

REPORT

An Analysis of the Presence and Perception of the Juris Doctorate Degree in Division I College Athletics Administration

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INTRODUCTION

In America, sport is a multi-billion dollar industry, with sports fanatics seizing athletic apparel, athletic event tickets, and other sport merchandise with unprecedented fervor. Historically, sports fans were divided into two distinct subgroups: the professional sports fan and the college sports fan. The professional sports fan was one who paid exorbitant ticket prices to attend an event in a massive state-of-the-art venue and was dazzled with entertainment and spectacle. For these fans, the competition was secondary to the experience itself. In contrast, the college sports fan was a devotee to the concept of amateurism, often paying a small fee (if any) to attend a game in a modest venue where the focal point remained on the competition itself.

During the past decade, the two worlds have converged, as college athletics has gotten bigger and more professional. College venues now boast the biggest and best of everything; the number of capital projects has escalated; the budgets of athletics departments are on the rise; and coaches' salaries continue to soar. According to some, collegiate sport has become "big business" (Isidore, 2006). As a result of this convergence, college athletic departments are encountering increasingly complex financial and legal issues. With the legal affairs of college sport no longer confined to simple contract

negotiation and drafting, the need to have someone within the department with a legal background may now be more important.

The following hypothetical situations provide a small glimpse of the legal issues that confront collegiate athletics departments on a regular basis: a donor contacts the department to inquire about the tax issues surrounding a potential planned gift; a new vendor requests a contract extension; the department learns of an unauthorized use of the university's brand and must decide how to proceed; an athlete questions the permissibility of drug testing. Even though athletics directors and administrators may not have legal training, they "are being called upon with greater frequency to make decisions which fall directly within the encompassing parameters of the legal environment" (Mallios, 1985, p. 14).

The nexus between these two areas is no surprise to academia, as many law schools already offer courses related to sport. These courses cover a variety of topics and often touch on issues of particular importance to collegiate athletics: due process, drug testing of student athletes, Title IX, amateurism, anti-trust and intellectual property. Taking sports law education a step further, Marquette University Law School offers a specific Sports Law Program that rewards students with a Sports Law Certificate from the National Sports Law Institute upon completion of their Juris Doctorate and requisite course work. Other (non-legal) areas of academia have also recognized the benefits of including basic law-related courses within the curriculum. Many sports administration and sport management programs at both the undergraduate and graduate level include a sport law component as part of the required coursework. Select institutions like UNC-Chapel Hill and Ohio University, among others, provide an opportunity for students to pursue graduate degrees in both law and sports management/sports administration. These dual degree programs, while still relatively new, are increasing in both popularity and frequency across the nation.

Given the connections between intercollegiate athletics and the law, it would seem that an individual with expertise in both areas would be an attractive candidate for an athletic department administrative position. The purpose of this study is to ascertain if athletic departments and conference offices at the Division I level have, in fact, capitalized on the benefits of having someone with a Juris Doctorate degree in their department and to identify the perceptions (both positive and negative) of employing such individuals. For purposes of this study, a Juris Doctorate degree is a law degree from a university; also called bachelor of laws (Juris doctor, n.d.). The study specifically addresses the following questions:

1. How many administrators in Division I athletic departments and Division I conference offices have earned a Juris Doctorate degree?
2. Who are these administrators and in what area(s) of athletics administration are they employed?
3. In what area(s) do these athletics administrators provide legal counsel or advice in their current positions?
4. Is an individual who has earned a Juris Doctorate degree an attractive candidate for employment within a Division I athletic department or Division I conference office?
5. What are the positive and/or negative perceptions of hiring a candidate who has earned a Juris Doctorate degree?

Despite the fact that the intersections between sport and the law seem apparent, there has been little (if any) research conducted regarding the target population of college athletic administrators who have earned a Juris Doctorate degree. As such, there is no information directly on point. Competition for administrative positions within college athletics is already intense, but advanced legal training may give a candidate a competitive advantage.

By revealing this information, this study addresses the utility of pursuing advanced degrees in both areas of specialization. The data obtained from this study can be used to promote educational programs like the Dual Degree Law/Sports Administration programs or the Marquette Sports Law Program and can provide some indication as to whether those who obtain similar degrees will be more competitive in the job market. This information will also be a valuable resource for those who have an interest in pursuing a career that combines both areas of interest, as the administrative positions that the target population occupies are identified as well as the perceptions of hiring these candidates.

REVIEW OF LITERATURE

Broadly defined, "sports law" is simply the law as it applies to sports and is used within the sports context (Appenzeller, 1985, p. xiii). For decades, "sports law" was primarily associated with professional sports agents, as seen in the movie *Jerry Maguire*. When discussed in the collegiate sport context, sports law was generally limited to the areas of simple negligence and contracts. There was little need, and thus even less motivation, for administrators and athletics directors to remain abreast of the various legal issues that could affect the department's day-to-day operations. During the

1970s, with the nation's newfound focus on discrimination and increasingly large amounts of money being filtered into college sport, it was only a matter of time before athletic departments would be forced to realize the importance of the law in their previously insulated world.

An endless number of factors can be cited as influential factors in thrusting legal issues to the forefront of collegiate athletics. Among the most relevant catalysts are: a trend toward increased litigation in all areas of the law, the Civil Rights Movement and ensuing legislation, and an influx of money into collegiate sport.

In general, the United States has been critiqued as a litigious society due to the large numbers of lawsuits that are filed each year. During the last half century, the statistics regarding the number of lawsuits filed in the United States are staggering, with a 21% increase in civil filings in state courts between 1984 and 2000 (Ostrom, Kauder, & LaFountain, 2001, p. 6). In 2005, the National Center for State Courts reported almost 13 million civil lawsuits filed in state courts (Strickland, Bromage, & Raftery, 2007)

For years, the world of sport remained relatively insulated from legal challenges, watching the rest of the nation endure the escalation of litigation. Author David O'Brien notes that sport was unable to sustain this invisibility, "the expectation that the sports world could hold itself immune from the growing litigation craze sweeping the country was simply too much to ask" (O'Brien, D. & O'Brien, T., 2004, p. ix). Particularly in the last half century, the broadening scope of American law has affected many occupational fields, like college athletics, that have traditionally remained outside the scope of judges and juries: "Many of today's cases would have been laughed out of court at one time. But behind the growing rush to litigate is an array of far-reaching changes in the United States that are no laughing matter" (Appenzeller, H., & Appenzeller, T., 1980, p. 4). With the ever-evolving nature of the law and the increasingly complex legal issues that are becoming more visible in athletics, the number of legal challenges in the area of sport is certain to continue to increase (O'Brien, D., & O'Brien, T., p. ix).

From the 1950s through the 1970's, civil rights issues were thrust to the forefront of the American legal system as society became acutely aware of issues surrounding both race and gender. During this period, various court decisions and legislative proclamations promoted the end of segregation and discrimination. Among these, the *Brown v. Board of Education* (1954) case, the Civil Rights Act of 1964, and Title IX of the Educational Amendments of 1972 had a lasting effect on the legal landscape and eventually, the world of collegiate sport.

In 1954, the Supreme Court of the United States handed down its verdict in *Brown vs. Board of Education*, declaring school segregation unconstitutional and marking the beginning of the Civil Rights Movement. Ten years later, Congress passed The Civil Rights Act of 1964, landmark legislation that prohibited discrimination in public places, provided for the integration of other public places, and made employment discrimination illegal (42 U.S.C. §1971, et. seq., 2008). Originally intended to benefit African Americans, the legislation was amended before passage to include protection for gender as well, thus creating the most sweeping comprehensive civil rights legislation since the Reconstruction period.

