

An Analysis of the Presence and Perception of the Juris Doctorate Degree  
in Division I College Athletics

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## **ABSTRACT**

### **Anna Tharrington: An Analysis of the Presence and Perception of the Juris Doctorate Degree in Division I College Athletics (Under the direction of Barbara Osborne, J.D.)**

The purpose of this study was two-fold: first, to identify the number and types of positions in Division I athletic departments and Division I conference offices that are filled by individuals who have earned a Juris Doctorate degree, and second, to identify the perceptions (both positive and negative) of having such individuals in these departments and offices. One hundred forty-two Division I athletics directors and Division I conference commissioners participated in Survey One and 33 individuals who have earned a Juris Doctorate degree participated in Survey Two. This study provided a glimpse into the existence of those individuals working in Division I college athletics who have earned a Juris Doctorate degree, about whom little previous information was known. Information obtained from respondents includes: perceptions of hiring such individuals, salary ranges, length of employment, previous employment experience, areas of legal counsel, and frequency of legal issues in these departments and offices.

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## **CHAPTER 1**

### **INTRODUCTION**

#### **Increasing Connections**

America, a nation of consumers, has jumped on the sports band wagon. With sports fanatics seizing athletic apparel, athletic event tickets, and other sport merchandise with unprecedented fervor, it is no surprise that sport has become a multi-billion dollar industry. Historically, sports fans were divided into two distinct subgroups: the professional sports fan and the college sports fan. The professional sports fan was one who paid exorbitant ticket prices to attend an event in a massive state-of-the-art venue and was dazzled with entertainment and spectacle. For these fans, the competition was secondary to the experience itself. In contrast, the college sports fan was a devotee to the concept of amateurism, often paying a small fee (if any) to attend a game in a modest venue where the focal point remained on the competition itself.

During the past decade, the two worlds have converged, as college athletics has gotten bigger and more professional. College venues now boast the biggest and best of everything; the number of capital projects has escalated; the budgets of athletics departments are on the rise; and coaches' salaries continue to soar. According to some, collegiate sport has become "big business" (Isidore, 2006). As a result of this convergence, college athletic departments are encountering increasingly complex financial and legal issues. With the

legal affairs of college sport no longer confined to simple contract negotiation and drafting, the need to have someone within the department with a legal background is now more important.

The following hypothetical situations provide a small glimpse of the legal issues that confront collegiate athletics departments on a regular basis: a donor contacts the department to inquire about the tax issues surrounding a potential planned gift; a new vendor requests a contract extension; the department learns of an unauthorized use of the university's brand and must decide how to proceed; an athlete questions the permissibility of drug testing. Even though athletics directors and administrators may not have legal training, they "are being called upon with greater frequency to make decisions which fall directly within the encompassing parameters of the legal environment." (Mallios, 1985, p. 14).

This nexus between these two areas is no surprise to academia, as many law schools already offer courses related to sport. These courses cover a variety of topics and often touch on issues of particular importance to collegiate athletics: due process, drug testing of student athletes, Title IX, amateurism, anti-trust and intellectual property. Taking sports law education a step further, Marquette University Law School offers a specific Sports Law Program that rewards students with a Sports Law Certificate from the National Sports Law Institute upon completion of their Juris Doctorate and requisite course work. Other (non-legal) areas of academia have also recognized the benefits of including basic law-related courses within the curriculum. Many sports administration and sport management programs at both the undergraduate and graduate level include a sport law component as part of the required coursework. Select institutions like UNC-Chapel Hill and Ohio University, among others, provide an opportunity for students to pursue graduate degrees in both law and sports

management/sports administration. These dual degree programs, while still relatively new, are increasing in both popularity and frequency across the nation.

Given the connections between intercollegiate athletics and the law, it would seem that an individual with expertise in both areas would be an attractive candidate for an athletic department administrative position. The purpose of this study is to ascertain if athletic departments and conference offices at the Division I level have, in fact, capitalized on the benefits of having someone with a law degree in their department and to identify the perceptions (both positive and negative) of employing such individuals.

