No Change.

(m) a preceding runner, in the umpire’s judgment, intentionally interferes with a fielder who is attempting to catch a thrown ball or to throw a ball in an attempt to complete a play.

206. LITTLE LEAGUE RULES 6.05(c), at 40.
207. It appears to be missing a verb (“is”).
Little League Rule: (m) a preceding runner shall, in the umpire's judgment, intentionally interfere with a fielder who is attempting to catch a thrown ball or to throw a ball in an attempt to complete a play.

[Here I change the awkward (and inexplicable) future tense ("shall . . . interfere") with a simple present tense—making this subsection consistent with the every other subsection in this Rule—("interferes").]

§ 6.07

Little League Rule 6.07 ("Batting Out of Turn") and the "Approved Rulings" that apply to that Rule are nearly verbatim copies of the Major League Rule 6.07 and its approved rulings. Fundamentally, the Rule provides that, when a batter bats out of turn, the umpire declares the batter who missed his/her turn "out" on appeal. The essence of the rule is this:

When a player bats out of turn, the proper batter is the player called out. If an improper batter bats and reaches base or is out and no appeal is made before a pitch to the next batter, or before any play or attempted play, that improper batter is considered to have batted in proper turn and establishes the order that is to follow.

I perceive several problems with this rule applied to youth baseball. First, as a tactical matter it provides, for example, an incentive for an unscrupulous manager to skip the last batter in the batting order and to send up the leadoff batter in his/her place. After all, the batter who misses his turn is the one declared out. But the other team has to notice and must appeal in order to have the out registered. Occasionally, I suspect, a team could profit from skipping a weak batter. Second, this Rule is too complicated and too unforgiving. It fails to recognize or permit legitimate, honest mistakes. The reality of modern youth baseball is that managers often have to do everything alone. If the manager is attending to an injured player in the dugout, it is conceivable that the wrong batter will stride to the plate (we do have nine year-olds involved). A player may have gone to the bathroom. A player may feel dizzy temporarily. A player's parents may be checking out a minor injury (e.g., a cut or a bruise). Does that mean that when such a player misses his/her turn at bat we should declare him/her out? I recently had my centerfielder dive

208. See MAKE THE RIGHT CALL, supra note 5, at 104-107.
209. See LITTLE LEAGUE RULES 6.07, at 41.
210. MAKE THE RIGHT CALL, supra note 5, at 105.
for a ball and make a great catch to end an inning. We had to help him off of the field because he banged his knee and got the wind knocked out of him. He, however, was scheduled to lead-off at the start of the next inning. As it turned out, he felt better and was ready to play again about ten minutes later. Proposed Rule 6.07 is intended to simplify the rule about batting out of turn. Basically, if a player bats out of turn with any reasonable excuse (e.g., temporary injury, unscheduled bathroom visit, parental intervention, honest mistake), s/he simply bats at the next possible opportunity.

In sum, Little League Rule 6.07 provides for strict adherence to an established batting order with no allowance for the kind of legitimate deviations outlined in the Proposed Rule. The inflexibility of the Little League Rule necessitates lengthy and detailed "Approved Rulings" (a full page of text in the Little League Rule Book). Given the nature of pre-teens and the practical problems associated with on-field coaching, it makes more sense to adopt a less complex rule regarding batting order that provides flexibility in situations where there is an understandable explanation for deviating from the established batting order (as explained in subsection (b) of Proposed Rule 6.07).

In the event, however, that an umpire believes that a manager intentionally tries to manipulate the batting order to gain an unfair advantage, there should be an appropriate sanction. Therefore, Proposed Rule 6.07 (c) empowers an umpire to punish (by declaring the batter who is batting—or who has batted out of turn—"out") unfair competition for a manager deliberately batting players out of order. By declaring the offending batter "out," Proposed Rule 6.07(c) decreases the likelihood that a manager will attempt to place a stronger batter in a weaker batter's place (unlike the analogous Little League Rule—which is more likely to result in the weaker batter being declared "out").

Proposed Rule 6.07 "BATTING OUT OF TURN" (to completely replace Little League Rule 6.07 and its "Approved Rulings"):

(a) A batter shall not automatically be called out if s/he fails to bat in proper turn, and another batter completes a time at bat in place of the proper batter.

(b) If a player misses his/her turn at bat due to sickness, injury, honest mistake, or the player's unavailability (e.g., if a player has left the dugout to use the bathroom), the player who has missed his/her turn shall bat as soon as possible (for example, the batter who missed his/her turn shall bat as soon as the player's sickness has abated, as soon as the manager learns of the mistake, or as soon as the player re-
turns from his/her absence). The player who bats out of turn (i.e., the player who has batted or is batting instead of the sick, injured, or absent player), however, shall be allowed to complete that turn at bat if at least one pitch has been thrown to that batter.

(c) The umpire may declare a batter out on appeal if s/he bats out of turn for any reason unlike those reasons stated in subsection (b) above. For example, if the umpire believes that a manager or coach is attempting to gain an unfair advantage by manipulating the batting order, the umpire should declare the batter who is batting (or who has batted) out of turn, “out.”

