Sports Law & Player Representation Final Exam  
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Congratulations on being one step closer to entering the esteemed field of law! You can show off your newfound sports law expertise by answering each question below as thoroughly as possible. Consider all relevant issues, arguments, solutions, and potential obstacles that each question presents. Extra points will be awarded for correctly citing applicable cases where appropriate. When you are done, put this exam and any scrap paper inside the exam book, and you may leave. Good luck, and have a wonderful summer!

**Question 1**

After an outstanding junior season playing football at the University of Oregon, Paul Pierre was the leading candidate to win the Heisman Trophy. A week before the award ceremony, Sunshine Shapiro approached Paul and told him she would fly his entire family and several close friends to the ceremony in New York City if he would agree to let her represent him when he entered the NFL draft, which he was expecting to do that spring, foregoing his senior year at Oregon. He agreed, but only on the condition that the contract be dated April 2, a day after he was planning to announce his decision to enter the draft. The parties agreed and signed the contract, leaving the date on the contract blank. A week later, Sunshine flew Paul, his entire immediate family, grandparents, and six close friends to the ceremony and put them up in the Four Seasons for two nights.

In February, the NFL and the NFL Players Association (NFLPA) negotiated a new collective bargaining agreement. One of the provisions that was to take effect immediately was an eligibility rule: any player wishing to enter the draft before completing four years of college eligibility could earn only one-third of the rookie salary. If he waited until after his fourth year of eligibility, he would earn the full rookie salary accorded to him by draft selection. Because he had used only three years of eligibility, Paul decided not to enter the draft that year. He told Sunshine he was returning to the university for his senior season in order to maximize his earning potential by starting at the full salary. Sunshine has demanded that he repay the $42,000 she spent on the Heisman trip, a sum that Paul obviously does not have, or she will reveal the existence of the contract to the NCAA. Paul consults you and asks what his options are, what the likely outcomes will be of those options, and what you advise. Fully discuss all issues presented and arguments likely to be raised.
Question 2

I-eesha Vasquez (or “IV” to her teammates) is a softball player at Franklin High School, which fields 6 sports (football, soccer, baseball, cross-country, basketball, and track) for boys and 7 sports (field hockey, soccer, softball, cross-country, basketball, track, and volleyball) for girls. Tahani Toland is a soccer player at nearby Hollywood High School, which has 8 sports each for boys and girls: cross-country, soccer, swimming, track, basketball, tennis, ice hockey, and baseball for boys and cross-country, soccer, swimming, track, basketball, tennis, ice hockey, and softball for girls. Both high schools are located in Andover, Massachusetts.

At Franklin High, the baseball field features an electronic scoreboard, lights over the field, a press box, announcer’s booth, concession stand, bleachers on both sides and behind home plate, and a batting cage. The softball field, which is not located on school grounds but approximately three minutes down the road, has bleachers in the outfield (there is no outfield fence) and a shed to store the equipment. Because there are no lights, all the games are played after school, whereas the boys play about half of their home games at 7:30 p.m.

Hollywood High, located closer to the town center, has more limited space and must be creative with the use of its facilities. Because it has just one soccer field, for example, rather than both teams having to share it for tryouts, practices, and games, it decided to make the boys’ soccer season in the fall, while the girls play in the spring. Of the 210 high schools that have girls’ soccer teams, 23 of them have their seasons in the spring as well. The Massachusetts Interscholastic Athletic Association, however, holds soccer championships only in the fall for both girls and boys.

I-eesha and Tahani want to sue the MIAA for what they feel is unequal treatment. What is the likely result?

