

## **Publishing Research Related to Legal Aspects of Sport and Physical Activity**

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The study of the legal aspects of sport and physical activity is an area which has evolved in response to the increase in sport litigation. Progressive college and university programs in recreation, physical education and sport management now offer courses in legal aspects of sport in an effort to better prepare the student with the necessary legal and risk management knowledge and competencies required of a prudent, reasonable professional. The research and exploration into sport law has been a meritorious endeavor. It is imperative to the survival of educators, practitioners and entities within the sport industry that these legal insights be disseminated. Furthermore, the publication of articles will recognize the research efforts of those involved.

The publication of articles pertaining to legal aspects of sport and physical activity enhances the professional efforts of educators, practitioners, and students. Publications allow **educators** an opportunity to keep abreast of current research, enhance teaching materials, and obtain meritorious publications. Publications allow **practitioners** also to keep abreast of current research and incorporate relevant theories, principles, and guidelines into the work environment. In addition, publications can assist in preparing **students** with the necessary knowledge and skills required of the prudent, reasonable professional. Consequently, the publication of articles pertaining to legal aspects of sport and physical activity have significant value.

The purpose of this study was to facilitate the efforts of those who desire to publish research related to legal aspects of sport and physical activity. Specifically, the study sought to: a) ascertain various characteristics of 60 selected periodicals, b) identify all legal-oriented articles published in 11 selected periodicals over a five-year duration, c) identify the profession of the authors who published, and d) categorize the articles by content areas. In order to accomplish the purposes of this study, a two-part investigation was undertaken. The methods and results of each phase will be addressed separately.

## ■ METHODS

### Methods: Phase One

Phase one consisted of a survey used to identify various characteristics of particular periodicals (Objective A). Sixty surveys were mailed to the editors of periodicals identified as potential sources for the publication of articles related to legal aspects of sport and physical activity. A second mailing was sent to those who did not respond by the initial deadline. The 21-item questionnaire was similar to those used by Koslow and Nix (1989), Crase and Rosato (1989), and Henson (1988). Seventy-three percent (N=44) of the surveys were returned. The magnitude of the survey necessitated the categorization of the various periodicals into three tables. Table 1 identifies the characteristics of selected sport and physical activity periodicals which indicated the use of an editorial review board. Table 2 shows the characteristics of selected sport and physical activity periodicals which did not indicate the use of an editorial review board. Table 3 shows the characteristics of selected legal periodicals. Only those respondents who were receptive to publishing legal-oriented articles pertaining to sport and physical activity are represented in the tables.

### Methods: Phase Two

The second phase of the study analyzed 11 periodicals over a five-year duration from January, 1987 through December, 1991. Only those periodicals which indicated the use of an editorial review board and were available on the University of Louisville campus were examined. This portion of the study focused on the Objectives B, C, and D. Objective B sought to identify of all legal-oriented articles published per issue between 1987 and 1991. Monthly departmental articles were not included. Objective C sought to identify the profession of the authors who published. Authors were classified as either practitioners or educators. The final objective, Objective D, sought to categorize the articles according to content areas (Table 4).

## ■ RESULTS

### Results: Phase One

The survey results are identified in Tables 1, 2, and 3. Data obtained from the editors of the *Journal of Applied Recreation Research*, the *Journal of Higher Education*, the *Journal of Teacher Education*, and *Research in Higher Education* have been omitted due to the magnitude of the study and the paucity of space within the tables. Table 1 summarizes the characteristics of selected sport and activity periodicals which use an editorial board. Seventy-five percent of the editors who responded to this question indicated that a letter of inquiry was appropriate. Eighty-three percent of the responding editors indicated that a particular manuscript style was required. The APA manuscript style was required by 90% of the respondents. Fifty-six percent of the selected periodicals mandate the inclusion of an abstract with each article submitted. Acceptance rates varied from 18% (*Research Quarterly for Exercise and Sport*) to 80% (*World Leisure and Recreation*). Eighty-two percent of the editors responding to the question regarding acceptance rates indicated that 50% or more of all submissions were rejected. The *Journal of Sport Management* reported a 38% acceptance rate; *JOPERD* reported an acceptance rate