§ 6.08

Little League Rule 6.08 establishes the circumstances under which a batter is entitled to proceed to first base gratis. There are four such circumstances: a) a walk; b) hit by a pitch; c) fielder’s interference (e.g., catcher’s interference); and d) if a batted ball touches either a runner or umpire before reaching a fielder. In Proposed Rule 6.08, I recommend retaining subsections (c) and (d) as they are (therefore I do not bother copying them here). I suggest, however, both substantive and stylistic changes to subsections (a) and (b).

Subsection (a) provides an opportunity to establish a new rule regarding walks and being hit by a pitch that is fundamentally different from the Little League Rule. The Little League Rules permit a runner who receives a base on balls or who is hit by a pitch to advance to first base, and then to attempt to steal second, third, and home as well. Stealing second, third, and home (obviously home is unlikely—but possible given the parade of throwing errors that we often see in youth baseball) under these circumstances is simply too much of an unfair surprise for players on the defensive team at ages nine to twelve. They virtually never see professional players do it (because the defense would almost always throw out a runner attempting it). Thus, I recommend that advancing to second, third, and home base on a base on balls or a hit batter ought not be permitted, and Proposed Rule 6.08 makes this change clear in an explanatory NOTE.

In subsection (b)(2), the Little League Rule establishes that a batter who fails to attempt to avoid being hit by a pitch is not entitled to take first base (i.e., in circumstances where “the batter makes no attempt to

211. See Little League Rules 6.08, at 42-43.
212. See id.
213. See id.
avoid being touched by the ball...”). This Rule is verbatim the same as the Major League Rule 6.08(b)(2). There is a genuine problem with this provision as applied to youth league players. Young players may be hit by a pitch because their reaction time is so slow that they never even have the chance to move prior to being hit. This is more likely to happen with very young and/or inexperienced batters when they face a fast pitcher (e.g., a nine year-old batter facing a twelve year-old pitcher). Should batters such as these not be entitled to first base? I suspect that the intent of this Rule is to prevent a player from purposely leaning or standing still in a deliberate attempt to be hit, and to thereby get on base. Thus, I have proposed a “reasonableness” standard: penalizing only a batter who has a reasonable opportunity to attempt to avoid the pitch and fails to do so. This allows an umpire to use his/her discretion in circumstances where the inexperience of the batter might otherwise impose an unduly harsh result. I have added reasonableness into both the text of the Proposed Rule as well as the NOTE that accompanies it.

Lastly, as merely a matter of style, I have changed the awkward passive verbs in subsections (a) and (b) (“have been called” and “is touched” respectively) into active verbs (“has called” and “touches”).

Proposed Rule 6.08 (subsections (a) and (b)):

The batter becomes a runner and is entitled to first base without liability to be put out (provided said runner advances to and touches first base) when:

(a) the umpire has called four “balls.” NOTE: A batter who receives a base on balls pursuant to 6.08(a) or who is hit by a pitched ball pursuant to 6.08(b) is entitled to 1st base only and may not attempt to steal second, third, or home until the first pitched ball to the next batter has reached home plate. PENALTY: The runner must return to first base.

(b) A pitch, which the batter is not attempting to hit, touches the batter, unless:

(1) the ball is in the strike zone when it touches the batter, or

(2) the batter, provided s/he had a reasonable opportunity to attempt to avoid it, makes no attempt to avoid being touched by the ball;

214. Little League Rules 6.08(b), at 42.
215. Make the Right Call, supra note 5, at 107.
NOTE: If the ball is in the strike zone when it touches the batter, it shall be called a strike, whether or not the batter tries to avoid the ball. If the ball is outside the strike zone when it touches the batter, it shall be called a ball if that batter reasonably could have but makes no attempt to avoid being touched.

APPROVED RULING: When the batter is touched by a pitched ball which does not entitle that batter to first base, the ball is dead and no runner may advance.

§ 6.09

Little League Rule 6.09 establishes the circumstances under which a batter is entitled to "become a runner."\(^{216}\) I have no quarrel with the substance of this Rule. As is the case with a number of the Little League Rules, however, the use of passive verbs in several of the subsections obfuscates this Rule's meaning. Subsection (e) actually has no main verb. It has a relative clause that, I think, confused the drafters so much that they mistakenly thought that the verb "passes"—the verb whose grammatical subject is the relative pronoun ("which")—was the main verb of the provision. Consequently, I have redrafted this entire Rule (Proposed Rule 6.09) merely for the sake of turning it into something intelligible (making my Freshman English Professor proud in the process).

Proposed Rule 6.09:

The batter becomes a runner when s/he hits:

(a) a fair ball;
(b) a fair ball, that, after having passed a fielder other than the pitcher, or after having been touched by a fielder, including the pitcher, touches an umpire or runner in fair territory;
(c) a fair fly ball that passes over a fence or into the stands at a distance from home base of 165 feet or more. Such a hit entitles the batter to a home run when s/he has legally touched all bases. A fair fly ball that passes out of the playing field at a point less than 165 feet from home base shall entitle the batter to advance to second base only;

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\(^{216}\) Little League Rules 6.09, at 43.
(d) a fair ball that, after touching the ground, bounds into the stands, or passes through, over or under a fence, or through or under a scoreboard, or through or under shrubbery, or vines on the fence. Such a hit entitles the batter and all runners to advance two bases;

(e) any fair ball that, either before or after touching the ground, passes through or under a fence, or through or under a scoreboard, or through any opening in the fence or scoreboard, or through or under shrubbery or vines on the fence, or that sticks in a fence or scoreboard. Such a hit entitles the batter and all runners to advance two bases;

(f) any bounding fair ball that a fielder deflects into the stands, or over or under a fence on fair or foul territory. Such a hit entitles the batter and all runners to advance two bases;

(g) any fair fly ball that a fielder deflects into the stands, or over the fence into foul territory. Such a hit entitles the batter to advance to second base; but if a fielder deflects the ball into the stands or over the fence in fair territory, the batter shall be entitled to a home run. However, should such a fair fly be deflected at a point less than 165 feet from home base, the batter shall be entitled to two bases only.