In 1972, Congress enacted another key piece of legislation, Title IX of the Educational Amendments of 1972 (Title IX). Title IX prohibits sex discrimination in educational programs that receive federal funding, thus promoting gender equality (20 U.S.C. § 1681, et. seq., 2008). Even though the statute's wording makes no specific reference to athletics, subsequent Regulations, Policy Interpretation, and Clarifications have proscribed requirements in both interscholastic and college sport.

Just as the legal landscape was changing, collegiate sport was also experiencing a fundamental shift of its own relating to the budgets and finances of athletic departments. During a six-year period from 1995-2001, Division I athletic department budgets increased by more than 25 percent (Sylwester & Witosky, 2004). The pace at which athletic spending escalated during this period was more than double the average increases in general university spending (Sylwester & Witosky). While departments cite increases in basic costs such as scholarships and travel, many critics believe that the real motivation behind such an enormous increase in spending is directly linked to the department's desire to win games (Sylwester & Witosky).

Two prominent areas of increased spending are coaches' salaries and capital projects. Early in 2007, Alabama announced that it was hiring former Miami Dolphins coach, Nick Saban, to lead the Crimson Tide football team toward a "new era" of prestige and success (Associated Press, 2006). With an eight-year deal totaling more than \$32 million, Saban's contract stunned the world of college athletics, causing many departments to fear a painful precedent.

Saban's contract, while staggering, is indicative of a larger trend toward increased compensation for Division I coaches. In a 2006 article in *USA Today*, the average pay for a Division I football coach was listed as \$950,000, excluding any perks, benefits, or incentives (Upton & Weiberg, 2006). With 42 of the 119 Division I-A football coaches earning more than one million dollars annually (a significant increase from the five coaches who earned more

than one million dollars in 1999), "the million-dollar coach, once a rarity, is now the norm" (Upton & Weiberg).

Lastly, some believe that college sports has fallen victim to an arms race by financing extremely expensive capital projects at an unprecedented rate over the past decade. Two major athletic programs, the University of Michigan and the University of Texas, have led the charge toward stadium expansion, pouring millions upon millions of dollars into state-of-the-art renovations. The University of Michigan's overhaul of the "Big House" includes the addition of 3,200 club seats and 83 suites, at a price tag of \$226 million (McCafferty, 2006). In 1999, the University of Texas completed a three-year, \$90 million upgrade and expansion of its football stadium (McCafferty). Seven years later, following Texas's 2006 Rose Bowl victory, the Texas Board of Regents approved another \$180 million project for the stadium, bringing the total renovations in the last decade to more than \$270 million (McCafferty). Even though Texas and Michigan are two premier football programs with large budgets, the unapologetic words of Texas Associate Athletics Director, Ed Goble, may best summarize the general consensus among major Division I-A programs: "If we can pay for it, we'll do it" (McCafferty).

Critics were correct in their assumption that the world of sport could not remain insulated from the court room indefinitely and litigation trends, Civil Rights awareness and increased finances have had a profound impact. In the last half century, college sport has seen an increase in litigation related to constitutional issues such as gender and racial discrimination. During the twenty-two year period from 1973 until 2005, 35% of litigated cases involving the NCAA related to constitutional issues like discrimination (Epstein, 2006).

Title VII of the Civil Rights Act of 1964 and Title IX have been the foundation for legal action for employees and student-athletes who have been the victim of unfair discrimination. Title VII prohibits certain employers from discriminating on the basis of race, color, religion, sex, or national origin, and has also been used to successfully challenge same-sex sexual harassment (42 U.S.C. § 2000e-2, 2008; *Oncale v. Sundowner Offshore Services, Inc.*, 1998). Since being passed in 1972, Title IX has opened the eyes of athletics directors and administrators across the nation: "Perhaps no issue has commanded the attention of administrators of intercollegiate athletics more than the gender equity requirements of Title IX. . ." (Greenberg, 1999, p. 270). Title IX is most frequently used by student athletes to challenge inadequate participation opportunities or inequitable treatment, but has also provided a cause of action for coaches and administrators (Title IX, n.d.). Despite the fact that Title IX is more than 35 years old, with more than 416 athletics complaints filed with the

Office of Civil Rights between January 2002, and December 31, 2006, it remains a useful tool for challenging sex-based discrimination today (Title IX).

Another area of constitutional importance that has arisen in the athletics context is the scope of due process protection. Rooted in the 5th and 14th Amendments of the Constitution, due process ensures that "no person shall be . . .deprived of life, liberty, or property without due process of law" (U.S. Constitution, Amendments V & XIV). Given the nature of a constitutional mandate, only state actors are subject to the requirements of due process, thus excluding private entities. Even though the United States Supreme Court held in *NCAA v. Tarkanian* (1988) that the NCAA is not a state actor, and is thus under no obligation to provide due process, lawsuits against the association relating to due process issues are widespread (Lederman, 2006). Although not required to do so by law, to help reduce the amount of frivolous litigation the NCAA has implemented procedures to help minimize its risk (NCAA, 2007, Articles 19 & 32). Unlike the NCAA, many member institutions are state actors and are thus subject to constitutional due process requirements. As such, these institutions (and their athletic departments) must provide the appropriate substantive and procedural protections as afforded by the constitution. Thus, universities must pay close attention to the procedures used when interacting with student athletes, for fear that a valid due process claim may arise if they fail to do so.

Liability and negligence suits have also become prevalent in the area of sports. While injuries have always been common in athletics, the fact that an injury occurs does not necessarily mean that parties were negligent or that the injured individual should receive monetary damages (Youth Sport, 2000, p. 17). Regardless, the threat of expensive litigation is "real and ever-present" in today's litigious world (Youth Sport, p. 17). As such, athletics directors and administrators must now be aware of an audience of individuals who may in some way create legal liability for the athletics department: administrators, coaches, student-athletes, officials, spectators, and athletic trainers (Appenzeller, H. & Appenzeller, T., 1980, 113).

One of the leading lawsuit claims involving injuries in sport is in the area of unsafe facilities or equipment (Youth Sport, 2000, p. 87). In the late 1970s, there were more than 14 major football helmet manufacturers (Mallios, 1985, p. 14). In the mid-1970s, injuries started to pervade collegiate football. In 1975 alone, approximately 30% of every 100,000 college football players had neck injuries of some sort (Quirk, 1999, p. 102). In 1985, after a decade of intense litigation, only two major manufacturers remained (*Id.*). Football helmet manufacturers are not the only group in danger of being litigated into

extinction. According to the U.S. Consumer Product Safety Commission, from 1979-1993, there were at least 27 deaths attributable to movable soccer goals (CDC, 1994). With the growing emphasis placed on capital projects in collegiate athletics, athletic administrators must be increasingly aware of the legal liability that may arise from claims related to unsafe facilities or equipment.

While contracts have been a permanent fixture in collegiate sport since its inception, the nature and complexity of these agreements have substantially changed in the last half decade. This change may best be seen in the area of coaching contracts. Once used as a template for specifying a coach's salary and providing typical benefits like insurance and travel reimbursement, the coaching contract is no longer a "simple matter of salary and fringe benefits provided by the university," (Greenberg, 1999, p. 256). Given the perception that college sports are "big business," college coaching has become a game of high stakes where money talks (Greenberg, p. 247). As such, the typical revenue coaching contract routinely includes in its compensation package monies related to television and radio appearances, camps, and endorsements (p. 256). Some major Division I institutions go a step further, providing a host of atypical perks including low interest home loans, real estate discounts, million dollar annuities, pricey luxury suites, vacation homes, and vacation stipends (Upton & Weiberg, 2006).

