

Second Edition

LAW for **Recreation and Sport Managers**

A soccer ball with black and white panels is positioned in the lower-left quadrant. To its right, a leg wearing a red sock with blue stripes at the top is visible. The background is dark and textured, possibly a field or a wall.

Doyice J. Cotten

John T. Wolohan

T. Jesse Wilde

LAW

for Recreation
and Sport Managers

Second Edition

Doyice J. Cotten
John T. Wolohan
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KENDALL/HUNT PUBLISHING COMPANY
4050 Westmark Drive Dubuque, Iowa 52002

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Library of Congress Catalog Card Number: 00-109900

ISBN 0-7872-7018-0

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Printed in the United States of America

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Acknowledgements

I would like to express my appreciation for the efforts of all of the contributing authors. Their hard work, prompt return of manuscripts, and placement of priorities on completing their chapters has helped to complete this edition on time and make this edition of the text even stronger than the first edition.

Thanks to John Wolohan for his willingness to step in and fill the gap left when business commitments made it impossible for Jesse to participate fully. I have been very fortunate to have two very competent, very dependable, and very easy-to-work-with co-editors.

I also want to express my appreciation to Betty van der Smissen for her advice regarding the book, her help on several chapters, and her willingness to take time with this edition when she could have been working on the revision of her own book. *Law for Recreation and Sport Managers* is a better book because of her contributions.

And a special thanks goes to my wife Mary. She has been indispensable in this effort. She has proofread and edited more than 30 chapters—and has really served as an unrecognized co-editor of this book.

Doyice

First, I would like to thank Doyice and Jesse for allowing me to join them in revising *Law for Recreation and Sport Managers*. I know what a labor of love the first edition of the book was for both of them, and it has really meant a lot to me to be able to assist them on the second revision. I just hope that my contributions and input justify their trust and faith in me.

I would also like to express my appreciation for the efforts of all of the contributing authors. Without their hard work and commitment to the project, it would have been impossible to complete this edition on time.

Next, I would like to thank my students: Penny Ainalakis, Ryan Bamford, Sandra Bichsel, Tim Bocek, Kevin Cohen, Howie Edelstein, Jeremy Greenstein, Joshua Kleinman, Shaun Leska, Ernie McClatchie, Todd McCormick, Amanda Miller, and Nicole Wolanski for supplying me with their comments and editorial assistance with the early chapter reviews. Also, thanks to Doyice and Mary for their review and comments of my chapters, their comments and advice throughout the whole process were invaluable.

A special thank you goes to my wife, Nicole, my son JT and my daughter Katie for their love, patience and understanding throughout the whole revision process.

Finally, to my father, Bob, who instilled in me a love of sports, and to my mother, Joan, who instilled a love of reading, for all the love and encouragement you have given me over the years, I would like to say thank you and I love you.

John

About the Second Edition

The first thing that is noticeable about this edition is that the title has been changed slightly—from *Sport Law for Sport Managers* to *Law for Recreation and Sport Managers*. In response to some users of the first edition, the emphasis of the text was broadened from sport to include both recreation and sport.

Every chapter in this edition has been revised and updated. A few chapters have undergone only minor change, primarily in the *Recent Trends* section. Others underwent a substantial revision and at least 13 were completely rewritten. In addition, the number of chapters has been increased from 57 to 60. A few chapters in the first edition were eliminated and a few were merged with other chapters. In total, we have seven chapters covering new topics included in this edition.

The **single biggest change** has been in the area of risk management. This edition has a section on risk management that contains eight chapters. New chapters are included to address the areas of standards of practice, audits, crisis management, and Crowd Management.

The reader will also see some **changes within each chapter**. First, the *Significant Case* section has been **moved** so that it follows *Fundamental Concepts*. In this way, the reader is introduced to the fundamental concepts and then sees them applied in the case. Another change is the **cross-referencing of significant cases**. After each significant case, there is a listing of other chapters that contain significant cases that relate to the topic. Finally, the authors and editors have included extensive **cross-referencing of topics**. When a topic is addressed in another chapter, the reader is instructed to “See also . . .” for more discussion of that topic.

One of the goals that Jesse and I had when we began this project six years ago was to produce a **user-friendly** text that would be suitable for graduate or undergraduate classes. I think we achieved our goal. In this second edition, I believe we have produced a book that is even more user-friendly.

About the Authors

Doyice J. Cotten

Doyice J. Cotten is an emeritus professor of sport management at Georgia Southern University where he taught graduate and undergraduate courses in sport law and risk management. He manages his own writing and risk management consulting business, Sport Risk Consulting.

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Dr. Cotten has spoken on legal issues at such conferences as the North American Society for Sport Management (NASSM); the American Alliance for Health, Physical Education, Recreation and Dance (AAHPERD); the Athletic Business Conference; The Sports Business Workshop; the International Conference on Sport Business, the Sport, Physical Education, Recreation and Law Conference; International Health, Racquet & Sportsclub Association (IHRSA); National Intramural-Recreational Sports Association (NIRSA); and the Resort and Commercial Recreation Association (RCRA).

Dr. Cotten has published more than 100 articles on legal liability and risk management in such publications as *Journal of Legal Aspects of Sport*; *Sports, Parks & Recreation Law Reporter*, *Athletic Business*, *Exercise Standards and Malpractice Law Reporter*, *JOHPERD*, and *Fitness Management*. Sport-related waivers have been of major interest to Dr. Cotten and a major subject of his writing. He has collected and analyzed nearly 600 cases from across the country and has co-authored two books on the subject. They are *Waivers & Releases for the Health and Fitness Club Industry* and *Legal Aspects of Waivers for Sport, Recreation and Fitness Activities*.

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Professor Wilde has published a number of journal articles and trade publications on various topics, including gender equity in college athletics, labor relations in professional sports, sport agent regulation, and trademark infringement. He has also given presentations on a variety of sport law topics at conferences hosted by the North American Society for Sport Management, the International Society for Comparative Physical Education and Sport, the Society for the Study of Legal Aspects of Sports and Physical Activity, and the Sport Lawyers Association. In addition, Professor Wilde has co-authored a comprehensive annotated reference publication with Glenn M. Wong, Esq. entitled *The Sport Attorney's Guide to Legal Periodicals*.

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