

BOOK REVIEW

ESSENTIALS OF SPORTS LAW

Glenn M. Wong

[Westport, CT: Praeger Publishers, 3rd ed., 2002]

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In *Essentials of Sports Law*, Glenn M. Wong, an attorney and Professor of Sport Management at the University of Massachusetts, Amherst, presents an in depth look at the legal issues that impact the sports industry. In this the third edition of the book that was originally titled *Essentials of Amateur Sports Law*, Wong covers many complex and interesting topics within the sports industry and presents them and their application to law in a comprehensive way.

The book initially began as Wong's attempt to present a study of sports law issues for those who are not necessarily lawyers, including college and high school athletic administrators and coaches, student-athletes, school board members, institutional representatives, and those involved in amateur sports organizations. After obtaining feedback from lawyers, sports managers and students, Wong added chapters to *Essentials of Sports Law*, that cover professional sports issues, thereby electing to drop amateur from the name of the third edition. It bears noting though, that the book is still heavily focused on introductory legal concepts and the amateur sports industry, as eleven out of the sixteen chapters primarily focus on amateur issues.

In a unique start for this type of text, Wong begins with an overview of the sports industry itself. In this introductory chapter Wong identifies what he delineates as the component parts of the industry - professional sports leagues, intercollegiate athletics, the Olympics, interscholastic athletics, individuals sports, agency firms, sport facilities, and the media. Although many similar texts on sports law focus on the application of law to sports, he begins by discussing the component parts of the sport industry, with the remaining chapters focusing on the application of the law to these component parts. Wong's understanding that sports law is really merely a form of applied law, applying the law to facts found in the sports context, and that "sports law" is still in its early stages of development as its own academic area of study,

explains why he uses the introduction to set out the context of the sports industry. Wong then uses the remaining chapters to examine the application of law to the sports industry.

The chapters within the book may best be separated into three distinct categories, (1) chapters that provide the basics of the legal system along with some application to the sports industry, (2) those that are thorough examinations of the intersection between sports and the law, and (3) those that present new and somewhat unique looks at industry segments that are not found in similar texts or casebooks.

In the first category, Chapters 2 through 7 present detailed legal basics along with some application to the law. In fact, Chapter 2: The Court and the Legal System in the United States, and Chapter 3: Legal Principles in Tort Law, are nothing more than primers on legal basics for those without legal training. Neither chapter focuses extensively on the law itself.

In Chapter 4: Application of Tort Law to Sports, Wong presents an in depth look at the many ways in which tort law impacts sports. From a legal perspective, for some it may seem that two chapters devoted to basic tort principles are too much. In fact, as all future lawyers spend a good portion of their first year in law school devoted to the study of Torts, these chapters will seem very basic and at times redundant, especially because there are not that many unique applications of tort law principles to sports. However, writing in part for the sport management academic discipline, which often focuses on issues of negligence and intentional torts in what some describe as risk management, Wong can be forgiven for devoting so much time to this analysis.

Chapters 5, 6 and 7 then focus on the many ways in which constitutional law issues intersect with sports. Chapter 5: Athletic Associations, begins with a look at the many governing bodies that are involved at the various levels of sport. In addition to presenting a detailed analysis of the NCAA's enforcement procedure (p. 177-186) and practical and useful due process checklists (p. 202-204) which could be valuable to administrators at any level of sport, Wong uses this chapter to explain many basic constitutional law concepts such as state action, standing, judicial review and others. The basics laid out in this chapter are then explored in more depth in the next two chapters.

Chapter 6: The Athlete and Constitutional Law, could also have been titled "Athlete Eligibility Issues." While the chapter does discuss how constitutional legal concepts impact eligibility issues for athletes at the interscholastic and Olympic level, the majority of the chapter is devoted to an in depth analysis of NCAA based eligibility issues. While this analysis is detailed, easy to understand, and valuable to any administrator at the college level, the brief

treatment given to other areas of sport might lead some to mistakenly believe that there are no serious constitutional issues for non-collegiate administrators.

