Teaching Torts with Sports

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### I. INTRODUCTION

One of the most enjoyable and interesting subjects for students taking a business law or legal environment course is the study of torts. Whether a course only allows this discussion for a week or longer, seasoned professors realize that they can capture the attention of students by covering torts topics such as slip-and-fall litigation, defective products that cause injuries, and fisticuffs among neighbors. The purpose of this article is to offer a roadmap for engaging students through sports-related tort issues and litigation. This article encourages the use of sports torts because they are of particular interest to many students and also because they facilitate an active learning environment.  

Sports torts present a natural opportunity to use video clips in the classroom. Videos are an invaluable technological tool to demonstrate various torts to the students, and sports videos are ubiquitous. Usually, students are quite eager to watch videos with action. Therefore, throughout the entire semester, videos showing late hits, athletes kicking cameramen, fighting among fans, misbehavior by athletes or mascots, and attacks on sports reporters are effective and energizing both in and out of the classroom environment.

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2Id. at 986–91 (citing pedagogical studies indicating the importance of visuals as part of the educational process to yield a positive change in students attitudes and perceptions); Paul L. Caron & Rafael Gely, *Taking Back the Law School Classroom: Using Technology to Foster Active Student Learning*, 54 J. Legal Educ. 551, 552 (2004) (“Active learning recognizes that, during classroom time, students should be engaged in behavior and activities other than listening.”).

3With the help of a mediated classroom, I try to show videos virtually every class. One way to encourage students to consider sports torts throughout the semester is to offer extra credit for discovery of useful Internet links to articles or other videos directly related to class discussion.
Appendix lists some examples of videos that demonstrate possible tortious conduct. Additional current videos can be found easily on YouTube.com and similar Internet video sources.

By using current sport-related examples, I have found that that more students are willing to participate because they can relate to the context. Most of today’s students, members of the MTV/Google Generation (and its various synonyms), grew up with the Internet and its riches, and using sport-related videos in class can be a fun and engaging way to connect with them as their guide through torts.4

While each instructor has his or her own style or preference with regard to the order of teaching torts, for over a decade I have found that beginning with negligence, rather than the intentional torts, is more effective for me and allows me to introduce how the early sports torts decisions focused on negligence rather than intentional torts.5

II. NEGLIGENCE

Sports law as a distinct category of the law is relatively new and has been met with some hesitancy.6 Classic sports tort cases, most from the 1970s, With the advent of online course management software, such as Blackboard, little effort is needed to recognize student work by providing both a grade incentive and recognition of the effort by sharing the links within your course shell. I have found that, once I recognize a student for finding an article or video, others naturally follow the lead and want to participate as well.

4See Joan Catherine Bohl, Generations X and Y in Law School: Practical Strategies for Teaching the “MTV/Google” Generation, 54 Loy. L. Rev. 775, 791 (2008) (“As law teachers, we must change. Law professors teaching past generations were purveyors of information, revered for the information they could impart . . . Gen X Y students are expert gatherers of information, or so they perceive themselves to be. The successful law teacher must transcend the old role of providing information and become a guru.”); Charles R. Calleros, Using Classroom Demonstrations in Familiar Nonlegal Contexts to Introduce New Students to Unfamiliar Concepts of Legal Method and Analysis, 7 J. LEGAL WRITING INST. 37, 38 (2001) (“Unless students can relate our words to some concrete experience within their present knowledge, our explanations will remain abstractions to most students.”).


provide an historical context and demonstrate the issues early courts had to determine. For example, early court cases considered the difference between expected contact during a sports contest among participants and that which could be characterized as being reckless.7

Basic negligence concepts can be taught in the context of flying objects such as foul balls, bats, and ice hockey pucks. This approach usually hits a homerun8 because most students have attended sporting events and are well aware of the risks to participants and spectators. The following discussion shows one pedagogical approach to the material.

A. Flying Objects

Flying objects are any material objects related to the game or event that end up hitting spectators or other participants as a projectile, including debris.9 Generally, and depending upon the sport, fans assume some risk of injury of being hit by objects as a result of being physically close to the game.10 As a matter of

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7See, e.g., Nabozny v. Barnhill, 334 N.E. 2d 258 (Ill. App. Ct. 1975) (establishing contact sports exception for liability for negligence in Illinois, but intentional or reckless misconduct still actionable); Bourque v. Duplechin, 331 So. 2d 40 (La. Ct. App. 1976) (holding that sliding during softball game four to five feet outside the base path created an unexpected, unsportsmanlike, and reckless disregard for others’ safety); Hackbart v. Cincinnati Bengals, Inc, 435 F. Supp. 352 (D. Colo. 1977), rev’d, 601 F.2d 516 (10th Cir. 1979) (establishing recklessness standard); Crawn v. Campo, 643 A.2d 600 (N.J. 1994) (holding that player who slid into home plate and hit catcher would be liable for catcher’s injuries only if such action was reckless; remanding for new trial on that factual issue).

8Pun intended.


10Compare Benejam v. Detroit Tigers, Inc., 635 N.W.2d 219 (Mich. Ct. App. 2001) (holding that baseball club should prevail when it provided protective screening for the most dangerous part of the baseball stadium and for a reasonable amount of others who request it), with Jones v. Three Rivers Mgmt., 394 A.2d 546 (Pa. 1978) (imposing liability when fan suffered injury in the concourse during pregame batting practice); Crespin v. Albuquerque Baseball Club, LLC, 216 P.3d 827, 831–35 (N.M. Ct. App. 2009), cert. granted, 2010 N.M. LEXIS (N.M. Mar. 15, 2010) (refusing to adopt the “baseball rule,” which defines the scope of duty to provide protective screening for its spectators, by stadium owners and operators, when child suffered injury during pregame batting practice while sitting at picnic tables in the left outfield stands).
fact, many fans attend the game for the experience of having the chance to catch a flying object such as a homerun or a foul ball. Instructors might encourage students to think of other sport-related situations in which flying objects could cause injury. By starting with flying objects, the instructor is able to incorporate the negligence concepts of duty and causation into the discussion by querying the students about the degree to which they believe a duty is owed to a spectator at a sporting event. Before discussing foul balls in baseball, it is important to note that various states view the concept of duty differently and that some have attempted to reduce liability by enacting spectator-specific immunity statutes.

