What is Sports Law?
Some Introductory Remarks and Suggested Parameters for a Growing Phenomenon

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While the term *sports law* has been used as a catch-all phrase to describe the increasing number of sports-related disputes being submitted to the courts for resolution, no substantive definition of this phenomenon has been forthcoming. This paper suggests categorical parameters for the field through a descriptive case analysis of four types of sports disputes frequently litigated: traditional negligence liability claims, professional athletic contracts, social issues in sport (involving challenges to existing authority), and gratuitous violence. It is further argued that such litigation inevitably contributes to a diminution of the mystique surrounding athletic heroes.

Sport occupies a vital role in American culture. When the growing focus on sport-related activity is combined with the extremely litigious nature of our society, it is not surprising to see the increased frequency with which disputes originating in the athletic forum are concluded in the legal forum.

We are inundated with media coverage of "sports law" suits and the term has taken on a seemingly ubiquitous character, reflecting the increasing importance of sport-related legal issues. It should not be presumed, however, that all sports law issues involve big-name athletes and front page news. A great many sports law cases have little connection, if any, to the mythical world of heroes and glamour. Myriad facets of human circumstance are encompassed within the realm of sports law, but it is by no means clear what the limits of this evolving field actually are.

It would serve us well to heed Appenzeller's (1983) reminder that sports law is essentially the application of traditional legal principles to disputatious circumstances arising from a sports-related context. Sports law, then, is the application of established legal theory and precedent to disputes arising from the conduct of sport.

The basic tenets of the American legal matrix are found throughout the entirety of our legal system. However new and exciting the concept may be, sports law is nevertheless part and parcel of the overall fabric of our legal system and subject to the same

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judicial process as any other case. While it is true that sport has not occasioned a new legal code or forum, it has led to the development of a specialized body of custom and precedent within the legal system, and this fledgling domain can, with reasonable accuracy, be called sports law.

This paper proposes a categorical composition of what sports law actually is, with the accompanying qualifier that this is merely a suggested starting point from which more sophisticated analyses may arise. Hopefully this description will reveal the surprising breadth of social activity and sports-related disputes that have already been subsumed under the umbrella of sports law in its brief existence. It can also serve as an instructional tool for teachers, coaches, and other members of the sports community as to what legal principles those persons dealing professionally in the sports context should become familiar with in order to best protect themselves and others.

The thesis of this paper is that sports law consists of four major types of activities arising from sport-related circumstances. I shall briefly describe the different areas and provide case examples to elucidate the principles and issues involved within each category.

Traditional Liability in the Sports Environment

The first category involves traditional tort liability situations within the sports environment. These cases usually involve allegedly negligent conduct. Legally speaking, this means that careless or thoughtless commission or omission of an act by one party has resulted in damage to another party and that the negligent party will be held liable to compensate for damages sustained by the injured party. While most of these cases arise from school settings, they may also be born of different but related environments such as recreation centers, swimming pools, parks, and so forth.

A classic example of this type of case would involve the injury of a child during a physical education class, allegedly resulting from negligent conduct on the part of the instructor, principal, school board, or other authority. The injury may have been caused by disorderly conduct, lack of supervision, faulty equipment, dangerous play conditions, participation in an inherently hazardous activity, or a number of other causes. The point is that negligent conduct at some juncture resulted in injury to another party. This is the oldest and most common type of sports law case, and traditional principles of tort (negligence) law are used to resolve such matters.

Liability cases based on negligence often involve very large monetary claims. In Miller v. Clodt and Board of Education of the Borough of Chatham (1964), a 14-year old schoolboy was permanently crippled while the instructor was not present. Miller (the schoolboy) attempted a difficult leap off a springboard. Sustaining serious injury, he sued the instructor and the board of education for negligence, claiming that he should have been supervised and that, furthermore, he was transported to the nurse’s station in a careless manner that compounded his injuries.

The defendants argued that Miller had been contributorily negligent, meaning that he had exercised less than reasonable caution in a manner that substantially contributed to his being injured. The defendants also argued that Miller should be denied monetary remuneration under the principle of assumption of risk. This principle holds that a party undertaking an inherently dangerous activity voluntarily is barred from recovering damages from another party for injury sustained as a result of engaging in such activity.

Both defense measures were disallowed by the trial judge and the jury awarded Miller $1.8 million. The appellate court found the amount excessive and reduced the judg-
ment to $300,000 plus medical expenses. This case dramatically alerted school boards that the cost of liability for injuries sustained by physical education students can be prohibitive indeed.