Chapter 7: *Drug Testing and Policies*, is a bit less one sided as it presents a look at the legal issues involved, and the challenges to drug testing policies that occur at the interscholastic, intercollegiate, Olympic and professional sport levels. This is also the chapter where professional sports are discussed in depth for the first time in the book. Of particular value is Wong's analysis of the drug policies in the major sports leagues, the Professional Golf Association, and the Women's National Basketball Association (p. 305-317). Wong's research in finding information on these policies is commendable and his analysis is novel, mainly because most researchers have not taken the time to actually find and analyze the actual policies involved.

The next set of chapters may be understood best as thorough examinations of the intersection between sports and the law, beginning with Chapter 8: *Gender Discrimination in Athletics*. Given the recent report from the Commission on Opportunity in Athletics and the important impact that Title IX has had at various levels of sports, this chapter presents a thorough and easy to understand analyses of this timely issue. It also may be one of the most valuable chapters for administrators at the interscholastic and intercollegiate level faced with making sure that their programs come in to compliance with the strictures of Title IX.

Chapter 9: *Contract Law*, presents another interesting analysis of the many ways in which the law, in this instance general contract law principles, intersects with sport. The chapter begins a bit unevenly by focusing on basics of contract law that any lawyer or law student would find a bit redundant, however, as the chapter moves in to an analysis of different types of athletic contracts it becomes more valuable and interesting. While many other text and casebook authors present this topic from the perspective of "Enforcement of Sports Contracts," Wong presents it as an analysis of contract parts and the potential legal issues involved. Of particular note, Wong's analysis of high school coaches', officials', and physicians' contracts is interesting and novel among sports law texts (p. 423-427).

The book then shifts to what may be the two best written and most interesting chapters, Chapter 10: *Antitrust Law*, and Chapter 11: *Labor Law*. These chapters are substantially new to this third edition, and both chapters begin with easy to understand synopsis of the areas of law involved that would be valuable for students as well as lawyers. Chapter 10: *Antitrust Law*, focuses on the many antitrust issues facing professional, international and intercollegiate sports. This chapter may be most effective for a lawyer or law student as it uses the case law to define the area in a way that the other

chapters in the book often do not. In Chapter 11: Labor Law, Wong presents a very detailed analysis of the intersection between labor law and professional sports, beginning with a chronology of the development of labor law, and mirroring this chronological look in Wong's analysis of the various sports leagues. Of particular notice are Wong's outline of the major issues covered in a professional sports collective bargaining agreement (p. 514), his description of the collective bargaining process (p.502-506), and his tables presenting the collective bargaining history in the four major sports leagues (p. 532-533).

Within the next chapter, Chapter 12: Agency Law, Wong presents an interesting look at the profession of the athlete agent. Unlike other authors, he begins this chapter by exploring basic agency law principles. Where many believe only lawyer agents would have legal concerns, Wong recognizes that this area of the law does impact all of those within the athlete agent profession. After this foundational work, the chapter is really a look at the athlete agent business including; player drafts, standard player contracts, player's associations, agent functions and forms of regulation of agents. While this chapter is interesting, for some readers who mistakenly think that the majority of sports lawyers are athlete agents, it may be misleading to see so much devoted to agency as a major are of sports law. Wong does not present the chapter as such, but his focus on it in such depth presents the athlete agent relationship as a major component of the sports industry.

The final four chapters present new and somewhat unique looks at industry segments that are not found in similar texts or casebooks. Chapter 13: Intellectual Property Law, may be the most valuable chapter in this regard. This is another new chapter found in the 3rd edition, and it presents an overview of the many ways in which intellectual property law impacts the sports field. Many sports law texts, casebooks, and treatises are lacking in that they do not recognize the importance of intellectual property law and its growing impact on the sports field. In fact, *Essentials of Sports Law* is one of the few books that even devote a chapter to the topic. Wong does not spend much time focusing on the legal basics; instead he only discusses the basics of trademark, copyright and patent law as they intersect with the sports industry.

Chapter 14: Television and Broadcasting, is one of the most unique chapters to *Essentials of Sports Law*. While many sports law texts cover broadcasting issues, most only focus on the application of the Sports Broadcasting Act. Wong's chapter is unique in that he gives a thorough analysis of broadcasting as an industry component, and then analyzes many interesting legal issues impacting this industry. Although some readers may find that this chapter has the least practical connection to their part of the

industry, with expanding rights fees in most sports, the futures importance of this industry cannot be underestimated.