### **Purpose**

The purpose of this study is two-fold: first, to identify the number and type of positions in Division I athletic departments and Division I athletic conference offices that are filled by individuals who have earned a Juris Doctorate degree, and second, to identify the perceptions (both positive and negative) of having such individuals in these departments and offices.

### **Research Questions**

1. How many administrators in Division I athletic departments and Division I conference offices have earned a Juris Doctorate degree?
2. In what area(s) of athletics administration are these individuals employed?
3. In what area(s) do these athletics administrators provide legal counsel or advice in their current positions?

4. Is an individual who has earned a Juris Doctorate degree an attractive candidate for employment within a Division I athletic department or Division I conference office?
5. What are the positive and/or negative perceptions of hiring a candidate who has earned a Juris Doctorate degree?

### **Definition of Terms:**

***Juris Doctorate (also referred to as “Juris Doctor”):*** a law degree from a university, the title earned for this degree; also called bachelor of laws ([www.dictionary.com](http://www.dictionary.com))

***NCAA (National Collegiate Athletic Association):*** a voluntary organization through which the nation's colleges and universities govern their athletics programs ([www.NCAA.org](http://www.NCAA.org))

***Practicing law:*** for the purposes of this study, an operational definition of this term will be used that equates “practicing law” with providing legal advice as defined by a licensing board of the Bar within the applicable jurisdiction

### **Limitations**

1. This study is limited by the researcher’s ability to identify and contact the target group.
2. This study is limited by the willingness and ability of athletics directors and conference commissioners to provide accurate and complete information.

### **Delimitation**

The scope of the study will be limited to NCAA Division I institutions and Division I conference offices.

### **Assumptions**

1. The researcher assumes that athletics directors and conference commissioners, as the initial contacts of the study, are in the best position to identify employees within the department or office who have earned Juris Doctorate degrees.
2. The researcher assumes that all questions are clearly understood by the participants.
3. The researcher assumes that all participants answer survey questions truthfully and accurately.

### **Significance of the Study**

Despite the fact that the intersections between sport and the law seem apparent, there has been little (if any) research conducted regarding the target population of college athletic administrators who have earned a Juris Doctorate degree. As such, there is no information directly on point. This study will seek to answer the current unknowns: how large is the size of the target population; are these individuals utilizing their legal training within their current positions; and what are the positive and/or negative perceptions of employing these candidates. Competition for administrative positions within college athletics is already intense, but advanced legal training may give a candidate a competitive advantage.

By revealing this information, this study will address the utility of pursuing advanced degrees in both areas of specialization. The data obtained from this study can be used to

promote educational programs like the Dual Degree Law/Sports Administration programs or the Marquette Sports Law Program and can provide some indication as to whether those who obtain similar degrees will be more competitive in the job market. This information will also be a valuable resource for those who have an interest in pursuing a career that combines both areas of interest, as this study will identify the administrative positions that the target population occupies as well as the perceptions of hiring these candidates.

## **CHAPTER 2**

### **REVIEW OF LITERATURE**

#### **Introduction**

Broadly defined, “sports law” is simply the law as it applies to sports and is used within the sports context (Appenzeller, 1985, p. xiii). For decades, “sports law” was primarily associated with professional sports agents, as seen in the movie *Jerry Maguire*. When discussed in the collegiate sport context, sports law was limited confined to the areas of simple negligence and contracts. There was little need, and thus even less motivation, for administrators and athletics directors to remain abreast of the various legal issues that could affect the department’s day-to-day operations. During the 1970’s, with the nation’s newfound focus on discrimination, and increasingly large amounts of money being filtered into college sport, it was only a matter of time before athletic departments would be forced to realize the importance of the law in the previously insulated world of college sport.

#### **Inciting Change**

An endless number of factors can be cited as influential factors in thrusting legal issues to the forefront of collegiate athletics. Among the most relevant catalysts are: a trend toward increased litigation in all areas of the law, the Civil Rights Movement and ensuing legislation, and an influx of money in to collegiate sport.