Aside from the increasingly long lists of benefits and perks that are added to coaching contracts, the high turnover rate in Division I coaching makes careful contract drafting imperative. *USA Today* reports that more than one third of NCAA Division I Men's basketball programs replaced head coaches in the last two years ("College basketball coaching changes," 2007). With the typical college football and basketball coach's tenure at an institution only four years, it should come as no surprise that these contracts need to be drafted by competent legal counsel to ensure that the school is protected by liquidated damages provisions in the event that a coach leaves prior to the end of the contract term (Greenberg, 2001).

Aside from common contracts becoming more complex in nature, athletic departments are also entering into new types of contracts and agreements. For example, with athletic brands, logos, and other copyrightable images becoming a popular source of revenue for athletic departments, licensing and trademark agreements are routinely entered into in order to protect valuable assets. In addition to licensing agreements, departments contract with media outlets, vendors, construction companies, and corporate partners to receive and provide services or benefits (O'Brien & Overby, 1997, p. 26). Given the breadth of subject matter and legal principles incorporated in these

agreements, administrators are encouraged to seek counsel from individuals who are familiar with principles of contract law (O'Brien & Overby, p. 26).

Recognizing the new challenges that result from the changes in college sport and the ensuing legal effects, academic institutions and athletic departments have responded by offering more opportunities that combine these areas of interest. Academic programs across the nation have begun to offer courses related to sports law at both the undergraduate and graduate levels. Many undergraduate institutions now offer a sports administration program (or equivalent) whereby students are educated in the areas of sport-related business and management (UNC Exercise and Sport Science, 2007). Typically, these programs contain a sport law component that provides students with a "foundation in general legal concepts" in the areas that they are most likely to encounter in their profession(s) (UNC Exercise and Sport Science). Similarly, graduate level sports administration and sports management programs generally include at least one class targeted toward the education of legal issues in sport. Depending on the type of program, the scope of the course may be limited to areas affecting only a particular sector of athletics or the course may encompass all levels of sport ranging from interscholastic to professional athletics. For example, the UNC Sport Administration program focuses solely on preparing students for careers in collegiate athletic administration. Thus, UNC's sports law component, Legal Issues in Collegiate Sport, provides students with "an introduction to the United States legal system, legal principles, and legal issues related to intercollegiate athletics" (UNC Exercise and Sport Science). While the course still covers a variety of legal topics that are universal in sport (like coaching contracts, drug testing, and discrimination), these topics are discussed as they apply solely in the intercollegiate context. On the other hand, some programs prepare students for a wider range of careers in the sport profession. For example, the University of Miami's Masters Program in Sports Administration seeks to provide its students with a competitive advantage in fields ranging from professional sport administration to administration in the general health and leisure industry (University of Miami, 2007). Thus, Miami's legal component, Legal Aspects of Sports and Exercise Science, provides a wider scope of information to students to compliment the program's breadth (University of Miami).

Undergraduate and graduate programs are not the only areas of academia that have recognized the connection between sport and the law, as 84% of the law schools across the nation offer a sport law course (NSLI, 2003). A 2003 survey conducted by the National Sports Law Institute of Marquette University Law School revealed several trends that, when compared to the

Institute's previous study in 1999, support the premise that law schools are recognizing the educational value of having sport courses as part of their curriculum (NSLI). Relevant findings include: (1) more law schools are now offering more than one sports law course, (2) more law schools are offering sports law courses taught by full-time faculty, and (3) there has been an increase in the number of law schools that have a sports or entertainment law association of some sort (NSLI).

Many law schools are offering opportunities outside of daily coursework to provide students with more involvement with sports law. Sports law reviews and journals as well as societies and internships are becoming more commonplace (NSLI, 2003). Some schools have gone a step further. For instance, Marquette University Law School offers a well-respected Sports Law Program that provides students with a variety of opportunities such as diverse course offerings in sports law, internships, Law Review, and Moot Court (Marquette University Law School, 2007). As further evidence of its commitment to sports law education, Marquette University Law School founded the National Sports Law Institute, a "national educational and research institute for the study of legal, ethical and business issues affecting amateur and professional sports" in 1989 (Marquette University Law School). This institute hosts national conferences and assists with the internship placement and publication efforts of its members.

With both graduate programs and law schools offering courses and opportunities in the area of sports law, a handful of schools have capitalized on this connection by offering dual degree programs that allow students to combine legal and graduate educational programs. Recognizing that sports administration professionals are increasingly encountering a variety of legal issues, obtaining dual degrees from both the law and graduate schools provides students with even more flexibility in pursuing career opportunities (Ohio University Center for Sports Administration, n.d.). Logistically, due to the cooperative enrollment between both programs, students are able to complete both areas of study in a shorter period of time than if they had pursued each experience separately. For example, the University of North Carolina at Chapel Hill offers a JD/MA dual degree program in sports administration and law whereby students can obtain both a Juris Doctorate degree and a Masters of Arts degree in sports administration after four years of coursework (UNC: Dual Degree, 2007). However, if pursued individually, this combination of degrees would require five years of study (three years for the Juris Doctorate degree and two years for the Masters of Arts degree in Sports Administration).

When looked at in totality, these educational opportunities indicate the reality that sports administration and the law are becoming increasingly interconnected (Capital University, n.d.). Students who pursue these educational paths, particularly the dual degree option, will arguably be able to progress faster in their career paths, as they are equipped with tools that provide flexibility in their professional pursuits (Capital University).

With academia responding by offering more opportunities in this combined area of interest, it seems that college athletics departments would take advantage of the talented pool of candidates emerging from these programs. To date, there is no published research that focuses on the correlation and placement of individuals with Juris Doctorate degrees within collegiate athletic departments. However, by looking at information regarding profiles of athletic administrators, one may infer that individuals who have earned Juris Doctorate degrees are competitive candidates for employment in collegiate sports.

In 2003, Barbara Osborne, J.D., a professor at the University of North Carolina and director of the graduate program in sports administration, presented research to the NCAA Committee on Women's Athletics regarding the Senior Woman Administrator (SWA) position. Osborne mailed surveys to 974 SWA's at the Division I, II, and III level and received an overall response rate of 45.9% (Osborne, 2003). From the responses received, Osborne was able to create a profile of the typical SWA. For the purposes of this study, the relevant characteristic of the SWA was her completion of an advanced educational degree. Osborne's findings are listed in Table 1.

TABLE 1: HIGHEST ACADEMIC DEGREE EARNED BY SWA'S

NCAA Division	High School	Bachelor's	Graduate	Doctorate	Professional
I	1.2%	13.7%	70.8%	9.5%	4.8%
II	1.7%	20.7%	69.0%	6.9%	1.7%
III	70.0%	20.8%	68.8%	9.0%	0.7%
Combined	1.2%	18.0%	69.6%	8.6%	2.6%

While the data above does not specifically address whether any of these individuals had earned a law degree, the data does support that SWA's typically have earned some form of graduate or post-graduate degree. From the data collected in Osborne's study, the finding that graduate level degrees are commonplace in the SWA position supports an assumption that a law degree may also be beneficial for these individuals. Further generalizing this

information to other positions with the athletic department, one can infer that an advanced degree beyond a Bachelor's degree would enhance a candidate's attractiveness.