States differ on the degree of protective screening required for fans seated at baseball games. Some states apply the traditional rules of negligence (the just negligence rule) and hold the standard of care owed to the spectators is comparable to the business invitee relationship and landowners’ liability in property law. Other states utilize the limited duty rule, which allows a court to find in favor of the defendant if protective screening is provided for the most dangerous sections of the stadium unless the plaintiff has proven the tortious conditions or conduct were beyond the inherent risks of that sport. Finally, others use the no duty rule in situations in which fans might expect an object to find its way to the

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12 See, e.g., Hayden v. Univ. of Notre Dame, 716 N.E.2d 603, 607 (Ind. Ct. App. 1999) (holding that duty of reasonable care is owed to a fan by university to protect from injury due to the criminal actions of other fans attempting to retrieve footballs which land in the seating area); Schick v. Ferialito, 767 A.2d 962 (N.J. 2001) (holding that reckless or intentional conduct, not mere negligence was proper measure for standard of care in golf where errant golf ball struck plaintiff in the right eye after an unannounced second tee shot).

13 See, e.g., Crespin, 216 P.3d 827 (declining to immunize, in any degree, the owners or occupiers of baseball stadiums).

14 See, e.g., Benejam v. Detroit Tigers, Inc 635 N.W.2d 219 (Mich. Ct. App. 2001) (adopting the limited duty rule in the state of Michigan); Quinn v. Recreation Park Ass’n, 46 P.2d 144, 147 (Cal. 1935) (barring a fourteen-year-old girl struck by a foul ball from recovering damages because she assumed the risk of injury by voluntarily sitting in an unscreened seat).
stands. In no-duty states, spectators assume all risks that are common, expected, and frequent risks of the game.

Students might be asked to read the 2005 *Loughran v. Phillies* decision, in which the Superior Court of Pennsylvania held that there was no duty to protect a fan injured when a player tossed a baseball into the stands at the end of the inning, because the risk of that injury was considered inherent to the game. The case concerns Marlon Byrd, an outfielder for the Philadelphia Phillies, who threw a ball into the stands after catching the last out of the inning against the Florida Marlins on July 5, 2003. A spectator, appellant Jeremy Loughran, claimed that, as a result of being hit by the baseball, he was treated for “severe headaches, vomiting, confusion, incoherence, hallucinations, loss of balance, head and neck pain, photophobia, eye spasms, sleep disruption, and depression.”

This medical diagnosis usually evokes strong criticism from undergraduate students, many of whom comment on the role of lawyers in drafting that summary. The Phillies organization and Marlon Byrd were granted summary judgment by the trial court, which held that “the applicable law clearly states that recovery is not granted to those who voluntarily expose themselves to risks by participating in or viewing an activity.”

Clear and concise, this opinion lists the five separate questions posited by the appellant, which the court combines into one: “whether the trial court’s application of the ‘no duty’ rule in the case was

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15 See, e.g., *Loughran v. Phillies*, 888 A.2d 872 (Pa. Super. Ct. 2005) (noting that spectators should know that the tossing of a ball by an outfielder into the stands in between innings is a common occurrence); *Taylor v. The Baseball Club of Seattle*, 131 Wash. App. 1049 (2006); *Dalton v. Jones*, 581 S.E.2d 360 (Ga. Ct. App. 2003). *But see Jones v. Three Rivers Mgmt. Corp.*, 394 A.2d 546 (Pa. 1978) (noting that, when the ball hit a fan in an internal concourse walkway, it may have been a result of negligent stadium design).

16 *Loughran v. Phillies*, 888 A.2d 872, 875 (Pa. Super. Ct. 2005) (affirming that the “no duty” rule bars a plaintiff’s claims for injuries suffered as a result of common, frequent, and expected risks, and only when adequate evidence is introduced that a place of amusement deviated in some respect from established custom would it be proper for a case to go to the jury).

17 *Id.* One amusing aspect to the case is that, inevitably, students, likely unfamiliar with Pennsylvania geography, first ask why the King of Prussia was listed as a lawyer for the appellees in the case.

18 *Id.* at 873.

19 *Id.*

20 *Id.*
proper.’’ The court then guides the reader through the four basic elements of duty, breach of duty, causation, and damages, a perfect collection for the professor in the negligence context. The opinion outlines and explores the concept of precedent—a key concept in legal studies classes. Finally, the court notes that the tossing of a baseball into the stands is a “common, frequent, or expected part of the game.” The court noted that, during the particular game in question, there were at least twenty occasions of a ball entering the stands. Citing Pennsylvania precedent, the court stated that even a first-time spectator at a baseball game is imputed with the common or “neighborhood knowledge” of the risks of the game. In the end, the court affirmed the trial court decision, holding that the appellant failed to establish that Byrd or the Phillies deviated from the common and expected practices at a baseball game so as to take them out of the no-duty rule as entrenched in Pennsylvania jurisprudence. The case has an equally cogent dissenting opinion.

Requiring the students to read the entire case provides an opportunity to explore legal writing and also legal reasoning: how the majority and the dissent can cite the same decisions but come to different conclusions. Instructors might also ask students to research the approach their state’s courts view the duty of care in this context.

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21 Id. at 874.
22 Id.
23 Id. at 875 (quoting from Appellant’s brief).
24 Id. at 876.
26 Id. at 877.
27 Id. (Bender, J., dissenting).
28 In connection with this case, one might also note that, in Philadelphia, the City of Brotherly Love, a man dressed as Santa Claus was booed and pelted by snowballs from raging Philadelphia Eagles football fans at the stadium in 1968 and that the old Veterans Stadium used to have a jail beneath it for unruly fans where a judge held “Eagles Court.” See, e.g., Lindsay M. Korey Lefteroff, Excessive Heckling and Violent Behavior at Sporting Events: A Legal Solution?, 14 U. MIAMI BUS. L. REV. 119, 133–34 (2005); see also Dennis R. Toney, Jr., Sporting Events, Fan Violence, and the Courts of the Future: Make Way for a New Player, “The Legal Eagle,” 6 SPORTS L AW. J. 147 (1999). Out of respect for the Philadelphia sports scene, however, one might attempt to guide the discussion to focus on torts. Note, too, that these examples may provide a nice segue to criminal law material. I have several PowerPoint slides devoted to crimes involving Philadelphia fans over the last few decades.
Flying objects that hit fans are not limited to the sport of baseball, and any of the following incidents may serve as good examples for discussion of negligence issues. In 2002, several incidents brought national attention to the issue of fan injuries caused by hockey pucks deflecting into the stands.²⁹ A notable example involved Brittanie Cecil, age thirteen, who was hit in the head with a puck during a Calgary Flames and Columbus Blue Jackets hockey match.³⁰ She died two days later from the injury.³¹ Later that same year, the National Hockey League (NHL) mandated safety netting for spectators, and the American Hockey League and Central Hockey League (CHL) followed suit.³² Motor sports debris may also injure spectators. For example, a flying tire killed a spectator at a National Hot Rod Association (NHRA) race in 2010.³³ In May 1999, three spectators were killed and eight were injured when a tire flew into the stands at the Charlotte Motor Speedway, and the track owner subsequently raised the fences.³⁴ Regardless of the sport or type of injury, a discussion of flying objects is a good introduction to concepts of negligence, providing an excellent opportunity to discuss the similarities and differences between contributory negligence, comparative negligence, and assumption of risk.³⁵


³⁰Celedonia, supra note 9, at 115–17.