**Table 1**

TABLE 1: Characteristics of Selected Sport & Activity Periodicals Which Indicated The Use of An Editorial Review Board																		
	Abstr. Tera	Abstr. Adm	CAHPER Journal	Int. Rev. Soc. Spl.	Jnl. Legal Aspects of Sport	Jnl. of Law Res.	JOPERD	Jnl. Spl. Soc. Iss.	Jnl. Spl. Beh.	JSM	Jnl. Tchng. in P.E.	Parks & Rec.	PE & Spl.	Quest.	RO	The Phys. Educ.	Strat.	Wrd. Ltr. & Rec.
Issues/Yr	4	4	4	4	2	4	9	2	4	3	4	12	6	3	4	4	8	4
Total Circulation	16328	4700	1800	800	100	1400	10800	500	450	127	914	12000	3080	800*	10000	3000	10000	1000
Individual Cmt/Tr 5	28	15	55	30	40	25	85	24	20	30	36	18	21.25	--	85	20	15.00	30
Institution Cmt/Tr 5	28	15	55	50	65	60	65	48	20	44	80	--	15	--	60	22.50	--	50
Encourage Letters of Inquiry	NO	YES	YES	YES	YES	YES	YES	YES	YES	NO	NO	YES	--	--	NO	YES	YES	YES
Manuscript Style	--	dh1 aped subhdg	APA	--	APA	--	--	ASA	APA	APA	APA	--	--	APA	APA	APA	APA	APA
Length Maximum yrs	--	1500 wds	15	30	--	25	20	30	10-20	30	--	12	10-12	40	24	25	10-12	6-8
Length Preferred yrs	--	1200 wds	10	20	8	--	12	20	10	--	--	10-12	6	30	24	15	6-8	4
Abstract Req	YES	NO	YES	YES	NO	YES	NO	YES	YES	YES	YES	NO	NO	YES	YES	NO	NO	NO
# Unpublished Articles Rec/Yr	100	10-12	100	40	80	80	200	38	35-55	40	48	35-50	130	25	200	150	150	--
# Articles Publ./Yr	40	12-15	35-40	25	20	24	135	8-10	20	15	30	40-84	90	20	50	30	50	35
1 Acceptance Rate	40	50	50	--	75	35	23	25	30	28	33	50	75	25	18	20	33	80
1 Articles Rev/Yr Require Revisions	100	50	80	80	100	100	80	15	90	38	33	10	50	100	40	80	50	10
1 Revised Articles Accepted Annually	70	80	90	85	100	24	90	50	48	28	33	--	90	80	40	80	50	80
Turnaround Time Months	2	1-2	1-2	0-5	2	2	3	3	3-4	1.5	1.5-2	1	1	2	2	4	3	--
Publication Time Months	5	1-2	0-12	9	1-4	12-18	12	4	6-9	4-4	4-4	3-10	2-3	8	8	8	3	--

of 33%. The *Journal of Legal Aspects of Sport* reported a 75% acceptance rate. All manuscripts required revisions on prospective publications. Between 8% and 100% of the revised articles were accepted for publication. A majority (65%) of the respondents indicated that it could take up to two months before being notified by the editor regarding a submitted article. *CAHPER Journal*, the *Journal of Leisure Research*, *JOPERD*, and *Parks and Recreation* all indicated that it can be an additional 8 to 16 months before an accepted article is actually published.

Table 2 shows the characteristics of selected sport and activity periodicals which did not indicate the use of an editorial review board. The circulation rates of these journals ranged between 100 (*Fitness Risk Management*) and 55,000 (*Employee Services Management*). Eighty-eight percent of the responding editors encourage a letter of inquiry. None of these journals mandate that a particular manuscript style be submitted, with the exception of *Fitness Risk Management*. Furthermore, none of the editors require that an abstract be included within the submitted manuscript.

Table 3 reveals the characteristics of selected legal periodicals. Analysis revealed two distinguishing characteristics between the selected legal periodicals (Table 3) and the selected sport and physical activity journals which used an editorial review board (Table 1). First, none of the responding editors of the legal periodicals indicated that APA was the required manuscript style. Second, the length of the manuscript preferred by editors of the legal periodicals was greater than the length preferred by the editors of the periodicals identified in Table 1. Seventy-five percent of the editors of the legal periodicals indicated that the preferred manuscript length was 20 pages or more. Only 14% of the editors of the selected sport and activity periodicals preferred manuscripts in excess of 20 pages.

**Table 2**

TABLE 2: Characteristics of Selected Sport & Activity Periodicals Which Did Not Indicate the Use of an Editorial Review Board

	Athl Busna	Athl Mgmt	Athl Inc	Athl Today	Empl Srvs Mgmt	Fitness Mgmt	Fitness Risk Mgmt	Perspectives	Rung & Fitness
Issues/Yr	12	6	9	52	10	13	12	12	12
Total Circulation	40666	28000	8000	15000	5500	23000	100	1300	18000
Individual Cost/Yr \$	Free to Fitness Splat	14	2.50	140	35	24	125	129	25
Institution Cost/Yr \$	free	--	--	140	35	24	125	129	40
Encourage Letters of Inquiry	YES	YES	NO	YES	YES	YES	YES	--	YES
Manuscript Style	dbl spcd	--	--	--	--	dbl spcd	APA	--	None
Length Maximum pgs	15	--	1-2000 wds	1500 wds	15	10	5	--	--
Length Preferred pgs	8-12	6	--	--	6-10	6-8	4	--	300-1000 wds
Abstract Req.	NO	NO	NO	NO	NO	NO	NO	--	NO
# Unsolicited Articles Rec/Yr	50	20	--	100	20	100	--	--	--
# Articles Publ./Yr	20	5	60	20	31	150	12	--	20
I Acceptance Rate	50	25	--	20	50	10	--	--	--
I Articles Rec/Yr Require Revisions	they do revisions	50	15	90	80	5	--	--	100
I Revised Articles Accepted Annually		50	--	100	--	3	--	--	--
Turnaround time Months	2-3 months	1-2	2	2	1	2	1	--	1
Publication time Months	varies	1-12	2	2	1-12	3	1	--	3-4