### *A Litigious Society*

In general, the United States has been critiqued as a litigious society due to the large numbers of lawsuits that are filed each year. During the last half century, the statistics regarding the number of lawsuits filed in the United States are staggering with a 21% increase in civil filings in state courts between 1984 and 2000 (Ostrom, Kauder, & LaFountain, 2001, p. 6). In 1989, nearly eighteen million new civil suits were filed in American courts, which equates to nearly one lawsuit for every ten Americans (Appenzeller, T., 2000, p. 14).

For years, the world of sport remained relatively insulated from the legal challenges and watched the rest of the nation endure the escalation of litigation. Author David O'Brien notes that sport was unable to sustain this invisibility: "the expectation that the sports could hold itself immune from the growing litigation craze sweeping the country was simply too much to ask" (O'Brien, D. & O'Brien, T., 2004, p. ix). Particularly in the last half century, the broadening scope of American law has affected many occupational fields, like college athletics, that have traditionally remained outside the scope of judges and juries: "Many of today's cases would have been laughed out of court at one time. But behind the growing rush to litigate is an array of far-reaching changes in the United States that are no laughing matter" (Appenzeller, H. & Appenzeller, T., 1980, p. 4). With the ever-evolving nature of the law and the increasingly complex legal issues that are becoming more visible in athletics, the number of legal challenges in the area of sport is certain to continue to increase (O'Brien, D. & O'Brien, T., 2004, p. ix).

### *Race and Gender Discrimination*

From the 1950's through the 1970's, civil rights issues were thrust to the forefront of the American legal system as society became acutely aware of issues surrounding both race and gender. During this period, various court decisions and legislative proclamations promoted the end of segregation and discrimination. Among these, the *Brown v. Board of Education* (1954) case, the Civil Rights Act of 1964, and Title IX of the Educational Amendments of 1972 had a lasting effect on the legal landscape and eventually, the world of collegiate sport.

In 1954, the Supreme Court of the United States handed down its verdict in *Brown vs. Board of Education*. In *Brown*, the Supreme Court declared school segregation unconstitutional, marking the beginning of the Civil Rights Movement. Ten years later, Congress passed The Civil Rights Act of 1964, landmark legislation that prohibited discrimination in public places, provided for the integration of other public places, and made employment discrimination illegal. Originally intended to benefit African Americans, the legislation was amended before passage to include protection for gender as well, thus creating the most sweeping comprehensive civil rights legislation since the Reconstruction period.

In 1972, Congress enacted another key piece of legislation, Title IX of the Educational Amendments of 1972 (Title IX). Title IX prohibits sex discrimination in educational programs that receive federal funding, thus promoting gender equality (Title IX, Education Amendments of 1972, 20 U.S.C. § 1681). Even though the statute's wording makes no specific reference to athletics, its impact has been widely felt in both interscholastic and college sport.

### *Increased Finances in College Sport*

Just as the legal landscape was changing, collegiate sport was also experiencing a fundamental shift of its own relating to the budgets and finances of athletic departments. During a six-year period from 1995-2001, Division I athletic department budgets increased by more than 25 percent (Sylwester & Witosky, 2004). The pace at which athletic spending escalated during this period was more than double the average increases in general university spending (Sylwester & Witosky, 2004). While departments cite increases in basic costs such as scholarships and travel, many critics believe that the real motivation behind such an enormous increase in spending is directly linked to the department's desire to win games (Sylwester & Witosky, 2004).

Two prominent areas of increased spending are coaches' salaries and capital projects. Early in 2007, Alabama announced that it was hiring former Miami Dolphins coach, Nick Saban, to lead the Crimson Tide football team toward a "new era" of prestige and success (Associated Press, 2006). With an eight-year deal totaling more than \$32 million, Saban's contract stunned the world of college athletics, causing many departments to fear a painful precedent.