While assumption of risk was not upheld as a defense in the Miller case, it frequently is. The fairness of this doctrine has often been questioned, the most legitimate reservation being that a student may have no real choice as to whether or not he or she will participate in certain activities in school.

In Rutter v. N.E. Beaver County School District (1981), the Court agreed with this reservation and, in a precedent-setting decision, the Pennsylvania Supreme Court struck down the doctrine of assumption of risk. The case involved a pickup game called jungleball between high school students and coaches. During this game Rutter was seriously injured and lost an eye. He sued the coaches and the school, and the key to the defendant's case was that Rutter had assumed the risk of injury. Testimony proved that participation in these games was expected of members of the school football team and that the coaches used jungleball games as part of the football team's conditioning process.

The Court held that Rutter (being a member of the football team) had essentially no choice concerning his participation in the game and upheld a lower court verdict in his favor. The Court further held that assumption of risk was a confusing and redundant defense (because contributory negligence provided the same protection for defendants), and struck down assumption of risk as a valid defense in tort liability suits in the state of Pennsylvania.

Later cases (see Vargus v. Pitman, 1982) held that, due to procedural technicalities, Rutter is not controlling precedent for the abrogation of assumption of risk as a defense in Pennsylvania. The case assures at the very least, however, that this defense will be closely scrutinized in future tort cases.

Where proper precautions have not been taken to ensure the safety of school children, that cost can be devastating to the school as well as the child. In Pell v. School District (1982), a 16-year-old girl was rendered quadriplegic in a trampoline accident. The attending coach failed to provide protective supervision for the girl, and the trampoline was defectively manufactured. The result was a permanently crippled child, a $1.6 million settlement against the school district, and a $5 million jury verdict against AMF Inc., who manufactured the trampoline. As this case shows, the traditional liability suit in sports can be an effective and costly affair.

Professional Athletic Contracts

The second category of sports law cases concerns conflict involving professional athletic contracts. This category includes disputes between athletes and professional teams, of course, but it also encompasses disputes between players and agents, teams and agents, and groups of players and teams or leagues. Player strikes, free agency eligibility rules, and other problems of a similar nature are included in this category. Antitrust actions (suits alleging the improper exercise of statutorily prohibited restraints upon economic competition and opportunity), team owners’ rights to geographic mobility, the right of college undergraduates to play professional sports, and the rights among leagues, teams, and athletes concerning revenues from media contracts such as the network televising of athletic events would also be considered here.

Suits over sports contracts are becoming more numerous all the time. Signing a contract to play a professional sport has recently become so complicated that a player would
be jeopardizing his or her opportunities if he or she failed to employ an agent, an attorney, and a CPA before entering negotiations. Disputes over player salaries, however, are simple in comparison to other problems stemming from professional sports contracts. Such disputes often raise questions of institutional control over players’ freedom of selection of employment opportunities.

When Curt Flood, St. Louis Cardinal outfielder, was traded without his consent, he challenged the legislative antitrust exemption granted to Major League baseball. Flood lost his case (*Flood v. Kuhn*, 1972), but paved the way for a renegotiation of players’ rights to change teams and the ultimate creation of free agency rules. (Free agency status relieves a player of unilateral commitment to one team and entitles him to negotiate with any club he wishes.)

Joe Kapp, now head football coach at the University of California at Berkeley, performed the same service in the National Football League. In a similar suit Kapp also lost his case (*Kapp v. NFL*, 1978), but other players were successful in later suits attempting to terminate permanent player obligation to a single team. (Although Kapp was denied personal relief, his case was crucial to later efforts because the court here conceded for the first time that NFL rules restricting player mobility between teams were in violation of antitrust laws.)

Of course, problems do still exist in this area, as the baseball and football strikes in the 1980s prove. Should the players’ associations and the team owners fail to resolve their remaining differences, we will probably see further strikes in both leagues.

Other contract issues that have recently moved into the judicial arena include questions of mandatory certification for sports agents, the right of agents to solicit players attending college, and the legal status of agreements between professional football leagues and the NCAA pertaining to the right of leagues to recruit players from the undergraduate ranks.

This last issue was brought prominently before the public when University of Georgia running back Herschell Walker signed a contract to play with the New Jersey Generals of the United States Football League after his junior year in college. The league made Walker an exception to its player eligibility rule (requiring athletes to complete college eligibility before turning professional). This move temporarily averted legal action against the USFL, but a related case did wind up in court soon after the Walker incident.

