

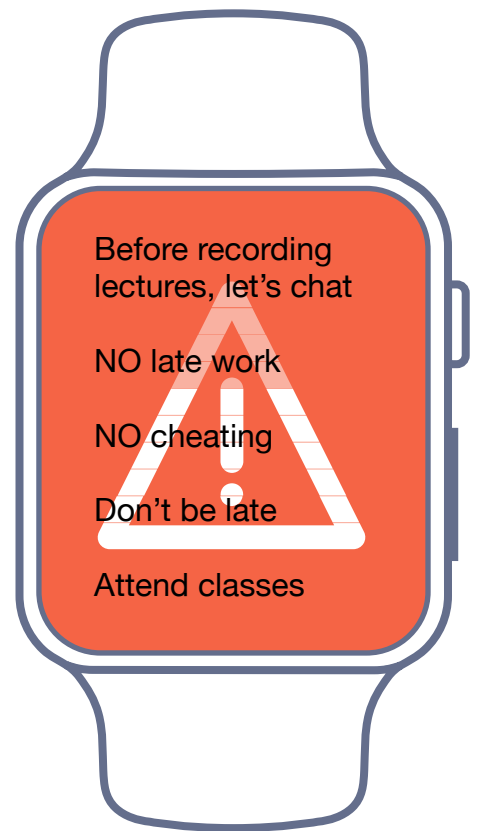
ADVANCED LEGAL ASPECTS
IN LIVE ENTERTAINMENT & SPORTS

F2F:
T 12:50 PM - 2:45 PM (WEIM 1094)
R 1:55 PM - 2:45 PM (WEIL 0234)
Online:
Asynchronous / 100% Online

Nº 26741
23224

SPM 4725

Z9BA
Z4BA



Department Chair: Dr. George Cunningham

Brian D. Avery


Office: FLG 302

Office (F2F & Zoom) hours:

Weds. 9 AM - 10:00 AM

and by appointment

Zoom ID: 981 8295 7954

 **(352) 294-6922**

 **brianavery@ufl.edu**

Preferred methods of communication - face-to-face, email, text

Need clarification on something pertaining to the class?

Text: using the Remind platform

Tweet: @briandavery — *I do not follow back unless requested*

“ Brian, I need some clarification on today's discussion in class on... @brianavery ”

Text: 81010, @brianavery / with message and/or question





Course Description: Advanced legal aspects expands on the civil legal considerations of sport and entertainment as it relates to venue operators, agents/talent managers, talent, and patrons. Students will gain an understanding of how various bodies of substantive law are applied in the context of the sport and live entertainment industry. A case study-based approach is used throughout the semester utilizing pending and/or finalized matters of law.

Course Objectives:

- Analyze and apply legal terminology applicable to the sport and live entertainment industry;
- Evaluate the United States legal system and international legal systems as they apply to the sport and live entertainment industry;
- Understand which legal constructs and doctrines are implicated in a given sport and live entertainment setting;
- Analyze, work with, and develop documents common to sport and entertainment law settings, including player and entertainer contracts, venue agreements, league constitutions, tour rulebooks, and governing bodies;
- Practice negotiating techniques as they relate to a sport/entertainment contracts;
- Analyze sport and entertainment case law and evaluate the merits of matters based on plaintiff/defendant positions as they relate to changing industry trends;
- Analyze the economic, social, and political impacts of sport and live entertainment industry legal decisions;
- Analyze and apply legislation, standards, and other legal concepts related to sport and live entertainment matters; and,
- Identify a sport/live entertainment negligent act and apply the civil legal process from begging to end by filing a mock lawsuit, conducting mock discovery, and holding a mock trial.

Instructional Format: Classes will include lectures, discussions, guest speakers, case studies, simulated exercises, and group work.

Selected Book References (no required textbook):

- Cotten, D.J., and Wolohan, J.T. (2007). *Law for Recreation and Sports Managers-4th Ed.* Debuque, Iowa: Kendall/Hunt Publishing Company.
- Coallier, J. (2017). *Artists' Management Contracts Logbook (Ent. Business)*. Columbia, S.C.: Archetype Publishing Production.
- Field, C. (2017). *Entertainment Law: Fundamentals and Practice*. San Diego, CA: Cognella Academic Publishing.
- Waddell, R.D., Barnet, R., and Berry, J. (2007). *The Business of Concert Promotion and Touring-A Practical Guide to Creating, Selling, Organizing, and Staging Concerts*. New York, NY: Watson-Guptill Publications.