³¹Id.


³⁴See Jason R. Jenkins, Not Necessarily the Best Seat in the House: A Comment on the Assumption of Risk by Spectators at Major Auto Racing Events, 35 TULSA L.J. 163, 179–82 (1999) (discussing spectator safety and liability issues at racetracks and methods track owners have employed to protect race cars from hitting race fans; suggesting that measure of liability could be diminished if a “motor sports safety act” similar to Colorado’s Baseball Spectator Safety Act of 1993 were enacted).

³⁵See John J. Kircher, Golf and Torts: An Interesting Towsome, 12 MARQ. SPORTS L. REV. 347 (2001) (discussing negligence and liability issues for golf course owners, operators, golfers, and spectators); Scott B. Kitei, Is the T-Shirt Cannon “Incidental to the Game” in Professional Athletics?, 11 SPORTS L.J. J.
Having addressed flying objects, it is then natural to proceed to explore the states that have enacted statutes specifically limiting liability for spectator injuries from flying objects such as balls, bats, and pucks. In the sports context, a few state tort immunity statutes specifically protect stadium owners or operators from liability except for willful or wanton (as opposed to ordinary) negligence. For example, the states of Arizona, Colorado, and Illinois have all adopted baseball-specific statutes that address liability from a flying ball or bat. Further, Illinois and Utah have statutes specific to hockey
arena liability for flying hockey sticks and pucks.\textsuperscript{40} Reacting to a 2005 court
decision in \textit{Maisonave v. Newark Bears Professional Baseball Club, Inc}, in which
the court classified spectators into different types of categories for liability
purposes,\textsuperscript{41} the New Jersey state legislature enacted the New Jersey Baseball
Spectator Safety Act of 2006, under which stadium owners can avoid liability
for flying objects altogether as long as certain conditions are met.\textsuperscript{42} Instruc-
tors might explore the desirability of these varied approaches.

\textbf{C. Postgame Celebrations}

The phenomenon of postgame celebrations and the possibility of injuries
to fans, players, coaches, and referees during the hysteria provides an
opportunity to cover legal concerns connected with “storming the court.”
These celebrations might involve throwing items onto the field of play,
spectators storming the basketball court or rushing the field and tearing
down the football goalposts, or any other situation that can create liability
considerations for leagues, teams, universities, and others.\textsuperscript{43} For example, a
1993 incident at the University of Wisconsin involved fans who rushed the
field at the end of a football game resulting in many injuries in the stands
and subsequent lawsuits.\textsuperscript{44}

\textsuperscript{40}Wohlford, \textit{supra} note 38, at 473–79; Kitei, \textit{supra} note 35, at 56–60 (referencing Utah Code

\textsuperscript{41}Maisonave v. Newark Bears Prof’l Baseball Club, Inc., 881 A.2d 700 (N.J. 2005) (creating
two distinct duties of care with regard to flying objects leaving the field of play, depending
upon whether the spectator was in the stands, in which a “limited duty” of care was owed, or
whether the spectator was in the mezzanine or concourse, in which case the principles of
“ordinary negligence” applied, such as when patron purchased beer and therefore could sue
under ordinary negligence).

stadium owners and operators a complete defense to any suit against an owner for the
assumed risks of attending a professional baseball game, such as being struck by a baseball, as
long as protective netting is provided in the most dangerous sections of the stands, including
home plate, and conspicuous warning notices were posted at the outside entrance of the sta-
dium and at stadium facilities where tickets are sold).

\textsuperscript{43}See Marcus Misinec, \textit{When the Game Ends, the Pandemonium Begins: University Liability for Field-
Rushing Injuries}, 12 SPORTS LAW. J. 181 (2005); see also Gil Fried & Robert Metchick, \textit{Camp
Randall Memorial Stadium Case Study: University of Wisconsin-October 30, 1993}, 15 J. LEGAL
ASPECTS SPORT 139 (2005).

\textsuperscript{44}Fried & Metchick, \textit{supra} note 43; see also \textit{ASSOCIATED PRESS}, \textit{Student Dies after Goal Post Pulled
To deter such postgame celebrations, one of the most prominent National Collegiate Athletic Association (NCAA) conferences, the Southeastern Conference (SEC), announced a ban on spectators rushing onto football fields and storming the court in basketball to reduce potential risk of injury. The policy included the issuance of financial penalties against the home team’s athletic department to deter storming the court. Students might be asked what they would do to minimize risk as a coach, athletic director, team owner, or stadium management firm during a postgame celebration. Having already established the foundation for negligence, including examples of flying objects, the instructor should find that the students become engaged in the discussion and attempt to utilize terms such as assumption of the risk and liability when offering their opinions involving postgame celebrations and concerns.

D. Wrongful Death

Like many negligence-related subjects, a discussion of wrongful death negligence cases provides an opportunity to compare and contrast tort law with its close companion criminal law. There have been several prominent deaths in recent years, including the deaths of National Football League (NFL) lineman Korey Stringer, Major League Baseball (MLB) pitcher Steve Bechler, and college football player Rashidi Wheeler. More recently, faulty course design
in the Winter Olympic sport of luge was criticized as being a cause of the death of twenty-one-year-old Nodar Kumaritashvili from the Republic of Georgia during a training run at the Vancouver Olympic Games.\(^{50}\) As these examples demonstrate, fatalities in sport occur in a variety of ways and may raise slightly different legal issues.