In the next chapter, Chapter 15: Business Law, Wong puts together three areas of legal analysis that many other authors have separated into distinct chapter coverage. The chapter begins with an analysis of "Business Structures," what many lawyers and law students would understand as Corporate Law. Although this part may be difficult for those without some background in corporate law to understand, Wong gives an interesting primer on the many ways that sport corporate entities are organized. The next part focuses on "Tax Issues" in sports. Interestingly, Wong includes a discussion of professional sports franchise facility financing in this section, not as a political and economic decision for a community, but instead focusing on the fact that many facilities are financed with public tax dollars. Finally, Wong devotes some time to an analysis of what he classifies as "Employment Law." In other texts some of the issues discussed in this area, would be classified as gender discrimination issues (Equal Pay Act and Sexual Harassment), Civil Rights issues (Title VII of the Civil Rights Act, Race Discrimination Cases), or contract law issues (Employment-at-Will Contracts, EEOC Coaching Pay Guidelines), but Wong instead classifies all in this general category. Although his analysis is sound, at times it seems that Wong merely did not want to devote separate chapters to the three disparate topics covered in Chapter 15.

In the last chapter, Chapter 16: Additional Legal Concerns, Wong again presents a few disparate areas in which the law impacts the sports industry. He begins with a short analysis of criminal law concerns in sports. Although this analysis is distinct from the two earlier chapters on tort law, the issues presented are so similar that one wonders whether this section could have been included instead in one of the earlier chapters. Next Wong focuses on gambling as a special concern for sport administrators. His analysis of this issue is short but interesting and presents a useful look at this often ignored problem in athletics. Wong also presents a short analysis of disability laws and their impact on sport in this last chapter. The short analysis of this timely issue, which seems to impact the sport industry more and more every day, is very disappointing. Perhaps in future additions of this book Wong will devote more time to disability concerns that have the potential to impact the sports industry on the same scale as Title IX. Wong then ends the book with a short analysis of AIDS testing in sports. As he has devoted a chapter to drug testing, it seems that this area would have been better served by being placed alongside that connected legal issue.

In the end, with *Essentials of Sports Law*, Glenn Wong has produced a book that will be invaluable as a resource for the sports industry, especially for

those who are faced with the many legal issues found within the industry. The book is well written in a style and language that belies the book's length and the amount of material actually covered. Wong also covers virtually every important concept within the study of sports law and its impact on the sports industry. Although some may wish for more coverage of Civil Rights issues, Disability law, and the Commissioners authority in sports, there is no important way in which the law impacts sports that Wong does not cover in this third edition.

As a teaching tool, this book could not be used in a law school. Law students learn Tort, Contract, Constitutional and other basics of law during their first year, while sports law courses are only taken as upper level electives. Much of the foundational parts of this book would be redundant and simplistic for these students. In addition, law school courses are typically taught using casebooks, which teach the particular area of law by focusing on and actually reading the important cases within that area. While Wong does provide citations and small descriptions of the important cases in all of the areas he covers, he rarely discusses them in any depth. In the preface to this third edition, Wong mentions that he is developing a companion casebook and it will be interesting to see how this casebook might be used at the law school level.

Although the book presents many difficult legal concepts in an easy to understand way, it may still be a bit too detailed, and may cover too many difficult legal topics to be used at the undergraduate sport management level. Still, Wong's simple overviews of basic legal concepts like tort law, contract law, and the legal system, would be invaluable and understandable for anyone without legal training. The book could also be used in upper division or graduate level legal courses within a sports management curriculum with students who have more than a basic understanding of legal concepts.

In the end, as a resource tool and due to the sheer volume of information contained, *Essentials of Sports Law* is an incredibly valuable book for lawyers in the sports industry, athletic administrators, and others interested in the laws impact on the sports industry. For those looking to find quick answers to legal concerns in sports, the book will provide easy to understand definitions, case references, and tips that will prove invaluable.

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