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Law, Technology and the Arts Symposium: Sports and Eligibility - Who is Eligible to Play? - Introduction

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LAW, TECHNOLOGY AND THE ARTS SYMPOSIUM

SPORTS AND ELIGIBILITY—WHO IS ELIGIBLE TO PLAY?

INTRODUCTION

The question of whether an athlete is able to play his sport is far more complex than it first appears. On its face, the question seems to be simply whether the athlete is willing and able to play at the requisite skill level: if he can compete, he should be eligible to play. The issue of eligibility, however, contains many more components. Indeed, the eligibility debate reaches into antitrust and labor law, business policy, notions of fundamental fairness, and concerns about the well-being of the athlete. On one side of the debate are athletes, who want freedom to compete without restriction; on the other side are leagues and governing bodies that have a myriad of reasons to maintain the rules they have set.

To address this daunting issue, professional and collegiate leagues and association have created rules and regulations to determine when players may compete. Voluntary associations have attempted to regulate everything from marriage to summer camp.¹ Likewise, in professional leagues, these rules set boundaries and restrictions in areas such as age, player compensation, and bargaining methods between players and teams.

Eligibility rules have not been without controversy. Recently, courts have faced two important eligibility cases: Maurice Clarett, the now-infamous Ohio State football player, sought to contravene the NFL's age requirements and enter the league early, alleging

¹ See Lisa K. Levine, *Jeremy Bloom v. National Collegiate Athletic Association and the University of Colorado: All Sports Are Created Equal; Some Are Just More Equal than Others*, 56 CASE W. RES. L. REV. 721 (2006).

that the age requirements were an antitrust violation; his challenge was denied.² U.S. mogul skier Jeremy Bloom unsuccessfully challenged a NCAA rule that effectively prevented him from participating in an individual sport that compensated him through endorsements while playing college football.³

As more and more players seek to enter professional sports immediately after high school, and as younger and younger athletes participate in individual sports supported by sponsorship deals, challenges to eligibility rules will surely increase. It is therefore important to recognize the issues involved, both to understand the effect of changing or maintaining the current eligibility regime and to ensure that young athletes do not inadvertently forfeit their eligibility or sacrifice opportunity.

This Symposium, devoted to discussing and exploring those issues, occurs at an important and opportune time to do this.⁴ The first paper explores issues that potential NCAA athletes should consider while participating in high school athletics.⁵ The second article is an adaptation of the Symposium panel discussion with two members of the Cleveland Indians' player development program. This discussion looks at eligibility rules through the perspective of minor league baseball, including rules governing the draft, free agency, and arbitration.⁶ The third paper focuses on the NCAA eligibility issues facing athletes who compete in individual, rather than team, sports; this includes a review of NCAA requirements and rules with an emphasis on disadvantages to dual-sport individual athletes, and a look at how eligibility rules affect high school and Olympic athletes.⁷ The final paper presents an in-depth analysis of the legality of the age restrictions in the NFL and NBA, focusing on the recent *Clarett* case.⁸

² *Clarett v. NFL*, 369 F.3d at 124 (2d Cir. 2004).

³ *Bloom v. NCAA*, 93 P.3d 621, 622 (Colo. Ct. App. 2004).

⁴ A complete Web cast of the Law, Technology, and the Arts Symposium at Case Western Reserve School of Law can be viewed at <http://law.case.edu/centers/lta/webcast.asp?dt=20051111>.

⁵ Christopher A. Callanan, *Advice for the Next Jeremy Bloom: An Elite Athlete's Guide to NCAA Amateurism Regulations*, 56 CASE W. RES. L. REV. 687 (2006).

⁶ Peter Carfagna, John Farrell & Mike Hazen, *The Business of Minor League Baseball: Amateur Eligibility Rules*, 56 CASE W. RES. L. REV. 695 (2006).

⁷ Levine, *supra* note 1.

⁸ Michael A. McCann & Joseph S. Rosen, *Legality of Age Restrictions in the NBA and the NFL*, 56 CASE W. RES. L. REV. 731 (2006).