One important topic is the duty of care owed to participants by medical or other on-site staff at a sporting event or practice.\(^{51}\) This topic gained national attention in 2009 when high school football coach David Jason Stinson was charged with the crimes of reckless homicide and wanton endangerment (and later found not guilty) for the death of one of his high school players during an extremely hot summer practice session in Kentucky.\(^{52}\) One might also discuss requiring licensed or certified athletics trainers or first responders to be on site for practice or competition,\(^{53}\) especially in the context of concussions and brain injuries.\(^{54}\)

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\(^{50}\)**See** Maldonado v. Gateway Hotel Holdings, L.L.C., 154 S.W.3d 303, 309 (Mo. Ct. App. 2003). In this case, the court affirmed the trial court’s award of $13.7 million in compensatory damages to a boxer against the hotel owner. The hotel was found negligent for failing to have medical monitoring and an ambulance present at the hotel during the boxing match. The court noted that, under the “inherently dangerous activity” exception to landowner liability, a landowner hiring an independent contractor to perform an inherently dangerous activity has a “nondelegable duty to take special precautions to prevent injury from the activity.” *Id.* (citing Hatch v. V.P. Fair Found., Inc., 990 S.W.2d 126, 134 (Mo. Ct. App. 1999)).

\(^{51}\)**See** Daniel Connaughton et al., *An Analysis of Automated External Defibrillator Implementation and Related Risk Management Practices in Health/Fitness Clubs,* 17 J. LEGAL ASPECTS SPORT 81 (2007) (discussion of low Automated External Defibrillator implementation in health and fitness facilities in Florida including the failure of numerous facilities to follow the risk-management recommendations published by the leading national professional organizations); Sharon A. West & Margaret E. Ciccolella, *Issues in the Standard of Care for Certified Athletic Trainers,* 14 J. LEGAL ASPECTS SPORT 63 (2004) (reviewing the standards of care required of the certified athletic trainer, including duties based on special knowledge or ability, the duty to make a medical referral, the duty to communicate, and the duty to provide emergency services as a matter of public policy).

\(^{54}\)**Connaughton et al., supra** note 53, at 83 (noting that brain damage can occur within four to six minutes after the heart stops circulating blood); Mary Virginia Moore Johnson & Beth A.
E. Workers’ Compensation

Sports injury cases also provide an opportunity to discuss workers’ compensation, a topic with which many undergraduate students may not be familiar, and whether student athletes should be compensated from a state workers’ compensation fund for sports-related injuries. A classic case involving collegiate football player Kent Waldrep, who injured his spinal cord and suffered permanent paralysis in a 1974 game between Texas Christian University (TCU) and the University of Alabama, upheld the principle that student athletes are not employees and, therefore, are not eligible for workers’ compensation.55 Other student athletes from around the United States also attempted to benefit from state workers’ compensation systems but have consistently lost their claims under the same principle: that student athletes are not considered employees under the acts, and therefore workers’ compensation is inapplicable because that is the most fundamental requirement.56

Easter, Legal Liability for Cheerleading Injuries: Implications for Universities and Coaches, 17 J. LEGAL ASPECTS SPORT 213, 234–35 (2007) (citing Davidson v. Univ. of N.C. at Chapel Hill, 543 S.E.2d 920 (N.C. Ct. App. 2001), in which junior varsity college cheerleader sustained serious injuries, including permanent brain damage, during “two-one-chair” pyramid during a warm up prior to a basketball game and sued the North Carolina Industrial Commission alleging negligence under the state Tort Claims Act); Associated Press, La Salle Settles Injured Player’s Lawsuit, Nov. 30, 2009, available at http://sports.espn.go.com/ncf/news/story?id=4700355 (discussing financial settlement with college football player Preston Plevretes for brain injury during the 2005 season in which he was alleged to have exhibited traits of second-impact syndrome resulting from a concussion suffered in a previous game causing him to be more vulnerable to serious injury in a subsequent game).

55Waldrep v. Texas Employers Ins. Ass’n, 21 S.W.3d 692, 700 (Tex. Ct. App. 2000) (emphasizing that there was no intent on the part of TCU or Waldrep that his scholarship should constitute payment for his football services and that “NCAA rules provided that student-athletes would be ineligible if they used their skill for pay in any form”).

56See, e.g., Rensing v. Indiana State Univ. Bd. of Trustees, 444 N.E.2d 1170, 1175 (Ind. 1983) (ruling that no employment relationship was created, and absent such a relationship, the injured party could not be eligible to collect workman’s compensation); Coleman v. W. Michigan Univ., 336 N.W.2d 224, 226–27 (Mich.App.1983) (decision centering on whether the task performed by the purported employee “is an integral part of the proposed employer’s business,” and thereby court rejected the assertion that intercollegiate football is integral to the university’s primary businesses of education and research); see also Jeff Kessler, Dollar Signs on the Muscle . . . and the Ligament, Tendon, and Ulnar Nerve: Institutional Liability Arising from Injuries to Student-Athletes, 3 VA. J. SPORTS & L. 80 (2001) (exploring various sports torts cases including Rensing, Coleman, and Waldrep). Though there was no lawsuit filed, one might encourage students to explore the inspirational story of Boston University hockey player Travis Roy who, only eleven seconds into his first hockey shift in 1995, injured his fourth vertebra and remains
F. Additional Negligence Topics

There are numerous other topics that an instructor can pursue in the negligence category if time allows, but it is important to recognize that negligence is only one of the four main categories of torts, and time should be retained for those other issues. Instructors might raise the timely issue of the recent influx of the antibiotic-resistant staph infection MRSA, which has appeared in locker rooms throughout the country, causing concerns over hygiene during practice and competition leading to possible medical malpractice lawsuits. The instructor might ask students what could be done to prevent such liability. Students might also consider potential liability for off-campus hazing issues, for incidents involving transportation of players and coaches, or for drunken players leaving the stadium or arena and then causing serious injury to others. Such cases can show

in a wheelchair due to his spinal cord injury. See Travis Roy Foundation, http://www.travisroyfoundation.org/ (last visited Sept. 13, 2010). Roy, a quadriplegic, has done remarkably well for himself by overcoming the physical obstacle, and the Web site is an excellent resource showing students and student athletes that injury may occur anywhere, anytime, to anyone involved in sports.


Such as the tragedy involving Bluffton University’s baseball team in 2007. Five players, the bus driver, and his wife lost their lives when their motor coach bus fell off an overpass in Atlanta. See Jennifer Coletta, Tightening the Belt on Bus Safety: The Need for Safety Belts in Motor Coaches and School Buses, 40 U. TOL. L. REV. 193, 219–22 (2008) (discussing the Bluffton University accident and supporting proposals to increase safety standards and federally mandate seat belts for motor coaches and school buses).

See Steven B. Berneman, One Strike and You’re Out: Alcohol in the Major League Baseball Clubhouse, 11 VAND. J. ENT. & TECH. L. 399 (discussing the auto accident death of St. Louis Cardinals relief pitcher Josh Hancock in 2007).
the variety of situations that may give rise to negligence liability. Note that engaging and dramatic videos may be found on the Internet to capture examples of injuries related to a sports contest or event. Using videos to discuss and demonstrate possible negligence is a valuable tool to engage student learning.