Additional references will be provided throughout the semester.

Assessment Methods: Student performance is based on exams, assignments, quizzes, essays, presentations, attendance, and projects.

Grading Scale and Rubric:

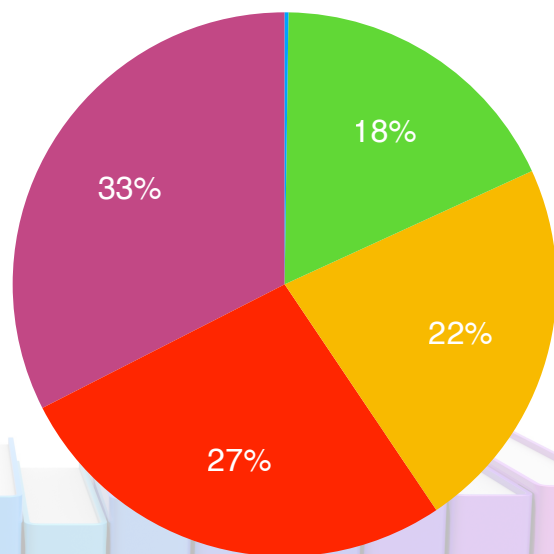
A 100-94	A- 93-90	B+ 89-87	B 86-83	B- 82-80	C+ 79-75	C 74-70	C- 69-67	D+ 66-63	D 63-60	D- 59-55	E 54-0
Outstanding - 4.0-3.67 GP		Good - 3.33-2.67 GP			Average - 2.33-1.67 GP			Below Average - 1.33-.67 GP			Fail - 0 GP
The assignment is well above the minimum requirements, well organized, analytical rather than descriptive, and includes excellent grammar and spelling.		The assignment is somewhat above minimum requirements, organized, more descriptive than analytical, and contains minimal grammar and spelling issues.			The assignment meets most of the criteria with average organization, is descriptive rather than analytical, and includes poor grammar and spelling.			The assignment does not meet the minimum criteria.			The assignment does not meet the criteria.

Grades: Grades are dependent on the student’s performance measured by, but not limited to, exams, assignments, in-class activities, presentations, attendance, and/or projects. Final grades are based on the accumulation of points the student earns throughout the semester. Total points are converted to letter grades using the grading scale provided within. The grading scale is strictly enforced and unchangeable. The professor **will NOT** change grades at the end of the semester because the student is unhappy with their academic performance. Grades are maintained on the CANVAS site.

Course Requirements:

- Contract
- PlayPosits
- Perusalls
- Assignments
- Mock Trial

Assessments	Points	Grade % (approx.)
Syllabus Contract	1	0
PlayPosits (5)	80	18
Perusalls (7)	100	22
Assignments (8)	120	27
Mock Trial	145	33





Syllabus Contract Agreement: As this is a course about legal aspects and includes the importance of legal documentation, your syllabus agreement will take the form of a contract. Please download the Syllabus Contract Agreement, read it completely, fill in the appropriate information, and sign it.

PlayPosits: We will examine legal case studies and apply the standards from our reading documents.

Perusalls: In Perusall Reading Assignments and videos, you will be highlighting text and asking relevant questions or posting informational comments on provided materials related to matters of negligence. Feel free to extend your contribution by linking to articles, industry resources, and/or videos that connect to the topics.

Assignments: You will apply learned concepts to legal matters involving incidents in either sport or entertainment.

Mock Trial: The two-week mock trial is a culmination of all our course content, including the case study examinations. You will be assigned to either the defense or plaintiff team. You and your legal team will review the case presented and progress through the full trial process from filing a complaint to an actual trial.

Docket Manager: At the bottom of Canvas module pages, you will see the docket manager. The docket manager mirrors case management systems used by the courts. It tracks your progress through a case, or for our purposes, through our modules. It will check off each required element and assignment as you complete it, so you always know what you still need to complete each week.

