Sports Law Reflection Paper

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Author Note

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In recent decades as the popularity of professional sports grew, sports bodies have become increasingly complex business enterprises. To address the legal issues faced by the industry, it was necessary to develop an independent and unique field of law. In this respect, the development of sports law is a valuable attempt at resolving the intricate legal issues faced by the industry that familiar doctrinal tools applied in ordinary civil and criminal cases were not suited for. In this paper, I will reflect upon the significance of sports and laws intersecting within the management of professional sports organizations as well as society at large. Moreover, I will explore the legal concept of negligence in sports law, outlining its various tenets and elements, in addition to examining relevant case law that defines our understanding of the legal concept.

# The intersection of Sports and Law

A close inter-relationship exists between sports and tort law. It is natural to assume that participating in amateur and professional sporting activities could potentially lead to injuries, accidents, or unfortunate incidences as a result of intentional or unintentional acts. Tort law becomes relevant in resolving such cases, for instance, a player that undergoes a sports-related injury that leads to financial losses may file a negligence suit on the responsible party. In the case where damages and injuries result from intentional harmful acts, the law of intentional torts becomes relevant to characterize whether the case involved assault and/or battery. Thus, any injuries to spectators, athletes, or any other stakeholders or parties involved in sports are subject to basic tort laws. These tort laws consider factors such as breaches of the duty of care, liability of the parties, the potential danger of a situation, and the other circumstances involved to determine whether the aggrieved party can be compensated or the offending party can be criminally charged.

Besides injuries, sports law also extends to other aspects of professional sports. For instance, if a player is suffering from ill-health and the team’s medical doctor clears him/her for the match, the doctor could be liable for a medical malpractice lawsuit. Similarly, if a spectator, player, coach, or another stakeholder performs an act that purposefully threatens or causes harm to another, then the law of battery and assault could be applied. In addition, defamation laws exist to protect the reputation and image of the player. If any false information about a well-known player is published, then the publisher of the material can be liable to a defamation suit. Defamation suits require courts to evaluate whether the material was published out of actual malice or a reckless disregard for the truth (McCann, 2018). These cases have become more complicated over the years due to the growth of social media platforms and instant messaging services, and point towards the complex and dynamic intersection of sports and laws.

In light of the increasing relevance of these laws, sports bodies and regulating authorities such as the NBA and the NFL have begun imposing strict penalties on athletes found guilty of explicit violations of professional codes. For instance, any player that fails drug tests engages in inappropriate conduct, or is found driving under the influence faces strict penalties from their own professional bodies. Furthermore, as professional athletes rise in popularity, they are raised to the status of public figures. Hence, issues relating to intellectual property, contract law, and the right of publicity become significant. In such cases, sponsorships and commercial activities such as advertisements become increasingly interlinked to the athlete and the professional body that he represents.

# Negligence and its Significance in Sports Law

 A critical legal concept in sports law is negligence. It is a common occurrence in sports competitions and associated settings for an injured or aggrieved party to file a negligence suit on another party on account of the physical and financial losses suffered by the former. The harm may be psychological or physical, whereas financial losses may occur as a result of medical expenses or the athlete missing out on matches and sponsorships. Negligence may be defined as an unintentional tort which results in injury to another individual in the form of property loss, physical injury, or a loss of reputation. A key factor that separates negligence from assault or battery suits is the offending party's intent to cause harm or injury. Thus courts are tasked to distinguish between injuries that can be classified as occupational hazards and those that require the offending party to pay compensation or damages for negligence (McCann, 2018). A number of cases have shaped our understanding of liability and negligence in sports-related injuries. In *Nabozny V. Barnhill* (1975), the appellant court in Illinois held that any action that constitutes a willful, deliberate, or reckless disregard of another player’s safety in a manner which causes injury to him/her can be considered as negligence. However, in sports where injuries are more common as a result of the violent actions that are inherent to that particular sport, negligence torts are harder to prove. In this case factors such as self-defence and ‘assumption of risk' become governing factors. Likewise, spectators in sports such as baseball can reasonably expect that the ball may hit them at the seats, however, a spectator in a wrestling match would not expect the same risk.