III. INTENTIONAL TORTS

Coverage of intentional torts may be tied to hits after the play; a pitcher intentionally hitting the batter; or incidents of violence among participants, fans, referees, coaches, and parents. Nonviolent intentional torts such as defamation are included in sports torts as well.\(^{61}\) Attempting to draw a clear line between legitimate and illegitimate conduct during a sports contest is often difficult.\(^{62}\) One might illustrate that point by asking students if they support criminal prosecution of hockey players, for example, each time they engage in a fight on the ice.\(^{63}\) Although more often than not professional leagues handle alleged misconduct, such as unsportsmanlike conduct by players and coaches, internally through penalties or suspensions rather than in the courts, many of these situations provide apt examples for teaching legal issues.\(^{64}\) The following sections discuss particular intentional torts that an instructor may cover using sports examples.

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\(^{63}\) *Id.* at 208–09 (arguing that the criminal justice system is ill equipped for, and should refrain from, prosecuting professional hockey players for violent acts committed during the course of play).

A. Assault and Battery

Assaults and batteries by athletic participants provide useful examples of this tort, and instructors may find video available to enliven the discussion. Famously, in 1999, boxer Mike Tyson intentionally bit off part of Evander Holyfield’s ear, ending a boxing match but starting a criminal prosecution, though apparently no civil suit.65 In 2004, National Basketball Association (NBA) player Ron Artest stormed the stands, and he and some teammates began an assault on the fans who threw a cup at him.66 In 2006, players from the University of Miami and Florida International University became involved in a melee during a football game at the Orange Bowl, one of the ugliest brawls in football history.67 In connection with discussion of possible assault and battery claims, it is also appropriate to consider the legitimacy of certain intentional contact by sports participants, such as, in baseball, the pitcher throwing intentionally to hit the batter. In 2006, the California Supreme Court held that intentionally hitting the batter is actually a fundamental part of the game and therefore is not a battery.68

Instructors might also ask students to consider battery and other offenses committed by team mascots. To inject some humor into an otherwise serious discussion, one might present videos showing comically dressed mascots involved in physical altercations on and off the court.69 YouTube and the Internet generally are rife with videos and lists of other examples that can demonstrate how mascot behavior might turn into a tort lawsuit, including, for example, the otherwise simple act of tossing hot dogs into the stands to eager fans, such as occurred recently during a Kansas City Royals game.70 A basic search on YouTube of “mascot fights”


67Id. at 782–83.

68Avila v. Citrus Cnty. Coll., 131 P.3d 383, 394 (Cal. 2006) (holding that even if pitcher intentionally threw at the batter, conduct did not fall outside the range of ordinary activity in the sport).


yielded 1,410 entries.\textsuperscript{71} One can then select videos based upon such factors as playback time, most views (view count), or most recent entry (upload date).

A discussion of mascot behavior may invigorate students to share their experiences with mascots at sporting events. Of course, this presents an opportunity for the instructor to present lawsuits brought by fans alleging injury as a direct result of mascot behavior or instances where mascots have actually been charged with crimes. Courts differ on whether mascots and their crazy antics during a sports contest are actually part of the games at hand, so that fans assume the risk of such injuries.\textsuperscript{72} A 2010 lawsuit filed against the Philadelphia Phillies baseball organization may provide an apt example.\textsuperscript{73} The suit was brought by a seventy-five-year-old fan who claimed that she was injured by the team’s mascot, the Phillie Phanatic, during a 2008 minor league game in Reading when the mascot stepped on her legs in the stands.\textsuperscript{74} Benny the Bull (of the NBA’s Chicago Bulls) appears to consistently engage in activity that leads to controversy on and off the court.\textsuperscript{75}

Another useful example is the now-infamous Sausage-gate incident of 2003. In this incident, Pittsburgh Pirates first baseman Randall Simon was

\textsuperscript{71}Conducted on August 28, 2010.

\textsuperscript{72}Compare Harting v. Dayton Dragons Prof’l Baseball Club, L.L.C., 870 N.E.2d 766 (Ohio Ct. App. 2007) (finding that fan assumed risk of being hit by foul ball, rejecting her argument that club would be liable because she was distracted by the Famous San Diego Chicken), with Lowe v. Cal. League of Prof’l Baseball, 65 Cal. Rptr. 2d 105, 111 (Cal. Ct. App. 1997) (finding that antics of mascot are not an essential or integral part of a baseball game and that distraction created an increased inherent risk of being hit by a foul ball, so that club was liable for injury); see also Robert M. Jarvis & Phyllis Coleman, Batter Up!: From the Baseball Field to the Courthouse: Contemporary Issues Facing Baseball Practitioners: Hi-Jinks at the Ballpark: Costumed Mascots in the Major Leagues, 23 CARDOZO L. REV. 1635, 1661 (2002) (“The Phanatic also holds the dubious record as the most-sued mascot in the majors.”).


\textsuperscript{74}Id. (noting that the lawsuit was brought against the Phillies, the man who played the Phillie Phanatic, and the Reading Phillies, its minor league affiliate).

\textsuperscript{75}See Matt McHale, Benny the Bull Attacked at Oddyssey Fun World. Seriously., BY THE HORNS, July 19, 2010, http://bullsbythehorns.com/?p=2149 (outlining several incidents involving Chicago Bulls’ mascot including, but not limited to, being pushed to the ground at a fun park in 2010, being sued for giving a fan a high-five at a Bulls basketball game injuring the spectator in 2008, and being arrested at the Taste of Chicago festival in 2006 after driving his motorcycle through the crowd without a permit and scuffling with an off-duty police officer).
cited for disorderly conduct, fined $2,000 by MLB and fined $432 for disorderly conduct by the local sheriff’s office for knocking the Italian Sausage character-participant to the ground with his bat during the Milwaukee Brewers’ famous sausage race. An oversized bratwurst, a hot dog, and Italian and Polish sausages were racing past the dugout between the sixth and seventh innings at Miller Park when Simon intervened.76 This incident is a prime opportunity for the instructor to bridge the relationships between tort law, criminal law, the role of trial lawyers, and the state of the American legal system generally, especially after informing the students that the only thing the woman who played the Italian sausage character wanted was an apology and an autographed bat from Simon for the incident.77

B. Fraud

Fraud may arise in a sports context in the form of academic fraud,78 résumé fraud,79 or recruiting fraud.80 There are also incidents of participation fraud, such as the alleged cheating at the Boston Marathon by Rosie Ruiz, who apparently used a subway train to enhance her performance to win the race in 1980.81 A more recent example of participation fraud includes the case of Jerry Joseph, who led his Texas high school team to the state playoffs in 2010. In addition to misrepresenting his name and


77 Id.

78 See Glenn Wong et al., The NCAA’s Infractions Appeals Committee: Recent Case History, Analysis and the Beginning of a New Chapter, 9 Va. Sports & Ent. L.J. 47 (2009).