Saban's contract, while staggering, is indicative of a larger trend toward increased compensation for Division I coaches. In a 2006 article in USA Today, the average pay for a Division I football coach was listed as \$950,000, excluding any perks, benefits, or incentives (Upton and Weiberg, 2006). With 42 of the 119 Division I-A football coaches earning more than one million dollars annually (a significant increase from the five coaches who earned more than one million dollars in 1999), "the million-dollar coach, once a rarity, is now the norm" (Upton & Weiberg, 2006).

Lastly, college sport has fallen victim to an arms race by financing extremely expensive capital projects at an unprecedented rate over the past decade. Two major athletic programs, the University of Michigan and the University of Texas, have led the charge toward stadium expansion, pouring millions upon millions of dollars into state-of-the-art renovations. The University of Michigan's overhaul of the "Big House" includes the addition of 3,200 club seats and 83 suites, at a price tag of \$226 million (McCafferty, 2006). In 1999, the University of Texas completed a three-year, \$90 million upgrade and expansion of its football stadium (McCafferty, 2006). Seven years later, following Texas's 2006 Rose Bowl victory, the Texas Board of Regents approved another \$180 million project for the stadium, bringing the total renovations in the last decade to more than \$270 million (McCafferty, 2006). Even though Texas and Michigan are two premier football programs with large budgets, the unapologetic words of Texas Associate Athletics Director, Ed Goble, may best summarize the general consensus among major Division I-A programs: "If we can pay for it, we'll do it" (McCafferty, 2006).

### **The Effect on College Athletics**

The three factors discussed above (litigation trends, Civil Rights awareness, and increased finances) have had a profound impact on the world of college athletics. Given the trend of increased litigation in the American society, it is no surprise that college athletics has experienced a similar increase in several areas. Racial and gender awareness has permeated Division I institutions, defining the parameters of how institutional employees and athletes can be treated and ensuring due process for these individuals. Contractual issues at the

college level have become increasingly complex, particularly in the area of coaches' contracts.

### *Sports Litigation*

Critics were correct in their assumption that the world of sport could not remain insulated from the court room indefinitely. In the last half century, college sport, in particular, has seen an increase in litigation related to constitutional issues such as gender and racial discrimination. During the twenty-two year period from 1973 until 2005, 35% of litigated cases involving the NCAA related to constitutional issues like discrimination (Epstein, 2006). Title VII of the Civil Rights Act of 1964 and Title IX, as well as other legislative acts, have been the foundation for legal action for employees and student-athletes who have been the victim of unfair discrimination. Title VII prohibits certain employers from discriminating on the basis of race, color, religion, sex, or national origin, and has also been used to successfully challenge same-sex sexual harassment (42 U.S.C. § 2000e-2 [3] and *Oncale v. Sundowner Offshore Services, Inc.*). Since being passed in 1972, Title IX has opened the eyes of athletics directors and administrators across the nation: "Perhaps no issue has commanded the attention of administrators of intercollegiate athletics more than the gender equity requirements of Title IX..." (Anderson & Hylton, 1990, p. 270). Title IX is most frequently used by student athletes to challenge inadequate participation opportunities or inequitable treatment, but has also provided a cause of action for coaches and administrators as well (Title IX: Athletics, 2007). Despite the fact that Title IX is more than 35 years old, with more than 416 athletics complaints filed with the Office of Civil Rights between January 2002, and December 31, 2006, it remains a useful tool for challenging sex-based discrimination today (Title IX: Athletics, 2007).

Another area of constitutional importance that has arisen in the athletics context is the scope of due process protection. Rooted in the 5<sup>th</sup> and 14<sup>th</sup> Amendments of the Constitution, due process ensures that “no person shall be...deprived of life, liberty, or property without due process of law” (U.S. Constitution, Amendments V and XIV). Given the nature of a Constitutional mandate, only state actors are subject to the requirements of due process, thus excluding private entities. While the United States Supreme Court held in *NCAA v. Tarkanian*, 488 U.S. 179 (1988) that the NCAA is not a state actor, and is thus under no obligation to provide due process, nonetheless, lawsuits against the association relating to due process issues are widespread (Lederman, 2006). Regarding the rampant litigation, NCAA President Myles Brand commented, “Suing the NCAA is an indoor sport” (Lederman, 2006). To help reduce the amount of frivolous litigation, the NCAA has implemented, although not required to do so by law, procedures to help minimize its risk. Unlike the NCAA, many member institutions are state actors and are thus subject to Constitutional due process requirements. As such, these institutions (and their athletic departments) must provide the appropriate substantive and procedural protections as afforded by the Constitution. Thus, universities must pay close attention to the procedures used when interacting with student athletes, for fear that a valid due process claim may arise if they fail to do so.