7.00—the Runner

§ 7.05

The NOTE that accompanies Little League Rule 7.05(i) reads as follows:

NOTE: If the batter becomes a runner on a wild pitch which entitles the runners to advance one base, the batter-runner shall be entitled to first base only but can advance beyond first base at their own risk if the ball stays in play.217

In this NOTE, the Proposed Rules delete the phrase “but can advance beyond first base at their own risk if the ball stays in play.” This change is one of the explicit points where the Proposed Rules make it clear that when a batter receives a base on balls, s/he cannot attempt to go to any base beyond first until the first pitch is thrown to the next batter. This deletion is necessary for consistency with Proposed Rule 6.08(a), supra.

217. Little League Rules 7.05, at 45.
Proposed Rule 7.05(i) **NOTE:**

If the batter becomes a runner on a wild pitch which entitles the runners to advance one base, the batter runner shall be entitled to first base only.

§ 7.07

The Little League Rules skip from Rule 7.06 (dealing with "Obstruction") to Rule 7.08 (regarding acts that make a runner "out"). When I first noticed the omission of Rule 7.07, I wondered whether a typist had taken a coffee break after typing Rule 7.06 and, upon coming back, inadvertently began again with Rule 7.08, having forgotten Rule 7.07. Since that time, had no one noticed the omission? A little research reveals that the Little League Rules used to have Rule 7.07 (for example it is in the 1974 edition of the Little League Rules) but that the Rules Committee discarded it at some point during the mid-1970's (it does not appear in the 1979 edition of the Little League Rules). In the 1974 edition of the Little League Rules, Rule 7.07 was virtually identical to the current Major League Rule:

**Little League Rule 7.07 (1974 version):**

If, with a runner on third base and trying to score by means of a [squeeze play or] a steal, the catcher or any other fielder steps on, or in front of home base without possession of the ball, or touches the batter or his bat, the pitcher shall be charged with a balk, the batter shall be awarded first base *on the interference*, and the ball is dead.

Mr. Lance Van Auken, a member of the Rules Committee for Little League Baseball, assures me that the Rules Committee made a conscious decision to delete this Rule (so much for my coffee breaking typist theory). He believes, however, that the Committee did not make any note of the deletion when it occurred.

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218. In the Rule as reproduced here in the text, I have indicated the language that appears in the Major League Rule but that was not in the 1974 Little League Rule by putting that Major League language in brackets. I have indicated language that appeared in the Little League Rule—but not the Major League Rule—by underlining that language. See *Make the Right Call*, supra note 5, at 124.
219. *See Make the Right Call*, supra note 5, at 124.
222. *Id.*
To the best of my knowledge, this is the only instance in the Little League Rules where the section numbers skip over a number. In order to head questions off at the pass, I suggest, in Proposed Rule 7.07, that there be a notation “RULE DELETED” next to the section number.\textsuperscript{223}

Proposed Rule 7.07:
RULE DELETED

§ 7.08

As was the case with Little League Rule 6.09, my major problem with Little League Rule 7.08 has to do with grammar and style. In order to draft a clear rule, it is usually necessary to write sentences with consistent structure and sound English grammar. This Rule is woefully lacking in these respects. The Rule identifies a number of acts that will make a runner “out.” The Rule begins by stating, “[a]ny runner is out when. . .” and then what follows are eleven subsections, (a)-(k), which detail the acts that make a runner out.\textsuperscript{224} Unfortunately, the grammatical structure of the subsections is inconsistent. Several begin with a present active participle (e.g., (a), (d), (e), (g), (j)). Some begin with present tense active verbs (e.g., (b)\textsuperscript{225} and (h)). In fact, these two subsections, (b) and (h)), are simply ungrammatical. Subsection (b) has no grammatical subject for the verb “interferes” and subsection (h) has is no grammatical subject for the verb “passes.”\textsuperscript{226} Some subsections begin with participial clauses (e.g., (i) and (k)). Subsection (f) begins with a perfect passive participle.

In Proposed Rule 7.08, I have tried to correct faulty grammar and to improve weak sentence structure without altering the substance and/or meaning of the Little League Rule. My fundamental approach has been to make “the runner” the grammatical subject of each subsection and to make each verb a present tense verb. The verb is active in instances where the runner’s conduct results in his/her being called “out” and the verb is passive in instances where someone else’s act (usually a fielder) causes the runner to be “out.”