The impact of a variety of factors seems to indicate a need for college athletics administrators to have knowledge of the law. Civil rights legislation protecting against discrimination based on race and sex, such as Title VII and Title IX, have generated increasing numbers of lawsuits. The increased focus on winning and coach's compensation packages worth millions of dollars necessitates well drafted employment contracts. Given the apparent need for legal advice in the typical day to day operations of a college athletics program, this study asked whether NCAA Division I athletics programs do employ athletics administrators who have earned a Juris Doctorate degree, and sought to identify the perceptions of these individuals and their employers regarding the value of that legal degree.

METHODOLOGY

Subjects

Since the purpose of this study was two-fold, two populations were necessary to achieve the dual purpose. The first group was comprised of 330 directors of athletics at NCAA Division I institutions and 32 commissioners of Division I conferences. These individuals were the initial contact for the study, as they were able to provide opinions regarding the value of hiring someone with a Juris Doctorate degree and were perceived to be in the best position to identify the second group, administrators in Division I athletic departments and Division I conference offices who have earned a Juris Doctorate degree.

The 362 Division I athletics directors and conference commissioners were sent an email cover letter that explained the purpose of the study and asked the population for their participation. A link to the online survey was inserted into the bottom of the letter such that someone who wished to participate in the survey could click the link and would be redirected to the survey (Survey One) which was hosted by an online survey service, Survey Monkey. The purpose of Survey One was to obtain the contact information for the second group and to illicit information about the perceived benefits and drawbacks of hiring an administrator with a Juris Doctorate degree from the employer/supervisor point of view.

The ability to identify the second population was completely dependent upon receiving full and accurate responses from the athletics directors and

conference commissioners in the first population. From the information provided in Survey One, the second population was also contacted by email with a link to an online survey (Survey Two). The second population was asked questions similar to Survey One about the perceived benefits and drawbacks of having someone in their department who has earned a Juris Doctorate degree. Survey Two also included questions about their salary range, their current and previous employment history, the areas in which they provide legal counsel to their department or office, and their job description.

Descriptive statistics, mainly frequencies and percentages, were used to determine the most frequent and common answers from both groups of respondents. Responses related to the benefits and drawbacks of having an administrator in the athletics department with a Juris Doctorate degree were descriptively compared between groups to determine whether perceptions were similar or different.

RESULTS

Survey One was sent via email to 330 Division I athletics directors and 32 Division I conference commissioners. Of the 362 potential participants, 142 completed the survey, resulting in an overall response rate of 39.2%. Survey One was needed to identify the population for Survey Two – those currently working in the athletics department that have earned a Juris Doctorate degree. Although 63 athletics departments or conference offices reported that they employ 97 administrators with the Juris Doctorate degree, contact information was only provided for approximately half (50.5%) of this population. Using the contact information provided, Survey Two was sent to 49 individuals who have earned a Juris Doctorate degree and who currently work in either a Division I athletic department or a Division I conference office. Thirty-three individuals completed the second survey, resulting in an overall response rate of 67.3% for the second population.

How many administrators in Division I athletic departments and Division I conference offices have earned a Juris Doctorate degree?

Of the 142 survey respondents, 141 indicated that there are between zero and six administrators working in the athletics department or conference office. The most common answer choice was "0," with 78 respondents (55.3%) selecting this choice and thereby indicating that their department or office does not currently employ any individuals who have earned a Juris Doctorate degree. The second most common answer choice selected was "1," with 44 respondents (31.2%) indicating that their department/office had one

individual on staff that has earned a Juris Doctorate degree. Eleven respondents (7.8%) indicated that they had "3" such individuals on staff. The remaining answer choices each had less than a 3% response rate. In total there were 97 athletics administrators with the Juris Doctorate degree reported working at 63 distinct Division I athletics departments or conference offices. Assuming that the respondents were a representative sample of the population, this would calculate to a possible total of 162 athletics administrators with the Juris Doctorate degree working at the 362 NCAA Division I athletics departments or conference offices.

Who are these individuals and in what area(s) of athletics administration they are employed?

Demographic information was collected through the second survey to build a profile describing those administrators with a Juris Doctorate degree. Of the 33 respondents to the second survey, 20 individuals (60.6%) indicated that they were licensed to practice law while 13 individuals (39.4%) stated that they were not licensed to practice law at the time they responded to the survey. Although one might assume that an individual who earns a Juris Doctorate degree would use the degree to practice law, almost half (45.5%) of the respondents have never practiced law. Of the remaining 18 respondents, 11 practiced law at a private firm, three practiced law in a public setting, and four had experience at both a private firm and in the public sector.

The majority of respondents had previous experience working in college athletics, with 23 individuals (71.9%, n=32) indicating that this was not their first time working in college athletics, while the remaining nine respondents (28.1%) stated that this was their first experience. However, when asked how long these administrators have been employed in their present position, the majority of respondents (n=33) were relatively inexperienced. Ten (30.3%) held their present position for less than one year, nine (27.3%) have been in their current position between 3-5 years, four (12.1%) were between 1-2 years, five (15.2%) between 5-10 years, and five (15.2%) were in their current position for more than 10 years.

The salaries of respondents range from \$25,000 to over \$100,000, with one choosing not to provide this information (n=32). The most common salary range was the "\$25,000-\$49,999" range with 12 (36.4%), followed closely by the "\$50,000-\$74,999" range, with 11 (33.3%) respondents. Five individuals (15.2%) indicated that they make "\$100,000 or more" and four (12.1%) indicated that their salary was between "\$75,000 and \$99,999."

Administrators with a Juris Doctorate degree are most often employed as the Associate Athletics Director (11, 33.3%, n=33) and Assistant Athletics Director (9, 27.3%). Three respondents (9%) indicated that they were employed as a coach at their respective institutions, while three respondents (9%) indicated that they work in compliance either at the university or conference level. Additional respondents identified as the Conference Commissioner (2, 6.1%), Associate Conference Commissioner (2, 6.1%), and Assistant Conference Commissioner (2, 6.1%). Only one respondent (3.0%) indicated that he/she was an Athletics Director.

In what areas do athletics administrators who have earned a Juris Doctorate degree provide legal counsel or advice in their current positions?

Respondents were provided with 13 categories as well as an "other" answer choice whereby respondents could write in additional areas. The majority of respondents (n=32) provide legal counsel or advice in only three of the 13 categories. The most common response, selected by 27 respondents (84.4%), was "NCAA and/or conference rules and compliance." Nineteen respondents (59.4%) selected "risk management or liability concerns" and 18 individuals (56.3%) indicated that they provide counsel regarding "gender equity issues (including Title IX)."

Less than half of the respondents provided legal counsel or advice in the remaining categories. The next three most popular choices were "contract drafting" (12, 37.5%), "racial equity issues," (11, 34.4%), and "contract negotiation" (10, 31.2%). Less than a quarter of the respondents provided legal counsel or advice related to "licensing, trademark, and/or copyright" (8, 20%) or "personal legal issues for staff or athletes" (7, 21.9%). Five respondents (15.6%) indicated that they assist with "other constitutional matters," which was defined as any area of constitutional relevance excluding gender and racial matters. Only three respondents (9.4%) provide legal counsel regarding "criminal issues related to administrators, coaches, staff, and athletes." Similarly, two respondents (6.3%) counsel their departments or offices about "UBIT (Unrelated Business Income Tax)" matters and only one individual commented that he/she provided "general tax advice." Only one category, "estate matters for donors" yielded no response.

Eight respondents selected the "other" option and chose to write-in additional areas in which they provide legal advice or counsel. Advice regarding HIPPA, FERPA, the Fair Labor Standards Act, and Title VII legislation was specifically noted. More general categories such as "employment law issues" or "random individual instances" were also listed.

