

Professors Get Creative in Using Sports Litigation Alert in the Classroom

What follows is a short document that shows how six professors use Sports Litigation Alert in the classroom. Professors, who aren't already using the Alert in the classroom, but would like to, should visit the following [link](#) to sign up for a complimentary subscription.

All Rise: Using SLA for Mock Trials

By Steve McKelvey, J.D.

Associate Professor, University of Massachusetts Amherst

Given the oft-changing landscape of case law within the sport industry, it is important to supplement text book readings and lectures with discussion and analysis of current legal cases. To facilitate this, I utilize an in-class mock trial assignment that provides a meaningful way to incorporate the students' bi-weekly on-line subscription to *Sports Litigation Alert* (SLA Student Edition, as well as SLA's invaluable archives (*which itself is well worth the price for any instructor looking to keep their lectures up to date!*)). I called these assignments "The Professor's Court".

My in-class mock trials are designed to:

- 1) Familiarize students with current legal issues and trends within the sport industry;
- 2) Strengthen students' ability to research case law, identify key legal issues, apply the law, and hone their legal reasoning skills to recently-decided cases;
- 3) Gain appreciation for how different jurisdictions decide similar cases in often conflicting ways; and,
- 4) Hone their legal writing skills
- 5) Enhance students' ability to make public oral presentations and "think on their feet."

Although I have only used this teaching initiative at the undergraduate level (in classes of approximately 40-60 students), there is no reason why it cannot also be utilized at the graduate level as well. With 3-4 students arguing each side of the case (for a total of 6-8 students per mock trial), I usually end of conducting 5-7 of these per semester; each mock trial last about 30-35 minutes each. I have also found that these mock trials really engage the students (and the instructor serving as the judge!) and breaks up monotony of lectures

The format of these CLI presentations is as follows:

- 6-8 students (depending on class size) are randomly assigned to each mock trial date. The students, in conjunction with me, identify (using SLA archives) a recently decided case that ties to the subject matter that has already been covered in class (so that the students have some working knowledge of the legal concepts). I help guide them to find

cases that are “meaty” & decided on substantive legal issues (vs. mundane, overly-complex jurisdictional issues)

- Once the case has been identified, I then assign the students to represent either plaintiff or defendant. I remind the two sides that, from this point on, they are adversaries and are not to “collaborate” on their presentations.
- Both sides are then required to retrieve the actual case decision from Lexis-Nexis so they can expand their knowledge of the case facts, rationale, holding and the “nuances” of the decision (it is not necessary that the case has been fully litigated and decided, but I have found that fully litigated cases make for better mock trial cases). I also require that in their written “brief” they have included no less than two cases that they have found from SLA’s online archives.
- I require both sides to meet with me separately prior to the in-class mock trial so that I can answer any questions and get an idea of their strategy heading into the “trial.” This enables me to not only ensure that the teams are on track in terms on their legal arguments and strategy (in order to ensure that the class hears what I want it to hear), but also to get an initial idea of how the “trial” is going to unfold in the classroom (to avoid surprises).
- For the in-class mock trials, each team of students presents: 1) their statement of the pertinent facts of the case (from their perspective – which often illustrates how the two sides can have conflicting versions on the facts!); and 2) their legal arguments. The plaintiff team goes first, followed by the defendant. Both sides are then required to provide a brief rebuttal, in turn. The two sides are specifically instructed to NOT discuss or lead the class toward how the case was actually decided!

WRITTEN COMPONENT (from my syllabus):

- Each team is required to hand in written “brief” that includes a statement of the facts and legal argument(s). A BRIEF IS THE DOCUMENT THAT PROVIDES A STATEMENT OF THE FACTS (FROM YOUR PERSPECTIVE) FOLLOWED BY THE LEGAL CLAIMS/THEORIES & ARGUMENT
- Your legal arguments section MUST include use of a minimum of two (2) prior decided cases (from SLA Archives) that provides the legal arguments to support your position (“legal precedent”), or to distinguish it.
- This brief is to be Times-Roman 12 point, double-spaced, 1-inch margins and 4-5 pages. The heading should include both team member names, followed by the case name.
- EACH TEAM IS REQUIRED TO EMAIL ITS BRIEF TO ME BY 8 AM ON THE MORNING OF THE IN-CLASS TRIAL

GRADING COMPONENT (from my syllabus):

- Each side will receive a single grade based on the quality of your in-class presentation (based on a rubric that you will be provided in advance) AND the written brief, so it is important that you work as a team
- This assignment will represent 10% of your total grade.

During the mock trial presentations, I serve in the role of the judge (on occasion I have even come to class wearing a judge's robe and English style wig!). On occasion I will interrupt the students to clarify points of fact or law that I find confusing. This adds to the sense of conducting a "real trial." The students not participating serve as the jury. Once the mock trial is completed, I ask the class – "So who do you think wins ... and why?" – which leads to a robust discussion!