Lastly, Proposed Rule 7.08 has one additional subsection, subsection (l). Although subsection (a)(3) may cover this situation already, never-  

\textsuperscript{223} This is the same approach that I took regarding Proposed Rule 6.05(c) above.
\textsuperscript{224} Little League Rules 7.08, at 45-46.
\textsuperscript{225} Subsection (b) also has an adverb (“intentionally”) that precedes the verb (“interferes”). See Little League Rules 7.08, at 45.
\textsuperscript{226} These two subsections could be remedied simply by adding a pronoun subject such as “he” or (gender-neutral) “s/he” as the first word in the subsection.
theless, the addition of subsection (1) should make it clear that a runner must slide at the plate whenever there is a "play at the plate." This Proposed Rule is designed as a safety rule to protect the catcher, pitcher, or other defensive player who is covering home. Under this Proposed Rule, a runner must slide at the plate whenever the ball and runner arrive at the plate within the same general time frame. Clearly, this is an umpire's judgment call. The safety of the defensive player is the interest that this Rule is designed to protect.

Proposed Rule 7.08:

Any runner is out when:

(a) (1) the runner runs more than three feet away from a direct line between bases to avoid being tagged, unless such action is to avoid interference with a fielder fielding a batted ball; or (2) after touching first base the runner leaves the baseline, obviously abandoning all effort to touch the next base; or (3) the runner does not slide or otherwise attempt to get around a fielder who has the ball and is waiting to make the tag; (4) the runner slides head-first while moving forward. NOTE: Subsection (a)(4) applies only when the runner is advancing to a base. It does not apply when the runner is returning to a base from a rundown or a pickoff situation.227

(b) the runner intentionally interferes with a thrown ball; or hinders a fielder attempting to make a play on a batted ball;

(c) the runner is tagged while off base, when the ball is alive.228

EXCEPTION: A batter-runner cannot be tagged out after overrunning or oversliding first base if said batter-runner returns immediately to the base.

APPROVED RULING: (1) If the impact of a runner breaks a base loose from its position, no play can be made on that runner at that base if the runner had reached the base safely.

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227. I applaud the addition of the Rule prohibiting head-first slides (effective 1996). It is a sensible safety rule for youth baseball.

228. The Little League Rule reads, "that runner is tagged, when the ball is alive, while off base..." LITTLE LEAGUE RULES 7.08(c), at 45. In my revision, I try to make it clear that the Rule refers to the runner being "off base," not the ball! I think that, at the very least, this edit is clearer.
APPROVED RULING: (2) If a base is dislodged from its position during a play, any following runner on the same play shall be considered as touching or occupying the base if, in the umpire's judgment, that runner touches or occupies the point on the infield where the base is supposed to be irrespective of the position of the dislodged bag.229

(d) the runner fails to retouch the base before that runner or the base is tagged by a fielder, after a fair or foul fly ball is legally caught. The runner shall not be called out for failure to retouch the base after the first following pitch, or any play or attempted play. This is an appeal play;

NOTE: Base runners can legally retouch their bases once a fair ball in flight is touched and advance at their own risk and can also advance if a foul ball is caught.

(e) the runner fails to reach the next base before a fielder tags said runner or the base after that runner has been forced to advance by reason of the batter becoming a runner. However, if a following runner is put out on a force play, the force is removed and the leading runner must be tagged to be put out. The force is removed as soon as the runner touches the base to which that runner is forced to advance, and if oversliding or overrunning the base, the runner must be tagged to be put out. However, if the forced runner, after touching the next base, retreats for any reason towards the base last occupied, the force play is reinstated and the runner can again be put out if the defense tags the base to which the runner is forced;

229. The Little League and Major League Rules say "the point marked by the dislodged bag" instead of "the point on the infield where the base is supposed to be, irrespective of the position of the dislodged bag." I am concerned that that wording is ambiguous and subject to interpretation. Does it mean the point where the dislodged bag has come to rest after having been dislodged? Or, does it mean the point marked by the bag before it was dislodged? The "NOTE" included as part of Little League Rule 1.06 explains that it means the latter. It provides:

If the impact of a runner breaks a base loose from its position, no play can be made on that runner at that base if the runner had reached the base safely. If there is continual action involving a subsequent runner, the base plate becomes the actual base for rendering of the umpire's decision.

Little League Rules 1.06, at 23; see also Nemec, The Rules of Baseball, supra note 10, at 127. Besides, no one wants children chasing after an unfixed bag that could go anywhere. See Nemec, supra note 12, at 127 (Nemec explains that in the old National Association—from 1868-1873—runners had to touch "the wayward cushion."). Obviously, the fixed geometrical point on the diamond is determinative. I hope that this change in wording makes the Rule clearer.
the runner is touched by a fair ball in fair territory before the ball has touched or passed an infielder. The ball is dead and no runner may score, no runners advance, except runners forced to advance;

**EXCEPTION:** If a runner is touching a base when touched by an Infield Fly, that runner is not out, although the batter is out.