Three respondents indicated that their legal advice was more informal in nature, contributing perspective by "framing issues, asking the right questions, and making decisions". Two indicated that they don't provide legal advice because they are not licensed to practice law in that state. The results of all answer choices are displayed in Table 2.

TABLE 2. CATEGORIES OF LEGAL ADVICE OR LEGAL COUNSEL PROVIDED

TYPE OF LEGAL ADVICE	NUMBER OF RESPONDENTS	PERCENTAGE
NCAA and/or Conference Rules and Compliance	27	84.4
Risk Management or Liability Concerns	19	59.4
Gender Equity Issues (including Title IX)	18	56.3
Contract Drafting	12	37.5
Racial Equity Issues	11	34.4
Contract Negotiation	10	31.2
Licensing, Trademark, and/or Copyright	8	25.0
Personal Legal Issues for Staff or Athletes	7	21.9
Other Constitutional Matters	5	15.6
Criminal Issues (related to administrators, coaches, staff, and athletes)	3	9.4
Informal in Nature	3	9.4
Unrelated Business Income Tax	2	6.3
Do Not Provide Legal Advice/Not Licensed to Practice in that State	2	6.3
Employment Law Issues	1	2.5
Title VII	1	2.5
Fair Labor Standards Act	1	2.5
FERPA	1	2.5
HIPPA	1	2.5

TYPE OF LEGAL ADVICE	NUMBER OF RESPONDENTS	PERCENTAGE
General Tax Advice	1	2.5
Random Individual Instances	1	2.5
Estate matters for donors	0	0

Athletics administrators with the Juris Doctorate degree were also asked how often they interact with General Counsel. Although it is assumed that lawyers speak the same language, there is very little communication between the administrators with the Juris Doctorate degree and General Counsel. The most common answer was "rarely (1 or more times per year)," selected by 11 respondents (34.4%). Six respondents (18.8%) selected "sometimes (1 or more times per month)," five respondents (15.6%) selected "never," four respondents (12.5%) indicated that they "frequently (1 or more times per week)" interacted with General Counsel, and six respondents (18.8%) indicated that they "do not work in the university setting" thus eliminating the possibility of working with General Counsel.

Is an individual who has earned a Juris Doctorate degree is an attractive candidate for employment within a Division I athletic department or Division I conference office?

To answer this question, both athletics directors and conference commissioners (Group 1) and athletics administrators with the Juris Doctorate degree (Group 2) were asked a variety of questions related to the frequency that legal issues arise in an athletics program, who those legal issues are referred to, and whether an employee with legal training is an asset. Both groups were also asked to rank the importance of having an employee with a Juris Doctorate degree within the athletics department or conference office.

The majority of Division I athletics directors and conference commissioners (n=132) recognize that it is fairly common for their programs to encounter legal issues. More than half of the Group 1 respondents (72, 54.5%) indicated that they encounter legal issues "sometimes (1 or more times per month)." Additionally, almost a third of the Group 1 respondents (39, 39.5%) encounter legal issues "frequently (1 or more times per week)." In contrast, only 21 respondents (15.9%) indicated that their department encounters legal issues on a yearly basis and no respondents indicated that they "never" encounter legal issues. Not surprisingly, athletics administrators with a Juris Doctorate degree (Group 2, n=33) indicated that they encountered

legal issues or matters in their athletics department positions at a much higher rate than the Athletics Directors and/or Conference Commissioners (Group 1). Almost half of Group 2 respondents (15, 45.5%) indicated that they encounter legal issues in their current position "frequently (1 or more times per week)," and 12 Group 2 respondents (36.4%) indicated having encountered legal issues "sometimes (1 or more times per month). Six respondents (18.2%) "rarely" encounter such issues while no one selected the "never" answer choice.

Athletics directors and conference commissioners (Group 1, n=132) were asked who they referred legal matters to, and were allowed to select multiple answers. Ninety-five respondents (72.0%) indicated that legal issues arising in the athletic department or conference office are referred to the "General Counsel." Respondents also frequently selected "an outside firm or attorney" (46 respondents, 34.8%) and "an individual(s) within our department/office who has a Juris Doctorate (law) degree" (28 respondents, 21.2%). No respondents indicated that they were "not sure" or that "legal issues do not arise within our department/office."

Athletics directors and conference commissioners (Group 1, n=128) were also asked directly if having an employee with a Juris Doctorate (law) degree would be a benefit to the athletics department or conference office. The overwhelming majority of the respondents (106 respondents, 82.8%) answered "Yes" while only 22 respondents (17.2%) answered "No." Similarly, athletics administrators with the Juris Doctorate degree (Group 2, n=33) were asked if they perceived that their legal training was an asset in their current position. Not surprisingly, all 33 respondents (100%) responded "yes" that their legal training and background has been an asset in their current position.

Although both Groups indicated overwhelmingly that legal training and background is an asset for an administrator working in college athletics, just how important that asset was ranked differed between the two Groups. The majority of athletics directors and conference commissioners (Group 1, n=132) looked favorably upon having legal training, with 22 respondents (16.7%) ranking it as "very important," and 56 respondents (42.4%) ranking it as "important." However, slightly more than one-third of the Group 2 respondents (46, 34.8%) ranked legal training as "neutral: neither important nor unimportant." Only seven respondents (5.3%) ranked legal training as "unimportant" and one respondent (.8%) indicated that he/she was "unsure" of the importance of having someone in their department or office with legal training.

Athletics administrators with the Juris Doctorate degree (Group 2, n=33) ranked the importance of their legal training much higher than did Group 1. More than half of the respondents (17, 51.5%) indicated that having someone

in their department/office with legal training was "very important." Similarly, 45.5% (15 respondents) believed that this was "important." Only 3.1% (one respondent) believed that having an employee with legal training was of "neutral" importance. No respondents selected either the "unimportant" answer choice or indicated that they were "unsure" of the importance.

What are the positive and/or negative perceptions of hiring a candidate who has earned a Juris Doctorate degree?

The benefits of hiring a candidate with a Juris Doctorate degree were identified by both Group 1 and Group 2. Respondents were allowed multiple responses and were allowed to write in additional benefits. The majority of athletics directors and conference commissioners (Group 1, n=123) chose "convenience" (65, 52.8%). "Better decision-making" was perceived by 60 (48.8%), and "efficiency in resolving legal matters" was chosen by 55 respondents (44.7%). "Cost-effectiveness" was selected by 20 respondents (16.3%).

Twenty respondents (16.3%) from Group 1 wrote in "other" perceived benefits. Six respondents noted that a possible benefit of hiring an individual with a Juris Doctorate degree is that he/she could provide advice in the compliance area. Six respondents also perceived that legal training provides a unique skill set, particularly in regards to his/her ability to be highly analytical, and a different perspective from other employees. Three respondents indicated that there was a benefit of legal counsel whether dealing with legal issues or in general discussion. Other perceived benefits included having a terminal degree, "bright, organized, and motivated," and "provides balance." Finally, one respondent displayed an arms-race attitude: "The NCAA is loaded with lawyers and we need our own to keep up with the NCAA."