**Table 3**

TABLE 3: Characteristics of Selected Legal Periodicals

	The CCH Labor Law Journal	The Entertainment & Spts Lawyer	Jnl of Law & Ed	Law & Contemporary Problems	Harquette Spt Law Jnl	Nolpe Notes	Pro Repr Corp *	Rec & Parks Law Repr	Seton Hall Jnl of Spt Law	The Spt Lawyer	U of Miami Entertainment & Spt Law Rev
Issues/Yr	12	4	4	4	2	11-12	18	4	1	6	2
Total Circulation	2200	7000	2000	2500	250	2500	2450	1000	500	700	350
Individual Cost/Yr \$	105	30	40	45	100	75	39.95	50	20	none, comes with SLA membership	30
Institution Cost/Yr \$	105	30	40	45	25	--	--	--	18		30
Encourage Letters of Inquiry	YES	YES	YES	--	YES	NO	YES	YES	YES	--	YES
Manuscript Style	--	--	Bluebook	--	Texas Law Review	Harvard	--	--	Law Review	No	Law Review
Length Maximum pgs	35	45	--	--	200	6	15000-20000 w	--	60	25	--
Length Preferred	15-20	25	40-60	--	150	3-5	15000-20000 w	--	40	10-15	60
Abstract Req.	NO	YES	NO	--	NO	NO	--	YES	NO	NO	NO
# Unsolicited Articles Rec/Yr	150-200	75	80-100	100	--	35-50	1-15	Written by one expert	5	--	250
# Articles Publ./Yr	100+	16-20	15	0	8	12-15	1-8	law consultant	6	--	8
I Acceptance Rate	60-70	25	15-20	All Articles Solicited	--	40	--		75	--	4
I Articles Rec/Yr Require Revisions	80	100	7		100	10-15	--		100	--	100
I Revised Articles Accepted Annually	90	25	90		100	--	--		6	--	10
Turnaround time Months	1	2	2-3	--	1	1-2	--		8	--	1
Publication time Months	3-4	6	6	6-12	3	2-3	--		5	--	3

\* Data reflects the Exercise Standard and Malpractice Reporter; The Sports, Parks & Recreation Law Reporter; The Sport Medicine Standards & Malpractice Reporter; The Medical Malpractice & Defense Reporter.

## Results: Phase Two

Table 4 identifies the content areas of the published articles pertaining to legal aspects of sport and physical activity within the 11 selected periodicals. There was a total of 111 articles pertaining to legal aspects in sport and physical activity published in the 11 periodicals which indicated the use of an editorial review board over a five-year duration (1987-1991). Articles related to legislative issues and various facets of safety each represented 23% of all articles published. Ten percent of the articles focused on the impact of handicap legislation, and 9% of the articles focused on statutory personnel issues. Eleven percent of the articles pertained to facilities and 6% of the articles emphasized legal issues in teaching. Constitutional issues and legal aspects in coaching contributed 4% each to the total number of legal oriented publications.

*Parks & Recreation* (published monthly) and *JOPERD* (published 9 times per year) accounted for approximately 60% of all articles published in legal aspects over the five-year duration. *Strategies* (published 8 times per year) accounted for 19% of the articles. *The Physical Educator* (published on a quarterly basis) printed