**NOTE:** If a runner is touched by an Infield Fly when not touching a base, both runner and batter are out.

the runner attempts to score on a play in which the batter interferes with the play at home base before two are out. With two out, the interference puts the batter out and no score counts;

the runner passes a preceding runner before such runner is out;

the runner, after acquiring legal possession of the base, runs the bases in reverse order for the purpose of confusing the defense or making a travesty of the game. The umpire shall immediately call "Time" and declare the runner out;

the runner fails to return at once to first base after overrunning or oversliding that base. If the runner attempts to run to second, the runner is out when tagged. If after overrunning or oversliding first base, the runner starts toward the dugout, or toward a defensive position, and fails to return to first base at once, that runner is out on appeal, when said runner or the base is tagged;

the runner, in running or sliding for home base, fails to touch home base and makes no attempt to return to the base, when a fielder holds the ball in hand, while touching home base, and appeals to the umpire for the decision.

the runner, in attempting to reach home base, fails to slide when failure to do so places the defender, who is covering home base, in unreasonable danger of injury due to a real or potential collision.

§ 7.09

Like Little League Rule 7.08, Rule 7.09 suffers from weak draftsman-ship. This Rule purports to identify conduct "by a batter or runner" that constitutes "interference," resulting in a dead ball and the offending player being called "out." The principal weaknesses in the Rule are as follows: (1) the thirteen subsections begin with a variety of sentence structures; (2) three subsections ((e), (i), and (j)) describe conduct of

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someone other than "a batter or runner"; and (3) The PENALTY clause states "[t]he runner is out and the ball is dead,"\textsuperscript{231} even though the "stem" of the rule identifies "interference by a batter or runner"\textsuperscript{232} and subsection (c) describes a situation where it is the batter who will be called "out" for the violation, not, technically speaking,\textsuperscript{233} a runner. Therefore, in Proposed Rule 7.09, I address these problems. First, I have made the sentence structure more consistent (both grammatically and practically—thereby alleviating problems (1) and (2) above) by changing the "stem" of the Rule to include "a batter, runner, member of the offensive team, coach, or manager." Second, for stylistic purposes, in subsections (a), (b), and (d), I have put the grammatical subject of the main clause at the beginning of the subsection. Third, in subsections (g) and (h), for the sake of clarity, I have moved the conditional portion of the Rule ("if") to later in the subsection. Lastly, I have changed the PENALTY clause to include the batter as well as the runner.\textsuperscript{234} Otherwise, I leave subsections (e), (e), (i), (j), (k), (l), and (m) unchanged. Therefore, in the interests of saving space, I have not copied those, unchanged, subsections here. Instead, I simply note, \textit{No Change.}

Proposed Rule 7.09:

It is interference by a batter, runner, member of the offensive team, coach, or manager when:

(a) the batter, after a third strike, hinders the catcher in an attempt to field the ball;

(b) the batter, after hitting or bunting a fair ball, while holding the bat, hits the ball with the bat a second time in fair territory. The ball is dead and no runners may advance. If the batter-runner drops the bat and the ball rolls against the bat in fair territory and, in the umpire's judgment, there was no intention to interfere with the course of the ball, the ball is alive and in play;

(c) \textit{No Change.}

(d) the batter, before two are out and a runner on third base, hinders a fielder in making a play at home base; the runner is out;

\textsuperscript{231} See id. at 48 (emphasis added).
\textsuperscript{232} Emphasis added.
\textsuperscript{233} See definition of "RUNNER," supra § 2.69 ("A RUNNER is an offensive player who is advancing toward, or touching, or returning to any base."): \textit{see also} "Batter becomes a Runner," supra § 6.09 (describing the circumstances under which a batter "becomes a runner"—none of which apply when the batter hits a foul ball). Consequently, technically speaking, the batter described in § 7.09(c) cannot be a "runner."

\textsuperscript{234} Since subsection (c) contemplates a situation where the batter would be called out, not a runner.
(e) No Change.
(f) any batter or runner, who has just been put out, hinder or
impede any following play being made on a runner. Such run-
er shall be declared out due to the interference of a teammate;
(g) in the judgment of the umpire, a base runner willfully and deliber-
ately interferes with a batted ball or a fielder in the act of
fielding a batted ball with the obvious intent to break up a
double play. If such interference occurs, the ball is dead. The
umpire shall call the runner out due to the interference and also
call out the batter-runner because of the action of the runner.
In no event may bases be run or runs scored because of such
interference by a runner;
(h) in the judgment of the umpire, a batter-runner willfully and
deliberately interferes with a batted ball or a fielder in the act of
fielding a batted ball, with the obvious intent to break up a
double play. If such interference occurs, the ball is dead. The
umpire shall call the batter-runner out due to the interference
and shall also call out the runner who advanced closest to the
home plate regardless where the double play might have been
possible. In no event shall bases be run because of such inter-
ference;
(i) No Change.
(j) No Change.
(k) No Change.
(l) No Change.
(m) No Change.

PENALTY FOR INTERFERENCE: The runner or batter is out and
the ball is dead.

§ 7.10

The substance of Little League Rule 7.10 (regarding when a runner
may be declared out on appeal) is fine. It is the grammar of that provi-
sion that poses problems. The “stem” of Little League Rule 7.10 reads:
“Any runner shall be called out on appeal. . . .” Unfortunately, the
subsections that follow the “stem” lack the grammatical components
necessary to form complete English clauses. Subsection (a) has an ad-
verb (“after”) but needs something else—like the conjunction “and”—

235. The only change here is the addition of commas around the phrase “who has just
been put out.”
236. Little League Rules 7.10, at 48.
to turn it into English.\textsuperscript{237} Subsections (b), (c), and (d) need an adverb, such as “when” to make them grammatical. Probably the most efficient way to rectify these problems is by simply adding the adverb “when” at the end of the “stem”: “Any runner shall be called out on appeal when. . . .” Thus, in Proposed Rule 7.10, I have made this change. I have rewritten subsection (a) in an effort to make it a little less awkward. Otherwise, the Little League Rule 7.10 is substantively and grammatically sound.