Group 2 (athletics administrators with a Juris Doctorate degree, n=33) had a slightly different perspective regarding the benefits of athletics departments and conference offices employing someone with their background and degree. Two benefits were selected by approximately three-quarters of the Group 2 respondents: "better decision-making" was chosen by 26 individuals (78.8%) and "convenience" was chosen by 24 individuals (72.7%). Nineteen respondents (57.6%) noted "efficiency in resolving legal issues," while 13 respondents (39.4%) indicated "cost-effectiveness" as a benefit of having a candidate who has earned a Juris Doctorate degree within an athletic department or conference office. Six individuals (18.2%) wrote in "other" additional benefits that were not specified in the predetermined answer choices. These benefits include: providing assistance in compliance and

contract-related issues (two respondents), being able to recognize potential legal issues and refer them to the appropriate individual (three respondents), and providing a resource for student-athletes who are interested in pursuing a legal career (one respondent).

Groups 1 and 2 were also asked to indicate perceived drawbacks or deterrents of hiring a candidate with a Juris Doctorate (law) degree. Respondents were allowed to select multiple answers and write in additional deterrents as well. Athletics directors and conference commissioners (Group 1, n=114) most often chose "salary constraints" (69, 60.5%) as a drawback or deterrent. "Concern about the University and University Counsel's oversight of this position" was the next most frequently selected deterrent (38, 33.3%) in hiring a candidate who has earned a Juris Doctorate degree. Of the predetermined answer choices, "conflict between legal requirements and athletic interests" was selected by 14 respondents (12.3%).

Thirty-one Group 1 respondents (27.2%) chose to write in "other" drawbacks or deterrents of hiring an individual with a Juris Doctorate degree. Of these, 17 indicated that there were no perceived drawbacks of hiring a candidate who has earned a Juris Doctorate degree. Six respondents perceived that a law degree, without some collegiate experience, is not enough to warrant hiring someone in their department/office. Three respondents suggested that either they do not generate enough legal issues to warrant hiring someone with a Juris Doctorate degree or that any such individual would also need to serve in another capacity if hired. Three expressed concerns about the potential for conflicting opinions between an athletics department employee with a Juris doctorate and General Counsel. One expressed that reporting to the General Counsel promotes better communication between senior administration and the athletics department, which could be diminished by hiring an athletics administrator with a Juris Doctorate degree. Two expressed concerns about lawyer's ego, while one perceived that "a little knowledge can be dangerous" if the athletics administrator with the law degree did not remain active in the bar.

Current athletics administrators with a Juris Doctorate degree (Group 2, n=28) perceived fewer drawbacks or deterrents from hiring someone with their background and degree. Similar to Group 1, the most common deterrent perceived by Group 2 respondents was "salary constraints," (15, 53.6%). Next, six respondents (21.4%) perceived "conflicts between legal requirements and athletic interests" and six (21.4%) perceived "concern about the University and/or University Counsel's oversight of this position" as drawbacks of having individuals with Juris Doctorate degrees on staff.

Eight respondents (28.6%) chose to write in "other" perceived drawbacks and/or deterrents. Five of these respondents wrote that they do not believe that there are any drawbacks to hiring someone who has earned a Juris Doctorate degree. Two perceived potential conflicts of roles. One expressed concern that lawyers with "real world" experience get culture shock and "don't understand the world of the NCAA."

DISCUSSION

Overall, there appears to be a modest presence of individuals who have earned a Juris Doctorate degree working in Division I athletics departments or conference office. Almost half (44.7%) of the schools responding indicated that they have at least one individual within their department/office who has earned a Juris Doctorate degree. Survey One respondents indicated that there are 97 individuals who fit this description. However, respondents only provided contact information for 49 individuals, which are 50.5% of the individuals who were identified, significantly limiting the access to the second population for this study. Two respondents commented that they were uncomfortable releasing contact information without first receiving the individual(s) prior consent. This suggests that concern for confidentiality issues associated with such disclosure could have affected the participants' willingness to accurately and completely provide this information. While being able to contact only half of the individuals who were eligible to participate in Survey Two still provided meaningful results, had more complete information been provided by the first population, the second survey could have been distributed to more subjects, providing an opportunity for more generalizable data.

Another potential weakness of the study was revealed through the data that 83.4% of all legal matters arising within the respondents' departments and offices are handled outside of the athletics department or conference office, either by someone at the university General Counsel's office or by an outside firm or attorney. Many colleges or universities may require the athletics director to forward all legal matters to the General Counsel's office by institutional policy. Accordingly, an athletics director in this situation may not be able to completely and accurately articulate his or her perceptions of the benefits or drawbacks of having an athletics administrator with a Juris Doctorate degree handle legal matters internally to the athletics department, because that potential opportunity conflicts with reality.

Demographic information gathered from the employees who have earned a Juris Doctorate generates insight into the career paths of these individuals.

Nearly two-thirds of the respondents indicated that they had been previously employed in intercollegiate athletics, and slightly more than half (54.5%) indicated that they had previously practiced law either in a private or public setting. Thus, it seems that having prior experience in college athletics is perceived as more important than the previous legal-related work experience. This assertion is supported by four on-point comments from Survey One indicating that an attractive candidate needs to have some experience in collegiate athletics as well. In contrast, having prior experience in a private or public legal environment does not appear to be a determinative factor, as only slightly more than half of those respondents who had earned a Juris Doctorate had this experience. This may also indicate that it is the legal education, rather than legal practice, that is valued in the collegiate athletics marketplace.

A profile of the current role of the Juris Doctorate working in an NCAA Division I athletics department or conference office reveals that he or she is most often employed in a director capacity, either as an athletics director, an associate athletics director, or an assistant athletics director, has been in his/her current position less than five years, and has an annual salary of less than \$75,000. As the majority of those who have earned the Juris Doctorate degree were previously employed in intercollegiate athletics, it is not surprising that they would hold positions in upper-level administration.

Careers in college athletics are perceived as very transient, with administrators often moving several times to advance their careers. The respondents who had earned Juris Doctorate degrees seem to fall into this pattern as well, with nearly 70% having held their current position for less than five years, and slightly more than 30% having been employed in their current role for less than 12 months. The minority of respondents who did not practice law and who were not previously employed in intercollegiate athletics could be recent law school graduates who are just beginning their careers. It appears that having earned a Juris Doctorate degree may help these individuals advance quickly into upper level administrative positions.

Some may be surprised that those who have earned Juris Doctorate degrees are earning less than \$75,000 per year on average, as this salary may seem low compared to starting salaries of \$100,00 to \$130,000 for lawyers in private practice at a large firm (NALP, n.d.). However, as mid to upper level athletics administrators, the salary is certainly commensurate with their role within the athletic department, and may be inflated compared to others who do not have a terminal degree.

The typical salary also makes sense because the typical athletics department employee who has earned a Juris Doctorate degree is not practicing law. In general, an individual who wishes to practice law is

required to be licensed in the jurisdiction in which he/she is practicing. Almost 40% of the respondents who have earned a Juris Doctorate degree indicated that they were not licensed, and therefore should not be practicing law or providing legal advice in a way that requires, according to their state's statute, the individual to be licensed. Since an individual without a license is precluded from practicing law, it can be inferred that such individuals should be working solely in an administrative (non-legal) capacity in their departments or offices and compensated appropriately.

Whether or not an employee who has earned a Juris Doctorate degree is licensed to practice law in that state will also affect his/her ability to provide legal counsel to his/her department or office. An individual who is not licensed should not be providing legal counsel or advice requiring a license. Interestingly, only two of the 13 individuals who were not licensed validated this by commenting that they did not provide legal advice or counsel because they were not licensed in the state of their department/office.