Please refer to Canvas for additional details regarding assignments and grading.



Course Policies:

Professional Behavior: Professional behavior is expected from all students. This includes respect and consideration for students, instructors, TAs, guest speakers, and supervisors. Examples of appropriate classroom behaviors include, but are not limited to:

- Paying attention to lectures;
- Reading course materials before class;
- Engaging respectfully in class discussions;
- Arriving to class on time;
- Entering the back of the classroom if you are late;
- Abstaining from side discussions with other students;
- Refraining from the use of cellphones during class;
- Putting away all electronic devices (unless otherwise instructed or agreed upon) before class begins; and,
- Demonstrating the use of appropriate language through communication in the classroom and/or via email.

Check out a quick read: Professionalism is for Everyone, Five Keys to Being A True Professional, by James R. Ball

Attendance: Random attendance is taken throughout the semester via assignments, projects, presentations, and exams.

- Points are earned for assignments, projects, and exams **ONLY** if the student completes the assignments, projects, and exams during the class period in which each assignment, project, and/or exam is due/given.
- If the student is absent from class, arrives late, or leaves early without completing the assignments, projects, and/or exams, zero (0) points are earned. **NO EXCEPTIONS!**
- If you are absent from class, you are responsible for obtaining the missed information from a classmate.
- Requirements for class attendance are consistent with University policy: <https://catalog.ufl.edu/UGRD/academic-regulations/attendance-policies/>.

Excused Absences: According to UF, students may be excused from class for the following reasons: documented illness, serious family emergency, certain curricular requirements, military obligations, severe weather conditions as noted by the University, or observance of religious holidays. It is your responsibility to obtain missed information from another classmate. Requirements for class attendance are consistent with University policy: <https://catalog.ufl.edu/UGRD/academic-regulations/attendance-policies/>.



Unexcused Absences: If a student has other commitments that prevent him/her from attending this course, the student should drop the course immediately. Unexcused absences include but are not limited to outside extracurricular activities, work, family or personal vacations, fraternity or sorority functions, problems with transportation, oversleeping, or choosing not to attend class. Missed information should be obtained from another classmate. Requirements for unexcused absences are consistent with University policy: <https://catalog.ufl.edu/UGRD/academic-regulations/attendance-policies/>.

Assignments: Late or emailed assignments are **NOT** accepted unless in accordance with the University's Make-Up Policy. **NO EXCEPTIONS!**

- Assignments must follow **APA guidelines** (<http://www.apastyle.org/>) and use appropriate grammar, spelling, punctuation, and sentence structure; otherwise, points are deducted.
- Assignments must be **TYPED and double spaced**, using 12-point font, Times New Roman typeface, and 1 inch margins.
- Include your first and last name, **SPM 4725 (Adv. Legal Aspects)**, and date in the upper right corner of the first page.
- Center the title immediately after the information in the upper right corner and above the first line of text.
- Include citations, if requested and/or necessary.
- Emailed assignments are **NOT** accepted.
- Keep all returned assignments to verify your grades.
- Assignments are **ALWAYS** due at the beginning of class (start time).
- Certain assignments are to be submitted as hard-copies and/or to CANVAS prior to the beginning of class on scheduled due dates.
- Assignments uploaded to Canvas must be submitted in **ONE** Word file prior to the beginning of class on scheduled due dates.
- Technology problems are not acceptable excuses for missed assignments.
- Refer to the Course Schedule and/or CANVAS for assignment due dates.
- **PROOFREAD ALL ASSIGNMENTS!**
- Plagiarism will be permanently recorded in your student file.

Make-Up Policy: Late or missed assignments are **NOT** accepted unless in accordance with the University's make-up policy: <http://catalog.ufl.edu/ugrad/current/regulations/info/attendance.aspx>.