79 See Brent C. Moberg, Navigating the Public Relations Minefield: Mutual Protection Through Mandatory Arbitration Clauses in College Coaching Contracts, 16 J. Legal Aspects Sport 85 (2006) (noting that inaccuracies on Coach George O’Leary’s resume resulted in only a five-day tenure as the head football coach at the University of Notre Dame).

80 See Gene Wojciechowski, College “Recruit’s” Lie a Tale Gone Horribly Wrong, ESPN.com, Feb. 8, 2008, http://sports.espn.go.com/espn/columns/story?columnist=wojciechowski_gene&id=3236039 (discussing Kevin Hart and his fraudulent scheme to convince others that he was actually being recruited to play football in 2007).

identity, he also lied about his age and failed to disclose that he had already graduated from a high school in Florida in 2007. Other examples of fraud include scandals involving high school diploma mills, which some claim are in business, in part, to circumvent NCAA eligibility standards, and cases of athletes who attempt to avoid the detection of performance-enhancing drugs or illegal substances.

C. Right of Publicity

The phrase “right of publicity” was first used in 1953 by Judge Jerome Frank in a sports-related case, *Haelen Labs, Inc. v. Topps Chewing Gum, Inc.* In that case, two competing chewing gum manufacturers each claimed that they had the exclusive right to use a baseball player’s photograph in their marketing efforts. Another publicity case involved the use of deceased sports announcer John Facenda’s voice by NFL Films. Facenda’s estate demonstrated that NFL Films violated Pennsylvania’s right of publicity statute by using his unique voice (also known as the “voice of God”) in the video game *Madden NFL 06* without permission.

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82His real name was Guerdwich Montimere. At the time of the incident, though he claimed to be sixteen, he was actually twenty-two years old.


87Facenda v. NFL Films, Inc., 542 F.3d 1007 (3d Cir. 2008).

discuss whether fantasy sports violate professional athlete’s rights of publicity by using their names and statistics.\textsuperscript{89}

\textbf{D. Privacy Rights}

With the arrival of social media and networking sites such as MySpace, Facebook, Twitter, and others, including easily accessible video postings on YouTube, students will likely have different perceptions regarding the right to privacy than previous generations.\textsuperscript{90} In fact, students may posit whether there really is privacy anymore at all. Students may be particularly interested in learning about how concerns over privacy and potential liability have driven various colleges and universities to address issues involving student athletes and the Internet.\textsuperscript{91} For example, various NCAA schools have considered conducting background checks on student athletes prior to awarding them an athletic scholarship, known as a grant-in-aid.\textsuperscript{92} At the same time, concerns over publicly displaying private thoughts or matters have given college coaches pause as to whether the use of such

\textsuperscript{89}See Beth A. Cianfrone & Thomas A. Baker III, \textit{The Use of Student-Athlete Likenesses in Sport Video Games: An Application of the Right of Publicity}, 20 J. LEGAL ASPECTS SPORT 35 (2010); Risa J. Weaver, \textit{Online Fantasy Sports Litigation and the Need for a Federal Right of Publicity Statute}, 2010 DUKE L. & TECH. REV. 2 (discussion of Major League Baseball Advanced Media, L.P. v. C.B.C. Distrib. & Mktg., Inc., 505 F.3d 818 (8th Cir. 2007)).


\textsuperscript{91}See Erik Brady & Daniel Libit, \textit{Alarms Sound over Athletes’ Facebook Time}, USA TODAY, Mar. 8, 2006, available at http://www.usatoday.com/tech/news/Internetprivacy/2006-03-08-athletes-websites_x.htm (noting that two student athletes were kicked off swim team because they posted insulting comments on Facebook and that many athletic departments monitor student athlete Web sites to avoid embarrassing statements, pictures, or videos that could place student athletes, their coaches, or the universities themselves at risk of revealing traditionally private information).

sites are merely a distraction or even appropriate for student athletes at all who already live in the spotlight.93

Of course, privacy issues in sports are not limited to student athletes.94 In 2010, ESPN sports reporter Erin Andrews filed a lawsuit alleging invasion of privacy and intentional infliction of emotional distress against hotels for providing her room number to an individual who subsequently recorded her nude through a peephole and uploaded the videos on the Internet.95 Instructors can use these examples to demonstrate how privacy in the Internet era present different challenges today with instant-access Internet search engines such as Google, and as a result, the concept of privacy rights may have changed entirely from merely a decade ago.

E. Defamation

There are relatively few cases involving sport-related torts and defamation. Still, this intentional tort is worthy of exploration.96 Most recently, Brian McNamee, former trainer for MLB all-star pitcher Roger Clemens, has filed a defamation lawsuit against Clemens, who continues to deny that he used illegal performance-enhancing drugs that McNamee claimed he provided to Clemens.97 This litigation is

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93 See, e.g., Brian Murphy, Coach Pete Pulls the Plug on Twitter, IDAHO STATESMAN, Aug. 8, 2010, available at http://www.idahostatesman.com/2010/08/08/1295841/coach-pete-pulls-the-plug-on-twitter.html (“We tell them long before they come here, there’s a price to play on the blue turf. You’re not a normal person, you’re not a normal college student.”).

94 See, e.g., Dan Majors, Pirates Put Pierogi Back in the Race, June 23, 2010, available at http://www.post-gazette.com/pg/10174/1067575-63.stm (noting that Andrew Kurtz, who performed as a racing pierogi during the Pittsburgh Pirates’ home games, was rehired after management determined that “he should not have been fired” for posting a disparaging remark about the team on Facebook).


96 See, e.g., Pamela C. Laucella & Barbara Osborne, Libel and College Coaches, 12 J. LEGAL ASPECTS OF SPORT 183 (2002) (discussing the history of libel law in the United States and offering recommendations as to how college coaches can attempt to protect themselves from making libelous statements).

ongoing. In another case, sports agent A.J. Faigin sued his former client, NFL quarterback Jim Kelly of the Buffalo Bills, and sportswriter Vic Carucci for defamation for statements made in Kelly’s autobiography *Armed and Dangerous*. In the book, Kelly claimed that Faigin had mishandled his money. Kelly won on appeal, with the court holding that a sports agent, as a limited-purpose public figure, was required to prove actual malice in order to prevail in his legal claim.