Although 60.6% of the respondents who have earned a Juris Doctorate are currently licensed to practice, licensure is not necessary to utilize legal training within the athletics department or conference office. All respondents who have earned a Juris Doctorate degree, whether licensed to practice or not, are providing insight and advice in a wide range of substantive legal areas. The most common areas (those with more than a 50% response rate) selected by respondents were NCAA and/or conference rules and compliance (84.4%), risk management or liability concerns (59.4%) and gender equity issues (including Title IX) (56.3%). Areas also receiving significant responses in excess of 30% included contract negotiation (31.3%), contract drafting (37.5%), and racial equity issues (34.4%). Since respondents seem to be providing counsel in these areas most regularly, it can be inferred that having some legal background or training in these areas may be an asset for a candidate seeking employment in positions that deal with these subjects areas within Division I athletics.

The athletics administrators with a Juris Doctorate degree are applying their legal knowledge to a wide range of legal issues, but still appear to be under-utilized relative to their legal ability. For example, no JDs indicated that they provided legal advice related to planned giving for athletics department donors. Fundraising would appear to be an area that could strongly benefit from the services of an in-house counsel. Drafting contracts for donations, contracts designating naming rights, or contracts regarding seat licenses for new facilities are examples of just a few of the legal services commonly utilized in this area.

One issue that often arises when discussing the potential of college athletic departments hiring someone who has earned a Juris Doctorate degree is the uncertainty of how any such individual would interact with and relate to University Counsel. Nearly three-quarters of the athletics directors and conference commissioners (72%) indicated that the University General Counsel handles such issues when they arise. As such, it would seem that the JD's, if serving in a legal capacity in their department or office, would interact with University Counsel regularly. However, of those who work in the university setting, 42.3% indicated that they interact with the University Counsel "rarely (1 or more times per year)." Only 15.4% stated that they interact with the University Counsel on a weekly basis. This information seems surprising, given the frequency that athletics directors claim to refer such matters to the University Counsel, and indicates another area that the athletics administrators with the Juris Doctorate degree are possibly underutilized relative to their legal training.

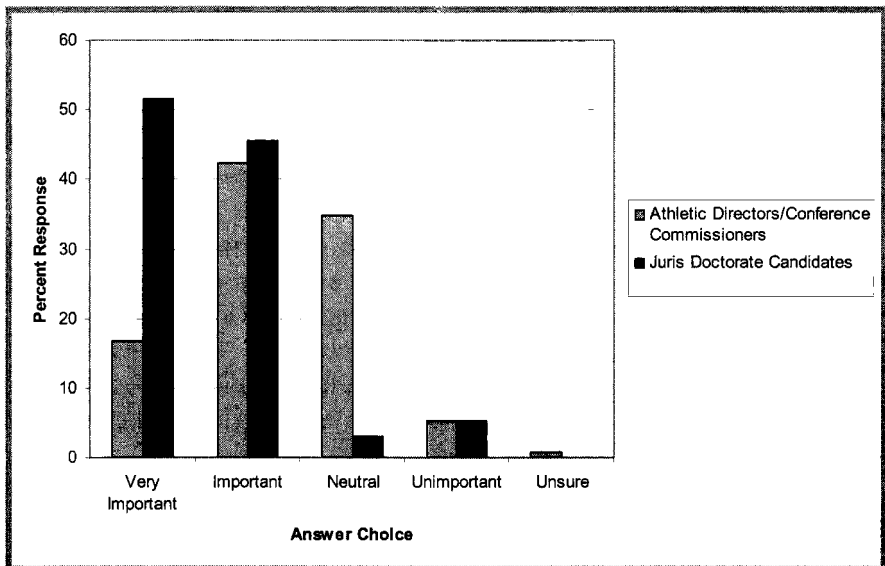
One of the more interesting findings was the difference in perceptions of the athletics directors and conference commissioners compared to the athletics administrators with the Juris Doctorate degree. Both groups had nearly identical response rates for the least selected answer choices regarding how often legal issues/matters arise within the department/office: "rarely (1 or more times per year)" was selected by 15.9% of the athletics directors and conference commissioners and 18.2% of the JDs. They had identical responses in that no one in either population perceived that they "never" encounter legal issues in their department/office. However, the athletics directors and conference commissioners selected "sometimes" as their most common answer with a 54.5% response rate. In contrast, only 36.4% of the JDs indicated that they encounter these issues "sometimes," and 45.5% believed that legal issues were frequent. In contrast, 29.5% of athletics directors and conference commissioners perceived that legal issues arise in their department/office "frequently."

There are many possible explanations for the differences between the two groups in the perceived frequency of legal issues. As the leaders of their programs, athletics directors and conference commissioners may be in the best position to be aware of legal affairs that occur under their watch, indicating that their perceptions may be the more accurate. However, it is also plausible that these individuals, without having any formal legal training or background, may not recognize all of the legal issues that exist. Thus, an athletics director without a Juris Doctorate degree and an administrator who has a Juris Doctorate may be aware of the exact same problem, and each may have

different perceptions regarding whether or not the problem poses any legal issues or considerations for the departments.

The perceptions of the perceived importance of having someone within the conference office or athletics department who is knowledgeable about the law revealed dramatic differences between the athletics directors and conference commissioners compared to the athletics administrators with a Juris Doctorate degree. Not surprisingly, 51.5% of the JDs thought this was "very important," while only 16.7% of athletics directors and conference commissioners shared that perception. Both groups had similar response rates in perceiving that it was "important," to have someone with legal knowledge working in their program, with 45.5% of the JDs and 42.4% of athletics directors and conference commissioners selecting this choice. But 34.8% of athletics directors and conference commissioners indicated that having someone on staff who has legal knowledge is neither inherently important nor unimportant or "neutral," while only one JD shared this ambivalence. Figure 1 illustrates the differences in the responses of the two groups.

FIGURE 1: COMPARISON OF THE IMPORTANCE OF HAVING AN EMPLOYEE WITH LEGAL KNOWLEDGE



There may be many explanations for this dramatic difference. Perhaps the Juris Doctorate respondents are expressing their self-importance and perceive

their presence, or the presence of others who have the same degree, to be of paramount importance to their department or office. However, the athletics directors and conference commissioners could also be influenced by the fact that less than half of them work with individuals who have earned a Juris Doctorate. Also, as previously discussed, even those institutions or conferences with an administrator with a Juris Doctorate degree working in their program may be significantly underutilizing the JD's legal training. Thus, it may be hard for athletics directors and conference commissioners to accurately perceive whether their department or conference office would benefit enough to warrant a "very important" response to the benefit of employing someone who has earned a Juris Doctorate.

The difference in the perceived importance of hiring someone with a Juris Doctorate between the athletics directors and conference commissioners compared to the JDs might also be explained by the differences in perceptions between the two groups related to the perceived benefits of having a JD within the department or office. The overwhelming majority of athletics administrators with a Juris Doctorate degree (78.8%) perceived "better decision making" as the greatest benefit of employing a JD, and chose "convenience" as the second most important benefit. "Convenience" was the greatest benefit perceived by just over half (52.8%) of athletics directors and conference commissioners, and only 48.8% noted that "better decision-making" was a benefit, resulting in a 30% difference between the groups on this answer choice. Similarly, there were differences between the benefits of "efficiency" (chosen by 44.7% of the athletics directors and conference commissioners and 56.7% of the JDs) and "cost-effectiveness" (chosen by 16.3% of the athletics directors and conference commissioners and 39.4% of the JDs).

Despite the differences noted above, each comparison between groups shares a common trend. Across the board, a higher percentage of Juris Doctorate respondents perceived that every category was a greater benefit than the athletics director and conference commissioner counterparts. The difference between answer choices was smallest for "efficiency," with a 12.9% difference between the Groups, and largest in the area of "better decision-making," with a 30% difference as noted above.