Robert Boris, a punter from the University of Arizona, dropped out of the university prior to completing his athletic eligibility. The USFL eligibility rule would have made him ineligible to play in that league until 1985. Boris sued the league (*Boris v. USFL*, 1984), however, and in a decision handed down last February, Judge Laughlin Waters of the U.S. District Court in Los Angeles held that the USFL eligibility rule constituted a “group boycott” in clear violation of the Sherman Antitrust Act (1890), thereby threatening the future legality of the rule. (The league is appealing the decision and has temporarily decided to grant eligibility exemptions to particular players on an ad hoc basis.)

As a result of the Court’s decision in the Boris case, Marcus Dupree, former running sensation from the University of Oklahoma, entered the professional ranks in March of 1984. Dupree, who left Oklahoma for the University of Southern Mississippi, was declared ineligible for both the 1984 and 1985 seasons by the NCAA. Being only a sophomore, he was also ineligible to play professionally, but the Court’s holding in the Boris case allowed Dupree an escape through the legal morass detaining him (in a move somewhat reminiscent of the manner in which he used to escape through the Oklahoma line), and Dupree is now lucratively employed with the New Orleans Breakers of the USFL.
Contractual disputes over the network televising of professional athletic events can become protracted affairs and almost always involve a number of complicated legal questions. The following two examples should serve to clearly illustrate this point:

The professional football strike of 1982, while essentially a labor dispute, was hopelessly mired in large part over the inability of the parties to resolve the question of how much revenue, if any, the NFL Players' Association should receive from newly formed and highly lucrative contracts between the league owners and major television networks. The issue of rights to revenues from the broadcasts was crucial to a settlement but essentially indivisible from other related labor matters.

When Al Davis, managing partner of the Oakland Raiders, decided to move his team to Los Angeles, he did so in large part because of the greater potential revenues that could be gained from the Los Angeles broadcast market. The suit involving this matter (*Los Angeles Memorial Coliseum Commission v. NFL*, 1980) was framed, however, as an antitrust issue, and it would have been extremely difficult as well as a redundancy of judicial effort to extricate the broadcast issue from the case as a whole. Furthermore, a future suit between Davis and the other league owners may still be necessary to determine the appropriate division of increased broadcast revenues resulting from the move.

Given the increasing frequency and complexity of media-related disputes in sports, it seems reasonable to suggest that a subspecialization of sports communication contracts is developing within the already specialized discipline of sports law.

### Social Issues in Sport

The third category of sports law cases involves social issues in sport. This is a somewhat nebulous category and includes a broad spectrum of cases that share a common thread. In contemporary America, traditions are challenged in every aspect of our culture, and sport is no exception. The social aspect of sports law is that area in which the traditional power structure or hierarchical status quo of influence and decision-making authority in athletic institutions is challenged in the courts.

Well known examples of this type are challenges by women under Title IX of the Educational Amendments Act of of 1972 (guaranteeing sexually nondiscriminatory equality of educational opportunity) to disproportionate collegiate funding of men's and women's athletic programs, and challenges by individual athletes to university regulations and NCAA eligibility rules, both now seen frequently in the courts each year. The NCAA eligibility question mentioned earlier in the Dupree case is an excellent example of a dispute involving social issues in sport. The authority of athletic governing bodies is being challenged more than ever before. Many individuals and institutions are asking the courts to rule on the legitimacy of certain powers held by these governing bodies.

The Dupree incident and the English case at Tulane, where the coach's son was ruled ineligible to play as a transfer student and lost a suit challenging that ruling (*English v. NCAA and Tulane University*, 1983), are merely the latest examples of willingness on the part of athletes and universities to challenge the previously unquestioned authority of the NCAA and other ruling bodies in sport.

One recent challenge to NCAA governance has gone all the way to the U.S. Supreme Court (*Board of Regents of the University of Oklahoma v. NCAA*, 1983). In this case, the Universities of Oklahoma and Georgia brought joint suit against the NCAA, alleging that NCAA control over network televising of member institution football games constituted a Sherman Antitrust Act violation of free competition and asked the Court to strike down the NCAA's authority to control such contracts.
The NCAA contended that the television package is beneficial to its membership as a whole and protects the live gate of college games while spreading television revenues and exposure to a greater number of institutions. The Federal District Court rejected the NCAA’s defense and struck down the network package holding that the agreement did indeed violate antitrust provisions of the Sherman Act.

