

Marquette Sports Law Review

Volume 22
Issue 1 Fall

Article 3

Book Review: Sports Justice: The Law and Business of Sports

Elise M. Harris

Follow this and additional works at: <http://scholarship.law.marquette.edu/sportslaw>



Part of the [Entertainment and Sports Law Commons](#)

Repository Citation

Elise M. Harris, *Book Review: Sports Justice: The Law and Business of Sports*, 22 Marq. Sports L. Rev. 309 (2011)

Available at: <http://scholarship.law.marquette.edu/sportslaw/vol22/iss1/3>

This Book Review is brought to you for free and open access by the Journals at Marquette Law Scholarly Commons. For more information, please contact megan.obrien@marquette.edu.

BOOK REVIEW

SPORTS JUSTICE: THE LAW AND BUSINESS OF SPORTS

Roger I. Abrams

[Lebanon, New Hampshire: Northeastern University Press, 2010]

198 Pages

ISBN: 978-1-55553-700-5

The concept of “fair play” is a theme that is central to all sports at all levels, from the little league diamond to the major leagues. However, sometimes along the way the concept of fair play can get lost. For example, an athlete may not be offered an equal opportunity to participate in a sport, or a league’s behavior may put an athlete’s safety at risk. For those times, the legal system can step in to provide justice and encourage the concept of fair play.

In *Sports Justice*, Professor Roger I. Abrams presents how the legal system can complement the internal rules of a sport to help both amateur and professional athletes receive what he calls “sports justice.”¹ Abrams uses ten disputes to illustrate the legal system’s effect on several American sports, including professional football, basketball, hockey, tennis, and golf, as well as college football and gymnastics. The disputes selected for this book cover a wide range of timely issues, including rights of disabled athletes, National Collegiate Athletic Association (NCAA) amateurism rules, contract law, gender equity, criminal law, antitrust law, and labor law. While Abrams discusses several complex legal topics, this should not intimidate the non-legal reader. Each chapter tells the story of one of nine athletes and one National Football League (NFL) owner who turned to the legal system to obtain justice. In these narratives, Abrams does a commendable job of telling these stories and explaining the applicable legal topics in an easy-to-understand manner while focusing mostly on the events that gave rise to each dispute and the ultimate conclusion of the dispute.

Sports Justice begins by introducing the importance of sports and “sports justice.” Many sports fans live and die by their team, literally. As Abrams explains, sports can have a profound effect on a community.² For example,

1. ROGER I. ABRAMS, *SPORTS JUSTICE: THE LAW AND BUSINESS OF SPORTS* (2010).

2. *Id.* at 3.

studies have revealed that a local team losing an important game will result in increased, community-wide depression.³ Conversely, sports victories can enhance community productivity, creativity, and commerce.⁴ At the college level, a school's athletic success generally increases admissions applications at that school.⁵ Everyone wants to be part of a winning sports tradition.

At its most basic level, "a sport is an organized competitive and physical activity where participants interact in accordance with pre-established rules."⁶ One of the most essential elements of a sport is that the outcome of the competition is uncertain.⁷ In order for the outcome to be uncertain, the playing field must be level so that one athlete or team does not have an advantage over other athletes or teams.⁸ Without fairness and a level playing field, the intrigue of sports competition is lost. In order to create this level playing field, cooperation among athletes and teams is essential.⁹ The internal rules of a sport provide the architecture for this level playing field.¹⁰ However, the application of these internal rules does not always produce what one would consider a fair and just result.¹¹ For those times, athletes have turned to the legal system to obtain justice.¹² After all, the same laws that apply to other businesses apply equally to the business of sports.¹³

In his book, Abrams defines sports justice as "the product of the authoritative procedures used in the business of sports to resolve disputes and controversies."¹⁴ He admits that, sometimes, even the legal system is insufficient to achieve an outcome that everyone would consider fair and just.¹⁵ To this, he responds that the best way to achieve justice is still through the internal rules of a sport.¹⁶ However, as the book points out, the legal system has proven to be a useful tool to help some individuals obtain justice when the internal rules of a sport do not achieve that justice.

In each chapter, Abrams presents different sports disputes that were

3. *Id.*

4. *Id.*

5. *Id.*

6. *Id.* at 9.

7. *Id.*

8. *Id.*

9. *Id.*

10. *Id.* at 9–10.

11. *Id.* at 13.

12. *Id.*

13. *Id.*

14. *Id.* at 14.

15. *Id.* at 13.

16. *Id.* at 197.

eventually resolved through various forms of legal proceedings. Through his storytelling, Abrams puts a human face on the stories of these people, a perspective that one would not get simply from reading a case in a casebook.