Proposed Rule 7.10:
Any runner shall be called out on appeal when:
(a) after a fly ball is caught, the runner or base is tagged before s/he retouches the base;
(b) No Change.
(c) No Change.
(d) No Change.

§ 7.11
Little League Rule 7.11 itself is fine. It requires that players and coaches of the offense must get out of the way of “a fielder who is attempting to field a batted or thrown ball.”\textsuperscript{238} The PENALTY provision, however suffers from two defects. First, as regards substance, it is overinclusive. Second, it could be improved stylistically by changing the passive voice to active. It is overinclusive because, technically speaking, it automatically declares an “out” in every circumstance where someone from the offensive team (“players, coaches or any member of an offensive team”) fails to “vacate any space. . . .needed by a fielder. . . .”\textsuperscript{239} The problem is that this Rule, as written, would make an “out” compulsory even if the fielder might have missed the ball anyway.\textsuperscript{240} In Proposed Rule 7.11, I suggest changing the PENALTY provision to allow an umpire discretion. If, in the umpire’s judgment, the fielder would not have caught or fielded the ball (in the absence of the offensive team’s failure

\textsuperscript{237} For example, the subsection would be decent English if it read: “. . . after a fly ball is caught and the runner fails to retouch the base before said runner or the base is tagged. . . .” (emphasis added).

\textsuperscript{238} The entire Rule reads: “The players, coaches or any member of an offensive team shall vacate any space (including both dugouts) needed by a fielder who is attempting to field a batted or thrown ball.” Little League Rules 7.11, at 49.

\textsuperscript{239} Little League Rules 7.11, at 49.

\textsuperscript{240} It is possible that this is the intent of Little League Rule 7.11. The word “needed” may encompass the notion that the fielder is more likely than not to make the play successfully. If this is so, I think that Proposed Rule 7.11 accomplishes this objective more clearly.
to vacate the space), s/he (the umpire) may choose not to declare an out. Simply stated, Proposed Rule 7.11 permits the umpire to refrain from calling an automatic out when no fielder has a reasonable chance of making a play—although, technically, an offensive player or coach may have remained in an area where the ball was theoretically playable. This seems like a more just result than declaring an automatic out when no fielder has a reasonable opportunity to make a play.

Proposed Rule 7.11:
The players, coaches or any member of an offensive team shall vacate any space (including both dugouts) needed by a fielder who is attempting to field a batted or thrown ball.

**PENALTY:** The umpire shall call interference and the batter or runner on whom the play is being made shall be declared out, if, in the umpire’s judgment, a fielder had a reasonable chance to make the play—had the player, coach, or member of the offensive team vacated the space.

8.00—the Pitcher

§ 8.01

The last sentence in the “stem” of Little League Rule 8.01 reads: “Pitchers shall take signs from the catcher while standing on the rubber.” It seems curious to me that the drafters chose to use the word “rubber” (a word not defined in the Little League Rules) here instead of the term “pitcher’s plate” (a term that is defined in the Little League Rules—1.07). This is one of three instances (Little League Rules 8.01, 8.02(a), and 8.04 Note) where the Little League Rules use the word “rubber” to refer to the object that, in the majority of instances, is called the “pitcher’s plate.” The Little League Rules use the term “pitcher’s plate” instead of “rubber” in more than a dozen instances. For the

241. Little League Rules 8.01, at 50.
242. Little League Rule 1.07 defines the pitcher’s plate as follows: “The pitcher’s plate shall be a rectangular slab of whitened rubber 18 inches by 4 inches. It shall be set in the ground as shown in Diagrams 1 and 2, so that the distance between the front side of the pitcher’s plate and home base (the rear part of home plate) shall be 46 feet.” Little League Rules 1.07, at 23.
243. Little League Rule 8.02(a) actually uses the term “pitching rubber.” See Little League Rules 8.02(a), at 51.
244. Little League Rules: 1.04 (twice), 1.05, 1.07 (specifying the dimensions of the pitcher’s plate), 2.00 (in the definition of an “illegal pitch”), 2.00 (in the definition of “pivot foot”), 5.11, 7.05, 7.13, 8.01(a), 8.01(a) Note, 8.01(b) (three times), 8.01(e), 8.01(g), and 8.01(i). See Little League Rules.
sake of consistency (and for the sake of using a term that is fully defined in Little League Rule 1.07), I have replaced this instance of the term “rubber” with “pitcher’s plate” in Proposed Rule 8.01. Otherwise, I retain the rest of Little League Rule 8.01 as Proposed Rule 8.01 (and thus I have not bothered to copy the rest of that Rule here).

Proposed Rule 8.01:

Legal pitching delivery. There are two legal pitching positions, the Windup Position and the Set Position, and either position may be used at any time.

Pitchers shall take signs from the catcher while standing on the pitcher’s plate.