The Circuit Court affirmed the decision and the Supreme Court agreed to hear the case on appeal. On June 27, 1984, the Supreme Court affirmed the decision, holding that the NCAA’s television plan did indeed violate certain provisions of the Sherman Act. While some suggest that this decision dealt a significant blow to the governing power of the NCAA, the ultimate consequences of this case are still unknown.

Another issue that created a controversial stir over NCAA policy was the furor that erupted with the passage of Title IX. This law holds that “no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance” (Educational Amendments Act of 1972). When HEW began enforcing the provisions of Title IX in the late 1970s, it appeared to guarantee greater funding for women’s athletic programs at the high school and college levels.

Initially, the NCAA was quite concerned over the implications of such legislation. The battle between competing viewpoints continues today in the courts but it has become obvious that Title IX will result in neither the absolute equality of male and female athletic programs nor the destruction of major men’s college programs in football and basketball, as some people originally feared.

A Supreme Court decision handed down only last March (Grove City College v. Bell, 1984) held that “the receipt of federal aid by one department at an institution did not bring all of that institution’s programs under the jurisdiction of Title IX.” Women’s groups considered the decision to be a major setback for equal educational opportunity because the Court in essence held that only programs specifically receiving federal aid were covered by Title IX. Opinions vary as to whether or not the Grove City decision will remove athletic scholarships from the protective jurisdiction of Title IX. At the very least, this holding will subject female scholarship programs to the possibility of losing protective status under Title IX. Prior to the Grove City decision, institutions receiving any federal funds were frequently required to observe Title IX provisions in all institutional activities, thereby guaranteeing federal legislative protection insofar as women’s scholarship and athletic programs were concerned.

Early Title IX cases were usually decided on the basis of whether or not a program was available to women that would roughly parallel opportunities open to men. In many instances, when the courts found no equivalent programs available to women, they ruled that the women must be given the opportunity to participate on previously all male teams (see Leffel v. Wisconsin Interscholastic Athletic Association [1978] and Attorney General v. Massachusetts Interscholastic Athletic Association [1979]). For obvious reasons, this inclination on the part of the courts often led to the creation of programs for women where none previously existed.

The focus of Title IX cases has shifted somewhat in recent years to include questions of employment opportunity for women in athletic departments. In North Haven Board of Education v. Bell (1982), the Supreme Court held that Title IX does grant HEW the authority to regulate gender-related employment practices of educational institutions receiving federal aid. The Court said, however, that such authority was not institution-wide but limited to program-specific activities, meaning that such regulatory power was restricted to specific university programs that could be clearly shown to be receiving federal aid.
In a related case (*University of Richmond v. Bell*, 1982), a federal district court in Virginia enjoined HEW from continuing an investigation into alleged sex discrimination in the conduct of the athletic program at that university on the grounds that the program was not shown to specifically receive federal funds. (The decision was appealed but the Supreme Court holding in the Grove City case may preclude further review of this decision.)

While the Supreme Court has extended Title IX powers beyond the playing field, it appears that effective judicial use of this legislation in administrative affairs will be on a case-by-case basis. The program-specific federal funding test used in the North Haven and Richmond cases was the controlling factor in the Grove City decision, and it seems likely that the Court will be applying this test for some time to come, unless future Congressional legislation specifically mandates that any federal funding will subject an entire institution to Title IX regulation. Shortly after the Grove City holding, Representative Claudine Schneider (R-Rhode Island) introduced House Resolution 5011 (subsequently incorporated into the proposed Civil Rights Act of 1984), which, if adopted, would have achieved precisely that end. However, Congress defeated the bill in the fall of 1984. Various members of both houses have vowed to introduce an equivalent measure next year.

Questions concerning the propriety and efficacy of the use of Title IX in suits over gender-based discrimination in athletics and equality of opportunity for women in sports programs will undoubtedly be raised for years to come. The relevant point here, however, is that all parties to such disputes now recognize the court as the indispensable forum for resolving these questions.

Many other recent cases involve challenges by individual athletes to the authority of established institutions. In *Wiley v. NCAA*, (1979), a student won an injunction against the NCAA, allowing him to participate in track competition for the University of Kansas. The NCAA had ruled that he was ineligible to compete on the basis of his having allegedly received too much financial support from the university. The decision was reversed on appeal, but by that time Wiley had graduated.

An unusual case involved a suit brought by six members of the University of Maryland basketball team against a newspaper, claiming that the publication had invaded their privacy (*Bilney v. Evening Star Newspaper Co.*., 1979). The players lost their suit, but it is indicative of how far athletes are now willing to go to protect their perceived rights.