Another example involves Richard Jewell, the private security guard at the 1996 Atlanta Olympic Games who was, at first, hailed as a hero for alerting the authorities of a suspicious package but then was incorrectly painted as a suspect for the bomb that exploded in Centennial Park. He subsequently sued several media outlets for defamation. After settling defamation claims against NBC, CNN, and others, Jewell pursued his claims against the publishers of the *Atlanta Journal-Constitution* and the *New York Post*, unsuccessful in both instances. Part of Jewell’s legal issue was that he became characterized as an involuntary limited purpose

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99 Faigin v. Kelly, 184 F.3d 67 (1st Cir. 1999).

100 *Id.* at 75 (defining actual malice as “that the defendant knew that the statement was false or, at least, recklessly disregarded its want of veracity”). At the end of its opinion, the appellate court also stated, “Here, Faigin’s passing attack, though prolific, lacks accuracy, and, in all events, never crosses the goal line. For aught that appears, Faigin lost a hotly-contested game played with scrupulous attention to the rules under the watchful eyes of an attentive referee.” *Id.* at 87–88.

101 See Clay Calvert & Robert D. Richards, *Journalism, Libel Law and a Reputation Tarnished: A Dialogue with Richard Jewell and His Attorney, L. Lin Wood*, 35 McGEORGE L. REV. 1, 5 (2004) (noting that libel lawsuits involving the involuntary public figure “are increasingly likely to arise in an age in which the media are quick to pounce on and heap saturation coverage upon individuals who initially are cast as suspects in high-profile tragedies”).


104 Peter B. Kutner, *What Is the Truth? True Suspects and False Defamation*, 19 FORDHAM INTELL. PROB MEDIA & ENT. L.J. 1, 17–20 (2008) (noting that while Jewell agreed to financial settlements with various media outlets, his case against the *New York Post* was dismissed because the court believed it true that he was indeed “a” suspect of planting the bomb and was being actively investigated by the authorities, and that was true).
public figure prior to the public disclosure that he was under investigation for the bombing, and his subsequent voluntary participation in the public discussion of the bombing was sufficient to make him a public figure.\footnote{Atlanta Journal-Constitution v. Jewell, 555 S.E.2d 175, 187 (Ga. Ct. App. 2001) ("It has only now been finally determined that as a public figure, Jewell must show by clear and convincing evidence that false and defamatory statements were published with actual malice. Had we determined that Jewell acted as a private citizen, he would have been required only to show by a preponderance of the evidence that false and defamatory statements were negligently published.").} Instructors might examine how this 1996 incident, Jewell’s voluntary participation in media interviews over the matter, and the outcome of Jewell’s lawsuits would have played out today with the ubiquitous presence of the smart phones, the Internet, various search engines, and social media outlets such as Facebook and Twitter.\footnote{Id. at 185 ("Whether a person has voluntarily injected himself into a public controversy in order to have an impact on its outcome cannot be determined solely by reference to the actor’s subjective motives. The court must ask whether a reasonable person would have concluded that Jewell would play or was seeking to play a major role in determining the outcome of the controversy.").}

IV. PRODUCT LIABILITY

In addition to the foregoing tort claims, the instructor can explore product liability claims arising out of defective sport-related products. One notable set of product liability cases concerns the safety debate between using wooden baseball bats in professional baseball and the metal or aluminum bats in college baseball.\footnote{Matthew R. Wilmot, Baseball Bats in the High Tech Era: A Products Liability Look at New Technology, Aluminum Bats, and Manufacturer Liability, 16 MARQ. SPORTS L. REV. 353 (2006); see also Jorge L. Ortiz, As Injuries Mount, Debate over Metal Baseball Bats Continues, USA Today, July 28, 2010, \url{http://www.usatoday.com/sports/baseball/2010-07-28-metal-bat-debate_N.htm} (noting that North Dakota is the only state to ban metal bats, although Illinois, Pennsylvania, Massachusetts, Montana and New Jersey have considered similar measures).} In a recent case, in 2009, a Montana jury awarded a judgment of $850,000 against Hillerich & Bradsby (maker of the Louisville Slugger), in favor of the family whose son was hit in the head by a line-drive hit from the batter, finding that the manufacturer failed to warn about the dangers of aluminum bats, though the jury did not find the
Two other cases against the same manufacturer were filed for similar incidents, one that resulted in death and another in severe head injuries. In addition to this baseball bat litigation, other sports-related product liability cases worthy of exploration concern allegations of defective helmets, trampolines, artificial turf, and the design of protective hockey Plexiglas.

Finally, in connection with coverage of product liability under tort law, instructors may choose to discuss issues connected with misleading advertisements of sports-related products such as weight-loss supplements. Such a discussion would provide an opportunity to examine the impact of administrative agencies such as the Federal Trade Commission on the legal environment of business.

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111 Liesener v. Weslo, Inc., 775 F. Supp. 857 (D. Md. 1991) (noting that both manufacturer and retailer were held harmless for serious injury due to obvious dangers when trampoline owner failed to read instruction manual but did read adequate warning notice on the trampoline, which stated that somersaults caused serious injuries).


113 Petrongola v. Comcast-Spectacor, L.P, 789 A.2d 204 (Pa. Super. Ct. 2001) (holding that hockey facility had no duty to protect fans from an errant puck entering the seating area of the arena since this was a “common, frequent and expected occurrence” at a hockey game.).

114 See Kane, supra note 48 (discussing death of Steve Bechler, an MLB player who reported to spring training camp overweight and took an over-the-counter dietary supplement called Xenadrine RFA-1, which contained ephedra, legal at that time, and died. The autopsy revealed that ephedra was a significant factor in his death due to death due to heat exhaustion).
V. STRICT LIABILITY

Strict liability for ultrahazardous or abnormally dangerous products or activities is the least common basis for tort liability in a sports law context. Class discussion of strict liability in sports torts relies heavily on the hypothetical, as one could imagine such liability from flying debris or exposure to unsafe compounds during the blasting activity for a stadium demolition or keeping a domestic or wild animal as a mascot or from malfunctioning pyrotechnic devices. With regard to the last possibility, there have been several pyrotechnics accidents, with videos available on the Internet, involving the introduction of participants at a professional wrestling event, including at least one example where dozens of spectators were injured. Recently, a fireworks malfunction injured two spectators at the home stadium of the Hudson Valley Renegades, a minor league baseball team in New York. The instructor can explore whether spectators who are injured by fireworks displays consented to a known risk.

