

SPORTS LAW SEMINAR SYLLABUS

Peter A. Gall, Q.C.

I. COURSE REQUIREMENTS:

- (1) Class participation (attendance at all classes is mandatory – please let me know in advance if it is impossible for you to attend a class)
- (2) 1 to 2 page reaction paper regarding the week’s readings to be sent to me by email before the class – your comments and questions arising out of the readings
- (3) Presentation of a salary arbitration case (or paper substitute)

II. TEXTBOOKS

- Weiler: “Leveling the Playing Field” (this book will be given to students on January 6)
- Gould: “Bargaining with Baseball” (this book will be given to students on January 13)
- Shell: “Bargaining for Advantage: Negotiation Strategies for Reasonable People” (I will try to give you copies of this book before the Christmas break)

III. CLASS SCHEDULE

1. January 6 & 7 Negotiation Workshop:

January 6: 8:30 am – 5:30 pm
January 7: 8:30 am – 1:00 pm

The training will be conducted by Jonathan Greenberg, who teaches in the Negotiation Program at Stanford Law School

- Readings: Shell: “Bargaining for Advantage: Negotiation Strategies for Reasonable People”

2. January 13 Sports Leagues: the intersection of labour law and anti-trust law

- Guests: Bob Batterman, Partner, Proskauer Rose (N.Y.) (has negotiated collective agreements for the NHL, NFL and MLS – see attached profile)

Shepard Goldfein, Partner, Skadden Arps (N.Y.) (anti-trust counsel for the NFL, NHL and NBA – see attached profile)

- Readings:
- (1) Vancouver Canucks decisions of the BC Labour Relations Board
 - (2) Chapters 1 of Berry et al., *Labour Relations in Professional Sports*
 - (3) Chapters 8, 9 and 10 of Weiler: *Leveling the Playing Field*

Question to Consider: *What labour law(s) applies to the NHL?*

3. January 20 Intersection of Labour Law and Anti-trust law continued

Guests: David Meggyesy (former NFL player, former NFLPA representative and author of the book *Out of Their League*)

Mark Stepnoski (former NFL player)

Markus Koch (former NFL player and current NFLPA player representative)

- Readings:
- (1) Chapter 2 of *Labor Relations in Professional Sports: “The Sports Industries and the Legal Overlay*
 - (2) Gould: *Labor Issues in Professional Sports: Reflections on Baseball Labor, and Anti-trust Law*

- Supplementary Readings:
- (3) Chapter 7 (pages 513 to 559) of *Sports Law and Regulation* (Mitten *et al.*)
 - (4) Chapter 3 of *Sports and the Law* (Weiler and Roberts)

Question to Consider: *Should a players’ union be able to use decertification as a tactic to enhance its bargaining power?*

4. January 27 Representing Players in Sports Leagues

Guest: Don Baizley (prominent sports lawyer and player agent – see attached profile)

- Readings:
- (1) Chapter 5 of Weiler and Roberts: *Sports and the Law*
 - (2) Chapter 2 and pages 229-242 of Chapter 1 of Dowbiggen: *Money Players: The Amazing Rise and Fall of Bob*

Goodenow and the NHL Players Association

(3) Chapter 1 of Carfagna, Representing the Professional Athlete

5. February 3 Managing a Team

Guest: Laurence Gilman, Vice President of Hockey Operations and Assistant General Manager, Vancouver Canucks

Readings: *To be announced*

6. February 10 Salary Arbitration

Guest: Andre LePage, Partner Heenan Blaikie, Quebec City (Counsel for several NHL teams in salary arbitration cases)

Readings: *To be announced*

7. February 18 The Operation of a League

12:00 p.m. to 3:00 p.m.

Session in my office – and then the Leafs/Canucks game that evening

Guest: Brian Burke, President and General Manager, Toronto Maple Leafs

Readings: *To be announced*