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Symposium: Should There Be Some Form of Judicial (or Other Independent Review of NCAA Enforcement Actions"

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**SYMPOSIUM
ROGER WILLIAMS UNIVERSITY SCHOOL OF LAW
BRISTOL, RHODE ISLAND**

Friday, March 21, 2014

Topic

Should there be some form of judicial - or other independent - review of NCAA enforcement actions?

Schedule

- 8:30 – 9:00 AM Registration – RWU Law – 2nd Floor Atrium
- 9:00 – 9:15 AM Introductory Remarks
- 9:15 – 10:30 AM First Session
- Joe Nocera: Why Don't Athletes Have Rights?
- Joseph G. Hylton: Suing the NCAA in the Era of the Great Society: The Forgotten Case of *Casperson v. NCAA* (1965).
- 10:45 AM – Noon Second Session
- Terri L. Peretti: What if the NCAA was a State Actor? Here, There, and Beyond.
- Alan C. Milstein: *The Clarett* case: A Paradigm of NCAA Hypocrisy.
- Noon to 12:45 PM Lunch – RWU Law – 2nd Floor Atrium
- 12:45 – 2:00 PM Third Session
- Brian L. Porto: The NCAA's Restitution Rule: Bulwark Against Cheating Or Barrier To Appropriate Legal Remedies?
- Donna A. Lopiano: Fixing Enforcement and Due Process will not Fix What is Wrong with the NCAA.

Papers to be published in a special symposium edition of the *Roger Williams University Law Review* during the 2014-15 academic year.

Contributors

JOSEPH GORDON HYLTON is a professor of law at Marquette University. In addition to a law degree from Virginia, he holds a Ph.D. in history from Harvard, and he has taught a course in the history of sport for Marquette's history department. He has written widely about sports-related issues and is co-author of *Sports Law and Regulation* (Marquette University Press 1999). He chaired the committee that created the Marquette University Sports Law Program, chaired the Association of American Law School's Section on Law and Sports, and is incoming chair of the AALS Section on Legal History. From 1997 to 1999 served as interim director of the National Sports Law Institute.

DONNA A. LOPIANO is the president of the consulting group Sports Management Resources. She previously served for eighteen years as the director of women's athletics at the University of Texas-Austin, and for fifteen years as CEO of the Women's Sports Foundation. She is a past president of the Association for Intercollegiate Athletics for Women. *Sporting News* has repeatedly listed her as one of "The 100 Most Influential People in Sports." She earned a Ph.D. from the University of Southern California, and has received five honorary degrees. As an athlete, she participated in the national championships of four different sports, and is a member of the National Sports Hall of Fame.

ALAN C. MILSTEIN is one of the nation's most prominent litigation attorneys. He has been profiled in the *New York Times*, *Washington Post*, *Philadelphia Inquirer*, *American Lawyer*, *Chronicle of Higher Education*, and been a guest on "Dateline," "Sixty Minutes," "The Today Show," "48 Hours" and many other national shows. Sports Law is one of his specialties, and he has been a legal commentator on ESPN's "Sports Center" and HBO's "NFL Week." He represented Ohio State running back Maurice Clarett in a lawsuit against the NFL. Mr. Milstein is a graduate of the Temple University James A. Beasley School of Law, where today he teaches as an adjunct professor. He is a shareholder in Moorestown, New Jersey Sherman, Silverstein, Kohl, Rose, and Podolsky.

JOE NOCERA is a regular columnist for the *New York Times* and commentator on NRP's "Weekend Edition with Scott Simon." He writes and comments principally about business matters, and was previously a writer for *Fortune* magazine. Mr. Nocera has won two Gerald Loeb awards and three John Hancock awards for excellence in business journalism. His book, *A Piece of the Action: How the Middle Class Joined the Money Class* (Touchstone 1995), won the New York Public Library's 1995 Helen Bernstein Award as the best non-fiction book of the year. He was born Providence, RI, and graduated from Boston University.

TERRI PERETTI is a professor of political science at Santa Clara University. She chaired Santa Clara's department of political science from 2002 to 2006, and served as associate dean for its College of Arts & Science from 2009 to 2012. Professor Peretti has written widely about judicial selection, judicial independence, and the United States Supreme Court. She is the author of *In Defense of a Political Court* (Princeton University Press, 1999). Much of her work has appeared in legal journals, including *Judicature*, *Election Law Journal*, *Justice System Journal*, and *Ohio State Law Journal*. She is interested in the state action doctrine and is the author of "Constructing the State Action Doctrine, 1940-1990," which appeared in *Law & Social Inquiry*. Professor Peretti teaches courses on constitutional law, judicial politics, and American politics, and has received many teaching awards from Santa Clara University. She did her undergraduate work at the University of Kansas and received an M.A. and a Ph.D. in political science from the University of California-Berkeley.

BRIAN L. PORTO is a professor of law at the Vermont Law School, and deputy director of its Sports Law Institute. He has written widely about sports-law issues, and is the author of four books, including *The Supreme Court and the NCAA: The Case for Less Commercialism and More Due Process in College Sports*, (University of Michigan Press 2012), and *A New Season: Envisioning an Alternative Model of College Sports* (Praeger 2003). He comments frequently about sports issues on Vermont Public Radio. Before receiving a J.D. from Indiana University, Professor Porto earned a B.A. from the University of Rhode Island, a Ph.D. from Miami University, and taught political science at Macalester College in Minnesota and other colleges. In addition to teaching and writing, he maintains a law practice in Windsor, Vermont.

On-site registration will be held at RWU Law, 2nd Floor Atrium, Ten Metacom Avenue, Bristol, Rhode Island. Advanced registration is required. Lunch will be provided to participants.

This symposium is approved for four and a half hour (4.5) Rhode Island CLE credits with zero ethics credit.

FEES:

\$100

Registration includes a continental breakfast, lunch, and 4.5 Rhode Island MCLE credits.

\$75

Attorneys in their first five years of bar admittance and attorneys from government agencies.

Complimentary

Law students, judiciary, RWU Law Alumni - Class of 2013 may attend the symposium complimentary but registration is required by March 17, 2014.

CANCELLATIONS & REFUNDS:

Refunds will be issued less a \$25 processing fee with a written request by March 13, 2014. Refunds will not be issued after March 13, 2014. For further information and registration, contact the RWU Law Office of Alumni, Programs & Events at 401-254-4659 or lawevents@rwu.edu.