**Table 4**

TABLE 4 - Content of Selected Sport & Activity Periodicals Which Indicated the Use of An Editorial Review Board												
	Jnl of Legal Aspects of Spc	Jnl of Laws Res	JOPERD	Jnl of Spc & Soc Iss	Jnl of Spc Beh	JSM	Jnl of The In PE	Parks & Rec	Quest	Strat	The Phys Educ	TOTAL
AIDS	1											1
BEHAVIOR	1		1							1		3
CASE LAW						1					2	3
COACHING			1							2	1	4
TEACHING	1		2							2	2	7
CONSTITUTIONAL												
Praying before a game										1		1
Student Rights										1		1
Drug Testing	1								1			2
Other								1		1		2
DRUG ENFORCEMENT								2				2
EDUCATIONAL MALPRACTICE											1	1
EQUIPMENT			1			1						2
EXCULPATORY AGREEMENTS						1				1		2
FACILITIES												
Safety								7		1		8
Security			1									1
Surfaces	1		1					1				3
INSURANCE			1					2			1	4
LEGISLATIVE, No Pass										1		1
HC			10								1	11
Fair Law								2				2
Personnel			2			1		3		2	1	9
Title IX			2							1		3
LIABILITY	1							1		2		4
OFFICIATING	1									1		2
PROFESSIONAL SPORTS						1						1
REASONS FOR ATTORNEY SETTLEMENTS						1						1
SAFETY: Activity/Sport			3					4		1		8
Aquatics			2					4				6
High Adventure			2									2
Outdoor			1									1
General	1		2					3		1		9
SPORT INJURIES								1				1
VOLUNTEERS	1											1
TRANSPORTATION										1		1
WARRANTIES										1		1
TOTAL	9	0	32	2	1	5	3	33	1	21	9	111

approximately 8% of all articles and the *Journal of Sport Management* (published 2 times per year at the time) accounted for approximately 5% of the articles pertaining to legal aspects of sport and physical activity. The first issue of the *Journal of Legal Aspects of Sport* was published in August, 1991. This first issue published 9 articles pertaining to legal aspects of sport and physical activity.

Not every periodical identified the profession or employer of the author. Eighty-four percent of all the publications in which the author's profession or employer was identified were written by educators.

## ■ DISCUSSION

### **Suggestions to Facilitate Publication Efforts**

The publication of legal-oriented articles serves valuable purposes for practitioners, educators, and students involved in the sport industry. Seven suggestions related to the publication of articles concerning legal aspects of sport and physical activity are identified for consideration by prospective authors.

1. **Contact the editor regarding a possible topic for publication.** This study indicated that the majority of editors welcome letters of inquiry regarding the possible publication of various articles. There are two benefits which can be obtained from this inquiry. First, it can save the writer time when deciding where to send the manuscript. As noted, it is likely that one will not hear about a submitted paper for approximately two months. This is two months lost if the paper is not appropriate for the periodical. Second, communication with an editor allows the writer to establish an additional contact within the profession. Valuable advice, ideas, and issues may be addressed through this informal conversation.
2. **Be familiar with the periodical's guidelines for publication.** Each periodical has distinct characteristics regarding publication. The guidelines for publication are typically identified within the periodical itself. Reading various issues of a particular periodical is an excellent way for the writer to become exposed to the typical article format (i.e., case studies, quantitative research) and the reader constituency.
3. **Develop conference presentations into a publication.** The discussion generated from a presentation may assist the writer in the refinement and expansion of extant research.
4. **Read the newspaper.** A multitude of publications can emanate from current topics. It is important that educators, practitioners, and students stay abreast of recent legislation and other relevant trends. The application of news to the sport industry can provide for a very timely and relevant publication.
5. **Scan through a periodical's table of contents.** A writer without a topic may find this to be a valuable exercise when seeking various ideas for publication.
6. **Collaborate among colleagues.** Communication among peers may allow a neophyte idea to prosper into an exciting, dynamic publication.
7. **Consider submitting to state periodicals.** State periodicals are often overlooked when ascertaining where to submit a written article. Keep in mind that many of these state periodicals are peer reviewed and often provide an avenue for publication for noteworthy submissions.

## ■ CONCLUSION

Table 4 indicates those periodicals which published articles pertaining to legal aspects of sport and physical activity between 1987 and 1991. However, the periodicals in Table 4 which did not indicate publication of such articles does not mean that the editors are not receptive to these submissions. In fact, the *Journal of Leisure Research*, the *Journal of Sport and Social Issues*, and the *Journal of Teaching in Physical Education* are excellent periodicals to consider for manuscript submissions.

The *Journal of Leisure Research* seems to address a multitude of sport management issues including sport economics, marketing, promotions, gender, and employment. It seems remiss to leave out legal aspects. The *Journal of Sport and Social Issues* could be an ideal forum for articles pertaining to the liability of the stadium manager, professional sports and the spectator, and sexual harassment. Furthermore, the *Journal of Teaching in Physical Education* seems to be an ideal periodical to address risk management issues in the physical education classroom. The issues of volunteer liability, aberrant behavior, and safety pertaining to a particular sport or activity would seem appropriate topic areas for publication in this periodical. Writing for publication is, no doubt, an arduous process. However, the following quote by Orne (1981) can serve as a source of inspiration for the enduring author.

I would urge you to write, not because it is a good thing, not because it is nice to see your name in print, not even because it is relevant to full membership in our society, but rather because you will really get to know a field only if you contribute to it .... Writing ultimately becomes important not only because of what it does for others but also for what it does for oneself.

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