Email Communication: Students may email or contact the instructor after they have one (1) read the course syllabus, two (2) referred to the CANVAS website, three (3) reviewed their class notes, and four (4) consulted with another student regarding the information they are seeking. Emails are typically answered within two academic days, although emails sent one or two days prior to an exam or assignment will not be answered. **ALL emails must include the following:**

To: brianavery@ufl.edu

From: "insert_name"@ufl.edu

Subject: "Insert Name" SPM 4725 (Adv. Legal Aspects)

Dear Brian,

My name is "Insert Name" and I am a student in your SPM 4725 (Adv. Legal Aspects) course. I have read the syllabus, referred to the CANVAS website, examined my class notes, and asked another classmate about _____, but I am unable to find the information.

Academic Resources: This course is posted on CANVAS (e-Learning) and each student is expected to understand how the system works prior to the submission of scheduled assignments. If you require e-Learning support, please contact *E-learning technical support* at (352) 392-4357 and select option 2 or send an e-mail to learning-support@ufl.edu. For career assistance, contact the *Career Resource Center*, Reitz Union, (352) 392-1601 or go to their website: <http://www.crc.ufl.edu/>. Should you require *Library Support* go to the following website: <http://cms.uflib.ufl.edu/ask>.

Accommodations: Support services for students with disabilities are coordinated by the Disability Resource Center in the Dean of Students Office. The Dean of Students Office will provide documentation to the student who must then provide this documentation to the instructor, in person, when requesting accommodations. Please address accommodations needed during the first week of class.

Instructor Feedback: Students are expected to provide professional and respectful feedback on the quality of instruction in this course by completing course evaluations online via GatorEvals. Guidance on how to give feedback in a professional and respectful manner is available at gatorevals.aa.ufl.edu/students/. Students will be notified when the evaluation period opens, and can complete evaluations through the email they receive from GatorEvals, in their Canvas course menu under GatorEvals, or viaufl.bluera.com/ufl/. Summaries of course evaluation results are available to students at gatorevals.aa.ufl.edu/public-results/.



Honor Code: University of Florida students are required to abide by the Honor Code pledge: *“We, the members of the University of Florida community, pledge to hold ourselves and our peers to the highest standards of honesty and integrity.”* You are expected to exhibit behavior consistent with this commitment to the UF academic community, and on all work submitted for credit at the University of Florida, the following pledge is either required or implied: *“On my honor, I have neither given nor received unauthorized aid in doing this assignment.”* It is assumed all students will complete all work independently in each course unless the instructor provides explicit permission for you to collaborate on course tasks (e.g. assignments, papers, quizzes, exams, etc.). Furthermore, as part of your obligation to uphold the Honor Code, you should report any condition that facilitates academic misconduct to appropriate personnel. It is your individual responsibility to know and comply with all university policies and procedures regarding academic integrity and the Student Honor Code.

Violations of the Honor Code at the University of Florida will not be tolerated. Violations will be reported to the Dean of Students Office for consideration of disciplinary action. For more information regarding the Student Honor Code, refer to <https://sccr.dso.ufl.edu/policies/student-honor-code-student-conduct-code/>.

Counseling Services: The UF Counseling and Wellness Center offers a variety of resources for students: <https://www.counseling.ufl.edu/cwc/Default.aspx> The U Matter, We Care initiative is committed to creating a culture of care by encouraging members of the UF community to look out for one another and to reach out for help. The U Matter, We Care Team can help connect students to the many other helping resources available including, but not limited to, Victim Advocates, Housing staff, and the Counseling and Wellness Center. **If you or a friend needs help**, please call (352) 294-2273 or send an email to umatter@ufl.edu. Please remember that asking for help is a sign of strength. **In case of emergency, call 911.**

COVID: In response to COVID-19, the following practices are in place to maintain your learning environment, to enhance the safety of our in-classroom interactions, and to further the health and safety of our neighbors, our loved ones, and ourselves. If you are sick, stay home and self-quarantine. Please call your primary care provider if you are ill and need immediate care or the UF Student Health Care Center at (352) 392-1161. Course materials will be provided to you with an excused absence, and you will be given a reasonable amount of time to make up work.



In-Class Recording: Students are allowed to record video or audio of class lectures. However, the purposes for which these recordings may be used are strictly controlled. The only allowable purposes are (1) for personal educational use, (2) in connection with a complaint to the university, or (3) as evidence in, or in preparation for, a criminal or civil proceeding. All other purposes are prohibited. Specifically, students may not publish recorded lectures without the written consent of the instructor.