(a) No Change.
(b) No Change.
(c) No Change.
(d) No Change.
(e) No Change.

§ 8.02

Little League Rule 8.02 identifies a number of acts by the pitcher that are illegal. Subsection (4) prohibits a pitcher from rubbing the ball on his/her “glove, person or clothing...” I suspect that whoever drafted this subsection never went to a game during wet weather. I have seen umpires instruct pitchers to dry the ball off on their jersey. In Proposed Rule 8.02(a)(4), I provide for this contingency by making it legal for a pitcher to dry off a ball on his/her clothing when s/he does so with the umpire’s permission.

Furthermore, in addition to the six subsections in Little League Rule 8.02(a) (i.e., (1)-(6)), I recommend adding new subsections (7) and (8). Subsection (7) merely reiterates that a pitcher cannot “deliver a ‘quick return’ pitch.” This same prohibition is found in Little League Rule 2.00 under the definitions of “illegal pitch” and “quick return.” And, as was mentioned above in the discussion of the definition of an “illegal

245. I make the same substitution in Rules 8.02(a) and the Note in 8.04.
246. See supra notes 73 and 74 and accompanying text. As was mentioned above, Proposed Rule 8.02(a)(1) uses the term “pitcher’s plate” where the Little League Rule uses the term “pitching rubber.”
247. LITTLE LEAGUE RULES 8.02(a)(4), at 51.
248. These same Rules are in Proposed Rules 2.38 and 2.63 respectively. See Proposed Rules supra §§ 2.01-2.82.
pitch," subsection (8) is designed to prevent youngsters from learning to throw pitches that have the potential to damage their arms seriously (i.e., pitches that "break" as a result of abrupt twisting or turning of the arm). Curveballs, screwballs, and the like are illegal under subsection (a)(8).

Because I have added subsections (7) and (8) to Proposed Rule 8.02(a), it is also necessary to amend the PENALTY provision (i.e., the PENALTY provision that follows subsection (6) in the Little League Rule) to cover these violations. First, I have moved this PENALTY provision so that it follows subsection (8). Second, I have added a reference to subsection (7) (the Little League Rule states: "For violation of any part of this rule 8.02(a), (2 through 6)...") whereas the analogous provision in the Proposed Rule includes subsection (7) as well (i.e., "subsections (2) through (7)"). Third, due to the addition of subsection (8), I have added an additional four sentences to this PENALTY provision to explain the mechanics of the penalty for throwing a pitch that violates subsection (8) (as well as a reference to the definition of "illegal pitch" in the definitions section supra). Lastly, I have included subsections (7) and (8) in the last sentence (regarding a manager's election of a play) by stating: "If play occurs on violation of subsections (2) through (8). . . ."

Proposed Rule 8.02:

The pitcher shall not:

(a) (1) bring the pitching hand in contact with the mouth or lips while in the 10 ft. circle surrounding the pitcher's plate;

PENALTY: No Change.

(2) No Change.

(3) No Change.

(4) rub the ball on the glove, person or clothing (unless s/he does so with the umpire's permission for purposes of drying off a wet, dirty, or muddy ball);

(5) No Change.

(6) No Change.

(7) deliver a "quick" return pitch.

(8) deliver any pitch other than a fastball, knuckleball, or change-up (including but not limited to any breaking ball, such as a curveball,

249. See supra notes 73 and 74 and accompanying text.

250. LITTLE LEAGUE RULES 8.02, at 51.

251. I have also made slight editorial changes in the wording of this clause.
screwball, or slider) which, in the umpire's judgment, the pitcher throws intentionally.

**PENALTY:** For violation of subsections (2) through (7) of this Rule 8.02(a), the umpire shall call the pitch a ball and warn the pitcher. Penalty for violation of subsection (8) is as follows: The umpire shall declare such a pitch a ball, even if it would have been a strike otherwise, and the umpire shall issue a warning to the pitcher for the first and second offense during the course of a game. If a pitcher violates the Rule a third time, after having already received two (2) prior warnings during the course of any given game, the umpire shall declare such a pitch a ball, even if it would have been a strike otherwise, and shall eject the pitcher from the mound. A pitcher ejected for violation of this Rule may continue playing at another defensive position but may not pitch for the rest of the game.

If play occurs on violation of subsections (2) through (8), the manager of the offense may advise the plate umpire of acceptance of the play. (Such election must be made immediately at end of play.)

§ 8.04

Little League Rule 8.04 requires that a pitcher pitch to the batter within 20 seconds after receiving the ball from the catcher. As was mentioned above, the explanatory NOTE that accompanies this Rule uses the word "rubber" instead of "pitcher's plate." The analogous NOTE in Proposed Rule 8.04, therefore, uses the term "pitcher's plate" instead of "rubber."

Proposed Rule 8.04 [NOTE]:

**NOTE:** The intent of this Rule is to avoid unnecessary delays. The umpire shall insist that the catcher return the ball promptly to the pitcher, and that the pitcher take position on the pitcher's plate promptly.

