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Short Title: Restoring Joy to Bracketville

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Abstract

This Article sets forth the problems facing NCAA Division I Basketball and attempts by the NCAA and the Student Basketball Council (SBC) to alleviate these problems. The Article explains the lack of student voice within the NCAA Division I Basketball organization which led to the formation of the SBC. The Article details the SBC's formation, purpose, early actions, and future plans. The author concludes by emphasizing the limited impact by the SBC in creating change thus far and proposes strategies for future influence within and outside the NCAA.

Abstract- In the Fast Lane to Big Bucks: The Growth of NASCAR By Michael A. Cokley

This article discusses the growth of the family owned professional sport, NASCAR, from its meager inception as a "good ol' boys sport", prior to 1947, to a \$2 billion industry today. As a central racing organization, NASCAR, has seen both success and controversy. Cokley contends that controversy was manifested in everything from suits by The Environmental Protection Agency for emissions and noise control, to drivers protesting against racing conditions, to fans alleging price-fixing with vendors in an antitrust lawsuit, and injuries caused by unsafe premises. However, the majority of challenges are based on the inherent dangers in the sport to "drivers, crewmen, mechanics, groundskeepers, and spectators." Cokley surveys the defenses used by NASCAR, including assumption of risk, waiver of liability, and comparative fault. In these instances, cases have been decided in favor of both NASCAR and its former plaintiffs.

Additionally, Cokley addresses the licensing and sponsorship agreements obtained by NASCAR due to its continuous growth. NASCAR benefits from generous corporate sponsorship, and its individual teams receive the bulk of their revenue from sponsorships, as sponsors directly enter into agreements with the drivers. Unlike other professional sports teams and leagues where the "profits are split equally among the team and athletes," NASCAR drivers control their own licensing and sales. Sponsors also benefit from the visibility.

Finally, Cokley discusses minority participation in NASCAR and other racing leagues. While he contends that the number of African-Americans and other minorities in the sport is imperceptible, he also asserts that there is a discernible history of minorities in the sport. To bridge the gap, NASCAR has implemented a diversity management council.

Cokley ends the article by stating, if the number of minority drivers increases, "'Big Bill' Frances's vision of NASCAR being a 'national' sport would truly be realized."

Abstract- What's "Love" Got to Do with It?: Potential Fiduciary Duties Among Professional Sports Team Owners By Timothy D. Watson

This article discusses the potential duties owed among professional sports team owners. The article's foundation is the classic duty case Meinhard v. Salmon, where the court concluded that "joint venturers owe one another 'the finest duty of loyalty." Watson asserts that owners duties can arise from contracts among owners, the structure of groups formed to control the licensing of league related trademarks, and characteristics of the league itself.

Watson focuses on the structure of three different leagues and three recent cases to analyze the possible bases for duty amongst owners, including duty of care and duty of loyalty. In the National Football League (NFL) and Major League Baseball (MLB), a licensing agreement was formed giving the NFL Properties and MLB Properties exclusive rights to license property, guaranteeing each team "an equal portion of the revenue." However, Jerry Jones of the Dallas Cowboys and George Steinbrenner of the New York Yankees were alleged to have breached an implied covenant of good faith in their respective licensing agreements. While each owner reached a favorable settlement with his league, Watson contends that the action of these owners was in conflict with the purpose of the leagues' licensing agreements, which is to spread the benefits equally among the larger and smaller market teams, because "the league as a whole will suffer if one team struggles financially." Watson then discusses the contracts of owners and collective licensing groups by analyzing the paradigms of implied covenants of fair dealing, close corporations, and as partnerships, stating that the partnership paradigm may be the most fitting for professional sports.

Finally, Watson addresses the future of fiduciary duty by discussing a recent Major League Soccer (MLS) case, where MLS was considered a corporation because of its LLC status. Watson contends that while corporations, as single entities, act for the benefit of the league as a whole, through a duty of loyalty (which does not extend to the playing field), they are not subject to antitrust violations of the Sherman Act, and have a centralized authority for decision-making.