A “class lecture” is an educational presentation intended to inform or teach enrolled students about a particular subject, including any instructor-led discussions that form part of the presentation, and delivered by any instructor hired or appointed by the University, or by a guest instructor, as part of a University of Florida course. A class lecture does not include lab sessions, student presentations, clinical presentations such as patient history, academic exercises involving solely student participation, assessments (quizzes, tests, exams), field trips, private conversations between students in the class or between a student and the faculty or lecturer during a class session.

Publication without permission of the instructor is prohibited. To “publish” means to share, transmit, circulate, distribute, or provide access to a recording, regardless of format or medium, to another person (or persons), including but not limited to another student within the same class section. Additionally, a recording, or transcript of a recording, is considered published if it is posted on or uploaded to, in whole or in part, any media platform, including but not limited to social media, book, magazine, newspaper, leaflet, or third party note/tutoring services. A student who publishes a recording without written consent may be subject to a civil cause of action instituted by a person injured by the publication and/or discipline under UF Regulation 4.040 Student Policy on Course Syllabi Honor Code and Student Conduct Code.

House Bill 7: People learn best when they are encouraged to ask questions and express their diverse opinions on course content which may include images, texts, data, or theories from many fields. This is especially true in courses that deal with provocative or contemporary issues. UF offers many such courses, in which students encounter concepts of race, color, sex, and/or national origin. We teach these important issues because understanding them is essential for anyone who seeks to make economic, cultural, and societal contributions to today's complex world. With this in mind, we do not limit access to, or classroom discussion of, ideas and opinions-including those that some may find uncomfortable, unwelcome, disagreeable, or even offensive. In response to challenging material, students and instructors are encouraged to ask honest questions and thoughtfully engage one another's ideas. But hostility, disruptive and disrespectful behavior, and provocation for provocation's sake have no place in a classroom; reasonable people disagree reasonably. These guidelines can help instructors and students as they work together to fulfill the mission of the University of

Tentative Course Schedule

Modules (7): Seven (7) modules will be presented during the semester. The course will conclude with a mock trial based on the 7 modules. Module details are posted in Canvas.

Modules	Topics
Module 1	This module will provide insight into the totality of the sport and entertainment industry related to legal considerations.
Module 2	This module presents a general overview of the legal process. We will discuss the differences between court districts, from state to federal. We will examine jurisdiction considerations, legal documents, terminology, and the process of a lawsuit, which is mapped beginning to end from a 30,000-foot view.
Module 3	This module is an introduction to risk management practices that go beyond mitigation and elimination. We focus on legal risk management in the sense that the incident has already occurred.
Module 4	This module is a deep dive into what negligence is and is not. We examine detailed examples of negligence in the field of sport and entertainment and look at the degrees of negligence where a breach has occurred.
Module 5	This module covers a very difficult and complex subject, so we will peel back the layers of what defenses to unintentional torts are. We'll discuss the means that entities and organizations have at their disposal to defend themselves from a legal standpoint.
Module 6	This module will examine defense options for intentional torts like property crimes and crimes by people against others. We will look at examples of assault, defamation of character, trespassing, and the infliction of emotional distress in the workplace.
Module 7	This four-week module is an applied learning segment that will utilize all course content prior to now. Each week, you will get a new case study to research, evaluate, and argue your specific perspective. Through the case study process, you will use our course content to identify specific aspects of duty of care, negligence, torts, and risk assessments in case examples.
Mock Trial	The two-week mock trial is a culmination of all our course content, including the case study examinations. You will be assigned to either the defense or prosecution's team. You and your legal team will review the case presented and progress through the full trial process from filing a complaint to an actual trial.



Friendly Reminder: The instructor reserves the right, when necessary, to modify the syllabus, change examination and assignment dates, and modify the course content. Modifications will be announced and discussed in class and will be posted on the course website. Students are responsible for those changes.

Copyright Statement: The materials used in this course are copyrighted.

Legal Matters: Information presented/discussed in-class in no-way represents legal advice. Should students need legal advice, they are encouraged to utilize available campus legal resources or contact an attorney.