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Sports Litigation Alert -- an Excellent Legal Learning Tool

By Natasha Brison, Clinical Assistant Professor at Georgia State University

For my graduate level Sports Law course, the Sports Litigation Alert (Alert) is the only required "text" for the course.

Each week the students are assigned several cases to read from LexisNexis Academic, which can be lengthy and difficult to understand based on the legal jargon. However, the Sports Litigation Alert Case Summaries are easy for the students to read and comprehend. The Articles and New Briefs are topical and facilitate class discussion topics that are extremely helpful in understanding the case law and how to address various legal issues relevant to the sport industry. The students are required to read the Alert and to be prepared to discuss the content along with the lecture material for the class. Class participation points are deducted if a student indicates that he/she has not read the content for class. There are also questions on the Midterm and Final Exams regarding the Sports Litigation Alert class discussions.

During the course, students are taught how to identify legal issues and the relevant law. They are also provided instruction on how to draw legal conclusions based on reading the case law and the material from the Alert. As a result, the Sports Litigation Alert has become a pertinent legal resource for the student. First, for the final course project, the students are assigned a recent case that has not been adjudicated. Students must use the skills developed in class to find case law to support their side of the argument. Second, for the Final Exam the students are tested using multiple choice and hypotheticals. There are five hypotheticals which are designed to assess the student's understanding of various areas of sport law. The student responses must be supported by specific examples from the legal principles discussed in class and at least one court case. For both the final course project and the final exam, students may use the cases discussed in class as well as the Sports Litigation Alert Archives.

The Sports Litigation Alert is an excellent legal learning tool for students at various levels in sport management. The students are excited not only about the affordability of the Alert but also the useful content that aids in understanding the legal aspects of sport.

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Sport Litigation Alert – An Ideal Supplement for the Sports Law Textbook

By Matthew Ruckman

Instructor, Sport Management at University of West Florida

As a Sport Law instructor, I incorporate the Sport Litigation Alert (SLA) into my courses mainly to supplement the textbook material. The vastness of the law and its application to sport makes it

impossible to cover everything. Although there are quality textbooks available, I find myself not having the time to cover all of the textbook material. The Alert has proven to be a good option for supplementing and briefly discussing areas of the law that students might otherwise miss.

I require my students to subscribe and read SLA bi-weekly. I give bi-weekly reading quizzes based upon each edition. Most importantly, after each quiz we spend time discussing the cases, relative areas of the law, and the correct quiz answers. I stress to students throughout the course that the purpose of the SLA subscription is to give them broader coverage and more current content knowledge of sport law. I consistently find the case examples provide the class and myself a means to connect what we are learning in the textbook to current and relevant case law. The bi-weekly quizzes are usually combined for about 20 percent of the students' overall grade.

In preparing for a lecture on a particular area of the law, I often use the searchable archive and print copies of relevant case summaries for students to read as an introduction.

Students seem to really benefit most from being able to connect with concrete examples of the applicability of the law in a given circumstance. That connection makes the lectures and the learning go much smoother. Students really enjoy those instances when the things they briefly heard about on Sports Center are later unfolding in the case summaries.

Overall, I would say the Alert is most useful for helping students make connections to the content.

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Sports Litigation Alert Is Used in Multiple Ways at Dayton

By Dr. Corinne Daprano, University of Dayton

Each time a newsletter is published during the semester, students are expected to select one of the case summaries or articles and write a blog post about the summary/article. This usually equates to 5-6 times per 15 or 16 week semester. The blog post needs to be 3-4 paragraphs in length and address three things: 1) brief summary of the case summary or article; 2) how the information contained in the case summary/article relates to the legal topics we are discussing in class; and, 3) how the information in the case summary/article is useful to the student in their future professional endeavors (since sport management as well as exercise science students take this class it allows students in these different majors to reflect on how legal concerns/issues are relevant to their chosen profession). The blog posts are graded as homework assignments (0-2 points each) and often discussed in class. By the time the students have written a couple of these blog posts they have begun to develop a much better understanding of legal concepts because of course textbook readings, in-class discussions and these blogs, which are a way for students to reflect on the applicability of legal concepts to real world situations.

In addition to the blog posts, I incorporate the SLA into a mock trial assignment that includes a written report and end of the semester mock trial role play presentation (their final exam). As part of the requirements of the mock trial assignment students are placed onto teams (plaintiff or defendant). Each team must determine what role the members of the team will play during the mock trial presentation (attorney, plaintiff/defendant, witness) and then begin researching and preparing their case (written report). As part of the written report they must research law review

articles and similar court cases. Each team member must write up a one-page summary of one law review article and two relevant court cases (one that was decided in favor of the plaintiff and one in favor of the defense).