The case of *Jim L. Stanley v. The Big 8 Conference* (1978) further typifies this new development in sports litigation. An NCAA investigation into the practices of the Oklahoma State University football coaching staff concluded that Stanley had violated a number of NCAA regulations, and he was subsequently relieved of his duties as head coach. Stanley sued, arguing that such a determination would destroy his ability to be rehired elsewhere and that, more important, he had been denied due process (a fair hearing) because he was dismissed without an opportunity to question those who had testified against him.

Until recently, the federal courts would have declined jurisdiction in such matters, but the Court heard this case and held that Stanley had been deprived of proper procedural safeguards and that any future hearings conducted by the Big Eight Conference would be declared illegal unless due process guarantees were observed. The Court further ordered that the case be reinvestigated, and issued a list of specific requirements that any future Big Eight hearings must adhere to in order to pass the constitutional test for fairness.

In *Rensing v. Indiana State University* (1983), a former scholarship football player brought suit against the university for worker’s compensation payments after he was seriously injured at a football practice. The Court of Appeals said that Rensing’s participation
on the university football team did constitute an employment situation and held that he
was entitled to worker's compensation benefits. The Indiana Supreme Court reversed the
decision on appeal, however, but future cases of this type may result in verdicts favoring
the athlete.

In a notorious recent case, Keven Rutledge, who had played football at Arizona
State University, brought an assault and battery suit against his former head coach, Frank
Kush (Rutledge v. Arizona Board of Regents, 1981). Kush was exonerated of all charges,
but the court made it very clear that the complaint was a serious matter and subjected
him to close scrutiny before relieving him of liability.

Many feel that Kush received favorable treatment from the Court due to his cele-
brated position. If so, this case can serve to remind us that the courts are by no means
infallible. They are, however, the ultimate civilized arbiter of disputes in our culture. Some
critics contend that suits of this nature irreparably harm athletics. However, I suggest that
judicial responsiveness to legitimate claims of this type can only serve to further democratize
the world of sport.

Gratuitous Violence

The fourth category of cases involves the incidence of gratuitous violence within
the confines of an athletic event. Gratuitous violence in sport may be briefly defined as
an intentional and/or malicious act of a violent nature, unnecessary to the legitimate pro-
secution of a contest, the purpose of which is to render bodily harm to another contestant.
Recent decisions have shown that the courts are no longer accepting violence unrelated
to the conduct of a game as a necessary component of that event. Cases have arisen in
hockey, basketball, and football in which the courts found players liable for civil (non-
criminal) damages when intentional and unwarranted violence resulted in injury to other
participants.

In the case of Bemick v. Jurden (1982), a member of the Georgia Tech Ice Hockey
Club was seriously injured when struck in the face by a hockey stick swung by a member
of the Wake Forest Hockey Club. The trial court in North Carolina dismissed the suit
on technical grounds, but the Court of Appeals held that the suit should not have been
dismissed and sent the case back to the lower court for retrial.

State v. Forbes (1975) was a case of considerable notoriety involving the brutal
attack of Dave Forbes of the Boston Bruins upon the person of Henry Boucha during a
professional hockey match. A prosecuting state's attorney witnessed the incident and brought
criminal charges against Forbes. The case resulted in a mistrial that was never retried,
but in a $3.5 million civil suit brought by Boucha against Forbes, the Boston Bruins, and
the National Hockey League, Boucha received a substantial sum in an out-of-court
settlement.

In a professional football game, Dale Hackbart of the Denver Broncos had his
neck broken by Bobbie Clark of the Cincinnati Bengals while watching an interception
runback by another player. Hackbart brought suit (Hackbart v. Cincinnati Bengals, 1977)
and the trial court held that football is "like war" and disallowed recovery. On appeal,
however, the Federal Circuit Court held that the rules of liability and legal duty are not
suspended in the conduct of affairs between individuals just because a game is being played.
The Circuit Court reversed the lower court ruling and sent the case back for retrial. The
matter was then settled out of court.
Perhaps the most highly publicized case of this type occurred when Kermit Washington of the Los Angeles Lakers struck Rudy Tomjanovich in the face during a NBA basketball game. Tomjanovich sustained a serious injury which ultimately resulted in the termination of his playing career. In a suit against Washington and the Lakers (Tomjanovich v. California Sports, Inc., 1979), Tomjanovich was awarded $3.2 million. The Lakers appealed the decision and the case was settled out of court for a substantial sum before an appellate verdict was reached.

