



SPORT,  
PHYSICAL ACTIVITY,  
AND THE LAW  
THIRD EDITION

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# PREFACE

Rules, rules rules. Living in today's world means living with rules. Our personal and professional daily actions are limited or expanded, directed or left unfettered, rewarded or punished, at least to some degree, by society's rules. Many of society's rules fall into a category we can generically call 'elements of law'. Understanding the rules, the elements of law, is critical for us both personally and professionally.

The same elements of law, apply to us, as participants or professionals in sport and/or physical activity as they do to our brothers and sisters who work and participate in other arenas of life. There is no such thing as 'sport law'; sport as an arena of life is not a domain unto itself. Sport is merely a context, much as medicine, education, real estate, immigration or financial planning are contexts in which the elements of law function. However, our society's fascination with most things "sport", makes scenarios set in the context of sport interesting and engaging and provides a window through which to view the application of the universal elements of the law. Indeed, an understanding of how the universal elements of the law apply to sport and physical activity contexts is vital to those of us who work in that field.

Often trappings and traditions of power and autocracy are perceived to be the domain of coaches and sport administrators but those trappings and traditions do not exempt them from the rules nor the elements of the law. Questions of participant eligibility, responsibility for injuries, and hiring and firing, are not solely the purview of coaches or even leagues or national organizations such as the NCAA regardless of the appearance of power and autocracy within the subculture known as sport.

Dear reader, you may be asking, "How does this book help me?" Knowing the rules of the game (elements of the law) involved in creating and delivering programs of amateur sport and physical activity is essential to the sport professional. *Sport, Physical Activity, and the Law* has been specifically developed to meet this need. We've revised the third edition of *Sport, Physical Activity, and the Law* to reflect the ever-expanding body of statutory and case law and to address new topics and issues you face in today's world.

In addition to being up-to-date, the book's organization is of particular value to helping you. Let us give you a road map to the organization of *Sport, Physical Activity, and the Law*, an organization we've crafted for easing your study and review of important legal topics critical to your professional life.



First, each chapter begins with a scenario prepared to peak your interest and to illustrate, in situ, the nature of the chapter's topics. The scenario is followed by a list of objectives that articulate the key points to be discussed in the chapter. To make it even easier for you, we've used bold print to highlight each new term as it appears.

Second, most of our chapters include a management section through which we help you use the legal concepts discussed as proactive tools for creating better programs. As you approach the end of each chapter you'll find a summary of key concepts and several case studies that demonstrate the use of the legal concepts found in the chapter. The case studies are not simply reprints of cases in all their glorious legalese but instead are constructed in simple, clear, narrative form so that you can more fully practice your new legal knowledge and analytical skills in the context of sport circumstances.

We believe our decision to build scenarios and case studies for you that are directly and clearly related to the concepts discussed in the chapter serves you better. Merely reprinting appellate decisions can often waste your time by not being directly on point to the issues of the chapter.

We want your time to be well spent. We also think that our decision helps you better understand the day-to-day application of the legal concepts.

Even more help awaits you: following the case studies you'll find a list of key terms plus a few questions with which you may test your new insights thus aiding in both reviewing and selfevaluation. Finally, we list the references cited in the chapter and, in most chapters, suggest additional readings with which to explore topics more fully.

Speaking of legalese, here comes a bit of a disclaimer: We have written this book to help current and future practitioners and administrators develop safe and legally sound sport and physical activity programs. This text is not intended to substitute for the advice of an attorney when it is called for, nor can it necessarily forestall lawsuits – no text can rightfully make such claims. But we're convinced that the principles, concepts, and guidelines found in *Sport, Physical Activity, and the Law* can form a good foundation for a program that complies with both the letter and the spirit of the law. Complying with both the letter and spirit of the law minimizes the likelihood of lawsuits and maximizes the likelihood of winning any that may occur. Even more important, the participants of such programs will be given maximum opportunities and options in a safe and effectively regulated environment. Who could want for more? Happy reading!