Question 3

David Dunn, an 18-year-old, is a starting guard for his high school basketball team, which is enjoying an undefeated season and on its way to the state tournament. During one game, he had scored 38 points by the third quarter. During a timeout, the coach on the opposing team instructed his players to be more aggressive under the basket and to "Foul hard! Make them afraid to go inside!" On the very next play after the game resumed, David was driving to the basket when Hayes Heiner reached up to block David’s path to the net. In doing so, he brought both arms down forcefully, his left arm reaching behind David's back to knock his arm down, causing him to lose the ball, and his right arm collaring David around the neck with enough force to knock David off balance. With his feet out from under him, David hit the floor with his head first, rendering him instantly unconscious. Hayes was assessed a flagrant foul, and David left the court on a stretcher. When David awoke 10 minutes later, he was diagnosed with a concussion, his fourth of young life. His symptoms subsided the next day, and David missed just one day of school.
Because of his concussion history, however, and the long-term effects associated with multiple concussions, the school's athletic trainer has refused to allow David to play the final two games of the season and the entire post-season, including the tournament, which will be heavily attended by coaches recruiting for college basketball programs. David, a leading candidate for Massachusetts Player of the Year, has asked to sign a waiver releasing the school from any liability for any injuries sustained in the remaining games, but the school has refused his request.

Fully discuss all issues presented and arguments likely to be raised.

**Question 4**

In kindergarten, Michael McLaughlin was held back for not showing sufficient progress as compared to his peers and the school district's standards (the school district is in the top 10% of the state). He was diagnosed with dyspraxia, a disorder affecting his ability to perform certain tasks involving fine and gross motor skills, such as holding a pencil, coloring, using scissors, handwriting, tying shoelaces, catching a ball, and riding a bicycle. Because he qualifies for adaptive physical education accommodations, Michael has been allowed to participate in interscholastic sports with some modifications. One example is, in baseball, Michael is permitted to bat with the pitcher standing 45 feet away, as opposed to 60'6", which is the rule in high school baseball.

For his first three years of high school baseball, no opposing coach had a problem with the accommodation. An average player hitting .275, Michael possesses no superior skills, and he does not run particularly fast. He strikes out more than he walks. Michael's team was also not that good, losing more games than it won, until his junior year, when the team went 10-9.

Just before his senior year, however, Kevin Porter joined the team. Kevin was a freshman phenom, featured in *Sports Illustrated* when he was just 12 years old. (In his Pony League, Kevin went 13-0 as a pitcher and hit .680.) Pre-season rankings listed their high school as one of the top 10 teams in the state, based largely on Kevin's arrival. As the team naturally generated some publicity, more people around the state started taking notice. One person to pay

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1 Dyspraxia is a disorder affecting motor skills, organization of thought, and spatial awareness, including depth perception. It often co-exists with ADD/ADHD, sensory processing disorder, hypotonia (low muscle tone), dyslexia, and dyscalculia (math disability).

2 Adaptive physical education is for students with gross motor delays. Under the law, the student may receive modifications to the physical education curriculum in any or all of four ways: instruction, rules, equipment, or environment.
attention was Geraldine Gatje, the athletic director of the defending state champion. When she learned that opposing pitchers were directed to stand 15½ feet closer to the plate when pitching to Michael, Geraldine filed for injunctive relief, on the grounds that 1) such accommodation was a violation of the state athletic association's governing rules; and 2) Michael, who turned 19 in October (because his birthday missed the September 1 cutoff for school, in addition to repeating kindergarten), is ineligible to play, and that any games he does play in should be considered forfeits.

How should the court rule?

**Question 5**

Christina Wood is a 14-year-old freshman in high school who has been home-schooled since she was 9 years old. Her parents chose to home-school her because in elementary school, Christina was frequently the target of bullying, and her learning style is best suited for interactive one-on-one instruction. In addition, her school district has been affected by instability at the administrative level, as evidenced by slight decreases in standardized achievement scores.

Christina wishes to join the school's cross-country team, but the Nebraska School Activities Association (NSAA) requires that all students wishing to participate in extracurricular activities "be enrolled in at least 20 hours per week and regular in attendance per the school's attendance policy." Christina's parents who like to sue and seek your legal advice, including their likelihood of success. What would you advise?