With Juris Doctorate respondents selecting each answer choice with greater frequency than athletics directors and conference commissioners, it seems that these individuals perceive that having someone on staff who has earned a Juris Doctorate degree provides greater benefits when compared with perceptions of Group 1. The difference, once again, may be that the JDs have an inflated perception of the benefits that their degree and legal training brings

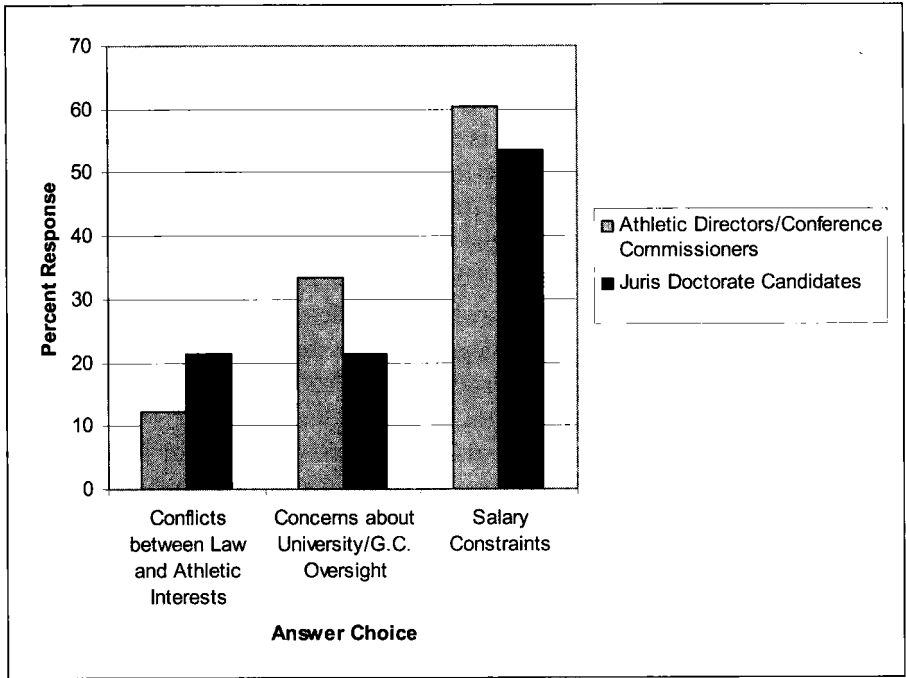
to their office/department. Nearly 80% of Juris Doctorate respondents indicated that they believe that having someone in their department/office would result in better decision-making. Given that attorneys often receive internal and external praise for their analytical abilities, this result is not surprising. Law students are educated within an analytical framework, and this decision-making process becomes an ever present part of their legal training. While individuals who have experienced such training may perceive this as a superior skill that will lead to better decision-making, this may not be an objective reality. On the other hand, the lack of experience working with an administrator with a Juris Doctorate degree in the athletics environment, or the underutilization of the JD's legal training within the athletics department or conference office may again cause athletics directors or conference commissioners to underestimate the benefits of employing these individuals.

When asked to indicate the drawbacks or deterrents of having someone who has earned a Juris Doctorate degree within their athletics department or conference office, both groups of respondents (60.5% of athletics directors and conference commissioners and 53.6% of JDs) agreed that "salary constraints" were the primary concern. One of the myths often associated with the legal profession is that most attorneys expect a six-figure salary, when in fact these salaries are most commonly found only in select private firms. In-house counsel positions (an attorney who works in a corporation or organization as opposed to a private law firm) generally pay less than "big" firms, depending on the size of the corporation or organization (Salcedo & Maleske, 2008). This study did not reveal that any of the administrators with a Juris Doctorate degree working within the college athletics department or conference office were acting as an in-house legal counsel for the athletics program, which might command an expectation of an in-house counsel salary.

In reality, hiring a JD may not pose as much of a financial burden as either group perceives. According to responses from the JDs, 81.8% of them are paid a salary that is less than \$75,000. When compared to salary figures obtained by NALP (formerly known as the National Association for Law Placement), the salary ranges found in this study exceed most starting salaries for first year practitioners in the public service sphere which are: prosecutors, \$46,000; judicial clerks, \$46,500, and legal services, \$38,000 (NALP, n.d.). In fact, the salaries reported by the Juris Doctorate respondents are also within the range of 2007 starting salaries for associates in firms with fewer than 51 attorneys, which are typically between \$68,000 and \$81,000 (NALP). Although not directly measured in this survey, JDs may also be willing to accept lesser salaries in exchange for the tangible and intangible benefits associated with working in a Division I athletic department or conference

office. Figure 2 illustrates the differences in perceptions between the two groups

FIGURE 2: COMPARISON OF PERCEIVED DRAWBACKS



Suggestions for Future Research

This study offered a first glimpse into the presence and perceptions of those administrators who have earned the Juris Doctorate degree working in Division I college athletics. Even though this study provided relevant and useful information, this topic is relatively new, so there is room for significant expansion on this research. One of the difficulties of this study was that the ability to identify individuals for the second population was completely dependent upon the willingness of athletics directors and conference commissioners to agree to participate in the first survey and to provide accurate contact information for the individuals in their department or office who have earned a Juris Doctorate degree.

Since this was a topic of first impression, there were no previous studies or databases to identify and contact a greater number of individuals who met the

criteria for the second population. As such, the first step for any future research on this topic would be to more accurately and completely identify those individuals who have earned a Juris Doctorate degree and who currently work in Division I college athletics. One possible way to do this would be for such individuals to form an organization whose members meet these criteria. This would not only be beneficial for future research, but would be a valuable networking tool for members.

It is also recommended that this study be repeated in two to five year intervals so that the results may be compared. Due to the recent emergence of dual degree programs and the increase of apparent legal issues in college athletics, it is possible that this study was conducted at the forefront of the movement towards hiring Juris Doctorate candidates in athletic departments and conference offices. Thus, a future study could provide a quantitative comparison that would allow future researchers to see whether the presence of such candidates did, in fact, increase over a period of time. A future study would also provide a comparison for areas like salary, length of employment in current position, and previous employment history.

If the recent emergence of dual degree programs and increase in legal issues within the collegiate sports context are any indication, these two areas will become increasingly intertwined in the future. Since there is little information currently available on this topic, the research possibilities are infinite, and future research will promote a better understanding of what roles Juris Doctorate candidates perform in the college sport workplace and the perceptions of such individuals.

CONCLUSION

With nearly 83% of the respondents indicating that an individual who was earned a Juris Doctorate degree would be a benefit to his/her department or office, one can infer that Division I athletics directors and Division I conference commissioners do, in fact, feel that such an individual would be an attractive candidate for employment within his/her department or office. Given this finding, it seems that formal legal training is an asset for a candidate who is seeking employment within a Division I athletic department or Division I conference office. This indicates that individuals who have attended law school, whether in a traditional three-year program or a dual degree program, should be attractive job candidates at most NCAA Division I institutions or athletics conferences because they have earned a Juris Doctorate degree.

Given these results, a strong case may be made for dual degree programs like those discussed in the introduction Chapters 1 and 2. Through the law school component of these programs, students receive foundational legal knowledge that will enable them to provide advice and counsel. The graduate school portion of the dual degree program provides athletics-related classroom or practical education in areas like marketing, facilities management, and NCAA compliance which was reported as necessary for those JD's who hope to obtain employment in intercollegiate athletics.

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