For example, in a chapter on gender equity, Abrams tells the story of how the women's gymnastics team at Brown University, led by its captain, Amy Cohen, used Title IX of the Education Amendments of 1972 (Title IX) to obtain justice for female athletes everywhere after Brown University chose to shut down its varsity women's gymnastics and volleyball programs in an effort to save money.¹⁷

Title IX was enacted to "outlaw discrimination against women by all educational institutions that receive federal funds."¹⁸ Even though athletics was not the specific subject addressed in the statute, one of the statute's consequences was providing equal opportunities for women to participate in athletics.¹⁹

Abrams tells of how after the school cut the gymnastics program, the Brown University women's gymnastics team struggled to stay together, funding their training and competitions through bake sales.²⁰ Meanwhile Brown University, which was named after a wealthy benefactor who was, once upon a time, involved in the slave trade, continued at every step to prevent the women from participating in the sport that they loved.²¹ Setting up this ultimate showdown between good and evil, Abrams satisfies the reader even more when he discloses that the women ultimately prevail over Brown University in their litigation, *Cohen v. Brown University*, thus obtaining sports justice.²² Moreover, the reader should be proud to learn that the *Cohen* litigation set important precedent for colleges and universities across America to follow in the future to prevent disparate treatment of women in athletics.²³

Another important aspect of this book is its relevance to current issues in sports. Even though the book discusses disputes that occurred years ago, which have since been resolved, the issues are still timely today. For example, in a chapter on the extreme power that the NCAA has to regulate its athletes, Abrams tells the story of Jeremy Bloom, a professional skier and college football player.²⁴

17. *Id.* at 97–98.

18. *Id.* at 97.

19. *Id.*

20. *Id.* at 111.

21. *Id.*

22. *Id.* at 117.

23. *Id.*

24. *Id.* at 73.

As a professional skier, Bloom received most of his income from endorsement deals, which is in direct conflict with NCAA rules requiring college athletes to maintain amateur status in order to be eligible to compete in NCAA competitions.²⁵ Even though the NCAA did have a rule that allowed athletes to be a professional in one sport and an amateur in another sport, the NCAA flatly prohibited Bloom from accepting any endorsement income from skiing while maintaining his amateur status for college football.²⁶ Bloom appealed to the courts, arguing that these rules were arbitrary and capricious when applied to him and that he should be allowed to accept income from skiing endorsements while competing in NCAA football.²⁷ However, the court did not agree because the rules were rationally related to the NCAA's mission of protecting amateurism.²⁸ This decision illustrates the ultimate authority that the NCAA has to ensure amateurism, an issue that is constantly plaguing college athletics.²⁹

As shown above, *Sports Justice* covers many diverse topics. Because the book covers such a wide range of topics, Abrams only has the time to take a quick look at each, instead of taking the kind of in-depth analysis one would find in a legal textbook. For example, in a chapter on how antitrust laws have affected sports franchise relocation, Abrams gives only a quick summary of antitrust laws, which are intended to prevent any "contract, combination or conspiracy" that unreasonably restrains trade.³⁰ The chapter explains how Al Davis, owner of the Raiders, a NFL franchise, used the antitrust laws to relocate his franchise from Oakland to Los Angeles, circumventing the NFL rule that prohibited him from relocating his team without three-fourths approval of the other NFL club owners.³¹ In explaining why the court ruled in favor of Davis, Abrams explains that the court "focused carefully on some exceedingly difficult antitrust, economic, and business issues,"³² and, ultimately, the court found that the rule requiring owner approval to relocate restrained competition in violation of antitrust laws.³³ Therefore, in the end, the Raiders franchise was allowed to relocate to Los Angeles.³⁴

25. *Id.* at 75.

26. *Id.*

27. *Id.* at 77.

28. *Id.* at 78.

29. See, e.g., *NCAA Investigating Miami Program*, ESPN (Aug. 17, 2011), http://espn.go.com/college-football/story/_/id/6871050/ncaa-investigating-miami-hurricanes.

30. ABRAMS, *supra* note 1, at 150.

31. *Id.* at 147.

32. *Id.* at 152.

33. *Id.* at 153.

34. *Id.*

Abrams does not expand much on what these difficult antitrust, economic, and business issues are; as such, a reader should not expect to come away from this book with a full understanding of the legal issues that affect sports. However, in the limited amount of space that Abrams has, he does a respectable job of explaining these issues just enough to make them understandable to the non-legal reader, while not letting complex legal theories overshadow the individuals' stories. Moreover, Abrams is helpful in providing case citations at the end of the book along with other supporting materials for those who are interested in learning more about each of these diverse issues.

In the end, *Sports Justice* provides the reader with an excellent introduction as to how the legal system affects the sports that Americans know and love, whether that person wants to get into the field of sports law or simply wants to learn more about how his or her favorite team may be affected by a current legal battle. With its intriguing storytelling, timeliness, and easy-to-understand format, *Sports Justice* is a quick and enjoyable read and would be a welcome addition to any sports fan's library.

Elise M. Harris