 The various factors involved in negligence cases can be formally classified into four main elements: duty of care, breach of duty, proximate cause, and damages. These elements may extend to the player, the professional body, the organizer, the spectators, or any other stakeholder involved in the sport. Furthermore, these elements or tenets can apply on omissions as well as acts that a plaintiff would have to prove against the defendant in a negligence lawsuit. In this respect, the ‘duty of care' implies that a certain relationship exists between the plaintiff and the defendant; the duty to exercise reasonable care. The defendant owes a duty to the plaintiff to take appropriate precautions against any foreseeable and anticipated dangers. Any relationship that implies an assumption of duty is sufficient in this regard. A ‘breach of duty’ occurs when the ‘duty of care’ owed by the defendant to the plaintiff is breached. The court determines whether the defendant’s failure to act or his/her actions fall below the expected standard of care that was applicable in the particular circumstance. Thus, a standard of care has to be discerned to determine whether a breach of duty has occurred. The third element of negligence is ‘proximate cause’ that determines whether the resulting injury had a proximate causal connection to the negligent conduct. For instance, netting is placed in a baseball stadium to protect spectators from being hit by a baseball. If a hole in the netting caused an injury to the spectator and it is proven that the stadium’s manager was knowing of the situation and yet failed to fix the hole, then the proximate cause of the injury is negligence by the manager. The fourth element of negligence is ‘damage’ suffered by the plaintiff. These damages could include an actual injury, impairment, economic loss, a deterioration or emotional distress. In the baseball situation, it is necessary for the spectator to be hit or injured by the ball to file a negligence lawsuit.

 To substantiate a negligence claim, it is necessary for all of the above four elements to be present. If the defendant is able to disprove any one of these elements, negligence cannot be said to have occurred. Thus defendants also possess a range of defenses against negligence claims. Among these defenses, the most successful is usually one which absolves the defendant of responsibility on the basis of assumed risk. In such cases, the plaintiff voluntary assumes the inherent risk which is associated with the particular activity. In other cases, the plaintiff may not be able to recover damages for their injuries because certain negligence occurred from their side as a result of inattention, carelessness, or disobeying safety rules; thus failing to adhere to the expected standard of care. Altogether, defenses against negligence lawsuits can be classified under contributory negligence, assumption of risk, governmental or voluntary immunity, and waivers.

# Reference Cases of Negligence

 A better understanding of how negligence torts are applied can be obtained from analyzing relevant case law. In *Bryan Stow v. Los Angeles Dodger (2014),* spectators at Dodger Stadium brutally attacked another spectator, Brian Stow, who was supporting the opposing team. Stow filed negligence charges against the Stadium claiming that Dodger stadium routinely experiences criminal behavior and, despite knowledge, fails to take action to prevent it. In a heated match, the stadium failed to take adequate security measures and proper lighting, which created the circumstances in which the plaintiff was attacked. The delayed response from the security personnel along with the general lack of security measures constituted negligence from the Stadium's management to a foreseeable situation and made them liable to pay damages to Stow (Bryan Stow v. Los Angeles Dodger, 2014).

 In *Ray v. Chelsea School District and Swager (2017),* cross country runner, Ray, received severe injuries after being hit by a car. Ray crossed the street during a training session conducted by coach, Swager, who signaled his team to continue running despite a red signal. A car hit Ray as he was crossing the street. Swager used the defense that his actions were not the ‘proximate cause’ of Ray’s accident and that he enjoyed governmental immunity. The defenses were not accepted as the Court judged that governmental immunity applies only against cases of ‘ordinary negligence’ while the various decisions taken by the coach entailed ‘gross negligence’ on his part. In this case, the wrong selection of the venue for training, as well as ignoring safety laws, overrode the governmental immunity defense of the coach and constituted negligence (Ray V. Swager, 2017).

 In *Turcotte v. Fell (1986),* the defendant filed for damages against another jockey after falling from his horse and sustaining severing injuries during a horse race. The plaintiff accused the defendant of being negligent on the grounds of the latter's horse clipping the heels of the other horse. The plaintiff argued that the action was committed in violation of the Wagering Board and New York Racing rules. The court also examined the ‘assumption of risk' and ‘comparative negligence' defense in this case. The court held that the risk of falling from the horse is inherent to the nature of the sport and is a risk that the plaintiff willingly assumed. Since the risk was inherent, could be reasonably foreseen, and the participation was willful, the court accepted the defendant's defense. In this case, the ‘assumed risk' factor overrode any considerations of breach of duty to determine that the defendant was not negligent.

 The cases make it clear that for a negligence suit, it is necessary for all four elements to be present. If the defendant is able to disprove any one of these elements or prove contributory negligence, assumption of risk, governmental immunity, and waivers, then negligence cannot be said to have occurred. It also demonstrates the utility of sports law to resolve the intricate legal issues that are involved in professional sports today.

# References

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