§ 8.06

Little League Rule 8.06 implies that a manager or coach cannot go to the pitcher's mound to "visit" the pitcher but, instead, must visit the pitcher "at the foul line." This Rule begins by stating: "The following rule governs the visit of the manager or coach to the pitcher at the foul

252. See Little League Rules 8.04, at 52.
253. See discussion supra § 8.02.
254. Little League Rules 8.06, at 53.
As was stated in the discussion of Little League Rule 4.05, supra, I think that it might actually speed up the "visit" process if the manager or coach were allowed to go to the mound itself. Therefore, I have made this change in Proposed Rule 8.06 by substituting the phrase "pitcher's mound" in the place of "the foul line." Otherwise, I would retain the balance of Little League Rule 8.06 (i.e., subsections (a), (b), and (c)) in the analogous Proposed Rule (thus, for the sake of convenience, I have not copied the those subsections here).

Proposed Rule 8.06:

The following Rule governs the visits of the manager or coach to the pitcher at the pitcher's mound:

(a) No Change.
(b) No Change.
(c) No Change.

9.00—the Umpire

The six Rules in Little League Rule § 9.00 detail the authority, duties, and responsibilities of umpires. These Rules also establish the manner in which others are supposed to treat umpires. Because the general scope of each of the six Rules is not necessarily self-evident (as it is for many of the Rules in other sections), I propose adding brief captions to each of these Rules. Therefore, for the sake of adding clarity in Proposed Rules 9.01—9.06, I suggest the following captions (noted here in italics): 9.01—General; 9.02—Decisions & Appeals; 9.03—General Jurisdiction; 9.04—Specific Jurisdiction; 9.05—Rule Violations & Incidents; 9.06—No Metal Spike or Cleats.

§ 9.02

Subsections (a)-(c) of Little League Rule 9.02 establish the general rule that an umpire's judgment call cannot be appealed, but that an appeal may be made in circumstances where an umpire's decision might conflict with the Rules. As a lawyer, I understand the need for respecting authority. Umpires, however, are not gods. They make mistakes too. In his book, Life Lessons From Little League, which was
approved by Little League, Dr. Vincent Fortanasce, M.D. persuasively (and eloquently) argues:

We, as managers and coaches, must recognize that Little League rules are guidelines first, to ensure fairness and safety, and then establish the rules of the game, such as three strikes and you are out. If the managers and coaches mutually agree that a play was miscalled, I believe the umpire should be allowed to reverse his call based on the integrity of these adults and the need to demonstrate sportsmanship on the baseball diamond to young, impressionable minds. That would reinforce the concept of honesty being the best policy. These children are not professional ballplayers, and Little League is not about winning baseball games. *Little League is about fun and growth and learning life’s important lessons.* To teach sportsmanship, one of life’s most crucial lessons, we, the coaches, managers, and parents, must all agree to emphasize its cardinal rule: how you play the game is more important than anything else—even the game itself.259

I do not advocate opening a Pandora’s Box by permitting managers and coaches to second guess every judgment call by an umpire. But I do suggest that Little League Rule 9.02 be slightly modified to permit an umpire to confer with other umpires, managers, coaches, players,260 and/or League Officials, but only if the umpire wishes to do so. Therefore, Proposed Rule 9.02(a) still prohibits managers and coaches from objecting to judgment calls. On the other hand, it does allow an umpire, at his/her discretion, to ask for assistance (in keeping with Dr. Fortanasce’s suggestion).261 In Proposed Rule 9.02(b), I have added the parenthetical phrase “(i.e., not a judgment miscall)” to clarify and emphasize the point. Proposed Rule 9.02(c) is essentially the same as the analogous Little League Rule.262 Following Dr. Fortanasce’s lead, I simply added

259. *Fortanasce,* supra note 9, at 97.

260. *See* McIntosh, *supra* note 199, at 150-52 (the positive aspects of allowing players to give their input).

261. *See* Fortanasce, *supra* note 9, at 97. *See also* Nemec, *supra* note 12, at 180; Nemec explains that prior to 1881, because umpires ordinarily worked alone, an umpire was permitted to:

[R]eserve a decision on a matter of judgment until he had taken a poll of spectators and players who might have had a better view of the play than he, or reverse a decision he had already rendered if the testimony of a witness to a play was convincing enough to change his mind.

262. *See* Little League Rules 9.02(c), at 54.
managers, coaches, players, and/or League Officials" as persons whom an umpire may consult (in addition to "other umpires").263


(a) Any umpire's decision which involves judgment, such as, but not limited to, whether a batted ball is fair or foul, whether a pitch is a strike or a ball, or whether a runner is safe or out, is final. If the umpire wishes, s/he may confer with other umpires, managers, coaches, players, and/or League Officials in order to assist him/her in making any call. No player, manager, coach or substitute shall object to any such judgment decisions.

(b) If there is reasonable doubt that any umpire's decision may be in conflict with the Rules (i.e., not a judgement miscall), the manager may appeal the decision and ask that a correct ruling be made. Such appeal shall be made only to the umpire who made the protested decision.

(c) If a decision is appealed, the umpire making the decision may ask other umpires, managers, coaches, players, and/or League Officials for information before making a final decision. No umpire shall criticize, seek to reverse or interfere with another umpire's decision unless asked to do so by the umpire making it.

(d) No Change.

263. The Little League Rule actually says "another umpire." I have changed this to "other umpires" to keep open the possibility that an umpire could consult with more than one other umpire in an attempt to rule on an appeal.