The summary must include a one to two paragraph summary of the article/case and one to two paragraph explanation of how the article/case is relevant to their mock trial scenario. Because the students in this class are primarily undergraduates (the class is double number and 1-3 graduate students take the class each semester) I have replaced the requirement that they review articles from law review journals with the stipulation that they find review articles in the SLA and/or trade publications (Sports Business Journal, Athletic Business, Athletic Management, Training & Conditioning) that are related to their mock trial case. This allows me to easily access the articles they are reviewing, particularly the SLA articles, and to ensure the articles are related to sport, recreation, and fitness legal topics. Also, the SLA articles are much shorter than a typical law journal article and more easily understood by undergraduate students. I have noticed over the past several semester, since instituting this change, that many of the students now use SLA articles that they've either already written about for their blog posts and others contained in the SLA archives. In fact, most of the law review articles they now use for their research are from the SLA.

In summary, the SLA has been a great addition to my sport law course. Although, the students are only required to read and review one SLA article every two weeks they often read several because they are interested in particular cases they've heard about in the news. There is much better in-class discussion of legal topics and cases because they've actually read the SLA case summaries and articles. This allows them to better apply legal concepts to real world situations and to ask better questions about concepts that they don't fully understand simply from reading the course textbook.

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The Alert and Its Many Uses with My Students

By Dr. Robin Ammon, Sport Management Program Coordinator in the Division of Kinesiology and Sport Science at the University of South Dakota

My students are required to subscribe to the Sports Litigation Alert (SLA). At the undergraduate level the students read the articles I assign and at the graduate level they are to read each issue in its entirety.

I like the Alert for a number of reasons, but three leap to mind.

First, the information is quite timely. Once a text is written it usually takes 10-12 months before it is published. As a result, some of the information becomes dated, especially when a new decision is handed down or when a new information becomes available. The O'Bannon case is a prime example.

Second, for the most part, the authors of the articles write in a succinct yet easy to understand manner. While a lot of the authors are attorneys, they refrain from sounding like one. This helps to demystify a lot of the material for the students. For example, a relevant article in SLA about a concept or topic area that was ambiguous in their textbook becomes understandable.

The final reason pertains to the archives. Many of my undergraduate students are the first in their family to attend college and quite a few of my graduate students have undergraduate degrees in majors outside of sport management. As a result both groups have had little experience in conducting research. The archives provide a great resource for them to access current and understandable legal articles and cases

I use it as a tool. The undergraduate students know that 2-3 questions on each assessment will come from information contained in the assigned readings. Our graduate program is all online. As part of the assessments the graduate students write a number of Discussion Posts. They use the SLA for the Posts. I included an example for a discussion post about negligence, but at the same time it helps initiate the students about how to conduct legal research.

Reading and discussing the latest trends and legal issues in Sport Management is undeniably a good method used to improve a person's knowledge base. The ability to gain practical firsthand experience about similar topics, however in your instructor's opinion, is the best type of learning experience. Only by "doing it yourself" are most of us able to appreciate the total impact of the researched information.

Using a case found in the SLA (the archives present a plethora of options) find one that pertains to negligence (make sure it is no older than 2000). Explain why you chose it and how it can be relevant to sport managers. After reading the article try and access the case using Lexis Nexus. Make sure you never use one of the "Significant Cases" from the textbook. Also be sure and include the case name and citation at the beginning of all Initial Discussions.

Overall, the Alert is an inexpensive resource that provides up-to-date and pertinent information to students regarding current case law as well as comprehensible discussions about legal topics affecting the sport industry.

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How We Use Sports Litigation Alert at Slippery Rock University

By Brian Crow, Professor in the Department of Sports Management at Slippery Rock University

Sports Litigation Alert (SLA) is a great tool for an undergraduate sport law course, because it allows students to see real life, timely application of legal theories and topics covered in class, all at a reasonable cost for students.

I use the SLA in a variety of ways when I teach during the fall or spring semester.

In the regular semester, I have fluctuated between Cotten and Wolohan's book and Sharp, Moorman, and Claussen's book. Each is completely different in terms of layout and resources provided, so which one I use determines how I use SLA. Regardless, each student must have his/her own subscription.

During the semester I plan regular discussions in class for when the new SLA arrives. I see which cases/articles are most relevant to issues we are currently covering, as well as those we have already covered, and assign those as readings. I then assign 3-5 students to lead the discussion in class, or if pressed for time, require a short written summary of the topic and how the SLA resources helped them understand.

I also will, in an effort to improve students' writing skills, assign a legal topic for them to research using online resources, and have them summarize their findings in SLA format. In other words, I want them to be able to write in a concise, meaningful, and professional manner.

The main use, however, is in the semester-long legal research project. Students, generally in groups of two, must research a broad legal topic area, putting it into historical perspective, showing current examples of its application, and projecting how they will be able to use this knowledge in their careers. I encourage them to use the SLA archives as a resource and a starting point, although many (to their regret) choose to conduct Google or other Internet searches first.