Until recently, it was unthinkable that a player injured in an athletic contest would seek relief in court. In the last few years, however, the level of violence on the athletic field has reached unprecedented heights, and many players and officials have sustained injuries in incidents wholly unrelated to the conduct of the game.

In Oklahoma City, an umpire was attacked by one of the coaches from the losing team in a parking lot after the game. The umpire brought criminal charges under an Oklahoma statute that makes an attack upon an athletic referee a criminal offense. The coach was convicted and the decision was upheld by the Oklahoma Court of Appeals (Carroll v. State of Oklahoma, 1980).

Cases involving violence in sports will continue to appear in the courts, and eventually some judge will set a precedent by sentencing an athlete to prison for serious injury intentionally perpetrated upon another player. Hopefully, the prosecution of such conduct will provide a deterrent effect that will help put an end to gratuitous violence in sport.

Conclusion and Social Implications

Not every type of sports-related legal dispute can be mentioned here, but the predominant types of cases that arise in sport have been categorized and exemplified. Many cases simultaneously involve issues from two or more categories. This fact reflects the degree of complexity often found in sports litigation as well as the difficulty courts often face in attempting to base decisions on the resolution of a single issue.

Other types of cases tangentially related to sports law have not been considered in this paper. These include disputes that incidentally involve participation in sport but are resolved through the application of traditional legal principles. For example, a liability suit arising from an automobile accident involving a school bus carrying high school athletes to a basketball game would entail peripheral consideration of sports issues, but such a matter would be decided in a conventional legal manner.

The recent marriage of sport and law is having cultural as well as legal effects on our society. When an enterprise that has always been held ineffably distinct from the mundane machinations of the social milieu suddenly becomes involved in the conduct of everyday affairs, that previously unique enterprise must inevitably lose some of its mystique.

So long as athletes remain beyond the public purview in performing such necessary but unglamorous functions as going to the dentist or taking out the garbage, their fans may continue to fashion them as super-warriors, heroes above the din. While resort to the legal process may be a prudent course of action for an athlete hoping to redress a grievance, it is most decidedly not the conduct of Superman or Wonderwoman. Mythical heroes have no need to resolve problems in court simply because they solve problems themselves.

The Olympic gymnast or professional quarterback may justly obtain worker’s compensation benefits in a suit against a university or employer, but conduct of this nature is not well suited to a legend. Legends do not sue people. They run 90-yard touchdowns.
and make impossible catches. They wage battles on magical playing fields, not in courts of law. People with grievances are human, heroes are not.

Much has been written about America’s reverence for sport. No one can explain precisely why the world of athletics is held in such awe by so many, but one vital component of this mystique is the public’s perception of athletes as inhabitants of a world apart, a transcendent plane beyond the social order. Novak (1976) spoke of the religious role sport plays in our culture and the exalted position of athletes in that religion:

Athletes are not merely entertainers. Their role is far more powerful than that. People identify with them in a much more priestly way. Athletes exemplify something of deep meaning, frightening meaning, even. Once they become superstars, they do not quite belong to themselves. They are no longer treated as ordinary humans or even as merely celebrities. (pp. 31-32)

The union between the worlds of law and sport was an inexorable consequence of the continually expanding role of sport in an increasingly litigious society. While one cannot quantify the exact degree to which this phenomenon will divest the sports kingdom of its magical dimension, there is little doubt that it will ultimately remove some of the bloom from the rose.

At least one positive consequence should also attend a more mundane public perception of athletes. The loss of glitter may be compensated for by a newly created license of athletes to be fallible. Our evolving image of the “superstar as human” may substantially lessen the intense pressure previously felt by athletes living under constant public scrutiny, and this may contribute to their psychological well-being, both during and after the athletes’ playing days.

The intent of this paper is not to pass judgment on the wisdom of sport’s increasing reliance on the courts as the proper forum for the resolution of disputes. Nor does it presume to perceive or understand the full breadth of sociological consequences that will ultimately ensue from such behavior. Rather has this paper tried to show that sports law is in fact a rapidly growing phenomenon of increasing importance in our culture and to describe the basic types of disputes that comprise this field. It has also suggested that sport’s increasing reliance on law has contributed substantially to the demystification of our legend of the athlete. Everyone from player to spectator can enrich his or her understanding of the role of sport in our society by becoming more familiar with the relationships that exist between sport and law.

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