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116 See generally David A. Dial & Anna C. Palazzolo, Implosion and Blasting: Not Simply a Matter of Semantics, XL Insurance, available at http://63.111.58.117/library/riskcontrol/demolition.htm (last visited Sept. 20, 2010) (arguing that, with technological advances in the area of demolition, especially the use of the implosion technique rather than blasting, the use of explosives may not necessarily be an ultra hazardous activity); see also Bianchi Trison Corp. v. Chao, 409 F.3d 196 (3d Cir. 2005) (affirming the findings of the Secretary of Labor on safety and health problems that arose in the demolition, implosion, and cleanup of the Three Rivers Stadium in Pittsburgh, Pennsylvania).
117 See, e.g., Robert Fugate, Survey of Texas Animal Torts, 48 S. Tex. L. Rev. 427 (2006) (discussing Texas law, which avails plaintiffs of three potential causes of action for attacks by domestic animals including strict liability for vicious domestic animals, negligent handling of an animal, and negligence per se (violation of ordinances)). However, the author notes, “Unlike domestic animals, a strict liability standard generally applies against those who own, possess, or harbor wild animals whether or not the animals are known to be vicious. However, when a wild animal is capable of being tamed and has in fact been tamed, the liability standard for domestic animals applies.” Id. at 434. Consider hypothetical tort claims against charging wild animal mascots such as Bevo the Texas longhorn steer at the University of Texas, Ralphie the buffalo at the University of Colorado, or caged Mike the Tiger at Louisiana State University.
120 Kitei, supra note 35, at 49 (citing W. Page Keeton et al., Prosser and Keeton on the Law of Torts 485 (5th ed. 1984)).
and whether the pyrotechnic display involved an abnormally dangerous activity.\footnote{See, e.g., Klein v. Pyrodyne Corp., 810 P.2d 917 (Wash. 1991) (holding that the discharge of fireworks was an abnormally dangerous activity justifying imposition of strict liability since it is an activity that is not of common usage and that presents a high risk of serious bodily injury or property damage that cannot be eliminated).}

VI. CONCLUSION

Introducing students to the relationship between torts and sports can have a positive impact on the learning environment. Even if the instructor is not an avid sports fan, the sports world can provide vivid, relatable examples to illustrate tort concepts for students, and such examples are readily available. The instructor can determine what topics and examples to cover. Classic sports tort cases and more recent or less well-known cases are all possibilities. This article provided numerous examples of recent sports torts and videos that may be used in a legal studies course in an attempt to reach today’s students and, perhaps, generate a few smiles or screams.

Finding and incorporating sport-related illustrations, whether judicial decisions, Internet articles, or videos, is simple with today’s technology. With Google, YouTube, and other Web sites, the utilization of sports torts is an effective way to guide the class through this segment of the course, and no athletic skill is required to cover all the bases.
## APPENDIX: POSSIBLE SPORTS TORTS VIDEOS FOR CLASS DISCUSSION

<table>
<thead>
<tr>
<th>Subject(s) Title</th>
<th>Year</th>
<th>Incident/Discussion</th>
</tr>
</thead>
<tbody>
<tr>
<td>John Facenda’s voice in <em>The Autumn Wind</em></td>
<td>1974</td>
<td>Example of commercial misappropriation for <em>voice of God</em></td>
</tr>
<tr>
<td>Woody Hayes</td>
<td>1978</td>
<td>Punch by college football coach against opponent player</td>
</tr>
<tr>
<td>John Stossel/David Schultz</td>
<td>1984</td>
<td>Interview of professional wrestler who slaps reporter</td>
</tr>
<tr>
<td>Jim Rome/Jim Everett</td>
<td>1994</td>
<td>Interviewee attacks relentless reporter after warning</td>
</tr>
<tr>
<td>Mike Tyson/Evander Holyfield</td>
<td>1997</td>
<td>Boxer tears off part of opponent’s ear with his mouth</td>
</tr>
<tr>
<td>Tie Domi</td>
<td>2001</td>
<td>Fight between professional hockey player in penalty box and fan</td>
</tr>
<tr>
<td>Randall Simon</td>
<td>2003</td>
<td>Professional baseball player knocks over sausage race participant</td>
</tr>
<tr>
<td>Ron Artest and others</td>
<td>2004</td>
<td>Professional basketball player attacks Detroit fans during contest</td>
</tr>
<tr>
<td>Clemson Univ./South Carolina</td>
<td>2004</td>
<td>Brawl between rival college football teams</td>
</tr>
<tr>
<td>Preston Plevretes</td>
<td>2005</td>
<td>Malpractice after violent collision in college football game?</td>
</tr>
<tr>
<td>Delmon Young</td>
<td>2006</td>
<td>Toss of bat by minor league baseball player directed at umpire</td>
</tr>
<tr>
<td>Univ. Miami/Florida Int'l Univ.</td>
<td>2006</td>
<td>Massive brawl between two collegiate football teams during contest</td>
</tr>
<tr>
<td>Albert Haynesworth</td>
<td>2006</td>
<td>Professional football player stomps on players helmet-less head</td>
</tr>
<tr>
<td>Zinedine Zidane</td>
<td>2006</td>
<td>Infamous soccer head butt causing injury to opponent during match</td>
</tr>
<tr>
<td>Univ. Oregon/Univ. Houston</td>
<td>2007</td>
<td>Mascot mockery leads to confrontation and real violence?</td>
</tr>
<tr>
<td>Jose Offerman</td>
<td>2007</td>
<td>Video discussion related to minor league baseball player who attacks pitcher and others with bat</td>
</tr>
<tr>
<td>WWE Wrestlemania XXIV</td>
<td>2008</td>
<td>Fireworks cause dozens of wrestling spectator injuries in Orlando</td>
</tr>
<tr>
<td>Legarrette Blount</td>
<td>2009</td>
<td>College football player punches opponent in face after game</td>
</tr>
<tr>
<td>Elizabeth Lambert</td>
<td>2009</td>
<td>College soccer player repeatedly injures opponents</td>
</tr>
<tr>
<td>Brittney Greiner</td>
<td>2010</td>
<td>College basketball player punches opponent in the face</td>
</tr>
</tbody>
</table>

122 At the time of this writing, all videos were readily available on YouTube by conducting a simple query based upon the subject title and the incident or discussion. However, due to the inconsistent or fleeting nature of video postings on YouTube in which videos can easily be removed or replaced by account holders, thereby causing links to disappear, the specific links are not provided in this appendix.