Liability and negligence suits have also become prevalent in the area of sports. While injuries have always been common in athletics, the fact that an injury occurs does not necessarily mean that parties were negligent or that the injured individual should receive monetary damages (Youth Sport, 2000, p. 17). Regardless, the threat of expensive litigation is “real and ever-present” in today’s litigious world (Youth Sport, 2000, p. 17). As such,

athletics directors and administrators must now be aware of an audience of individuals who may in some way create legal liability for the athletics department: administrators, coaches, student-athletes, officials, spectators, and athletic trainers (Appenzeller, H. & Appenzeller, T., 1980, 113).

One of the leading claims in lawsuits involving injuries in sport is in the area of unsafe facilities or products (Youth Sport, 2000, p. 87). In the late 1970's, there were more than 14 major football helmet manufacturers (Mallios, 1985, p. 14). In the mid-1970's, injuries started to pervade collegiate football. In 1975 alone, approximately 30% of every 100,000 college football players had neck injuries of some sort (Quirk, 1999, p. 102). In 1985, after a decade of intense litigation, only two major manufacturers remained (Quirk, 1999, p. 102). Football helmet manufacturers are not the only group in danger of being litigated into extinction. According to the U.S. Consumer Product Safety Commission, from 1979-1993, there were at least 27 deaths attributable to movable soccer goals (CDC, 1994). With the growing emphasis placed on capital projects in collegiate athletics, athletic administrators must be increasingly aware of the legal liability that may arise from claims related to unsafe facilities or equipment.

#### *Contractual Complexity*

While contracts have been a permanent fixture in collegiate sport since its inception, the nature and complexity of these agreements have substantially changed in the last half decade. This change may best be seen in the area of coaching contracts. Once used as a template for specifying a coach's salary and providing typical benefits like insurance and travel reimbursement, the coaching contract is no longer a "simple matter of salary and fringe benefits provided by the university," (Anderson & Hylton, 1999, p. 256). Given the

perception that college sports are “big business,” college coaching has become a game of high stakes where money talks (Anderson & Hylton, 1999, p. 247). As such, the typical revenue coaching contract routinely includes in its compensation package monies related to television and radio appearances, camps, and endorsements (Anderson & Hylton, 1999, p. 256). Some major Division I institutions go a step further, providing a host of atypical perks including low interest home loans, real estate discounts, million dollar annuities, pricey luxury suites, vacation homes, and vacation stipends (Upton & Weiberg, 2006).

Aside from the increasingly long lists of benefits and perks that are added to coaching contracts, the high turnover rate in Division I coaching makes careful contract drafting imperative. In 1988-89 the turnover rate was at an all-time high with 66 of the 294 Division I institutions experiencing a coaching change in their basketball program alone (Anderson & Hylton, 1999, p. 247). With more than 384 coaching changes in Division I institutions during the 1980’s, it should come as no surprise that these contracts are being increasingly drafted by competent legal counsel to ensure that the school is protected by liquidated damages provisions in the event that a coach leaves prior to the end of the contract term (Anderson and Hylton, 1999, p. 247).

Aside from common contracts becoming more complex in nature, athletic departments are also entering into new types of contracts and agreements. For example, with athletic brands, logos, and other copyrightable images becoming a popular source of revenue for athletic departments, licensing and trademark agreements are routinely entered into in order to protect valuable assets. In addition to licensing agreements, departments contract with media outlets, vendors, construction companies, and corporate partners to receive and provide services or benefits (O’Brien & Overby, 1997, p. 26). Given the breadth of subject

matter and legal principles incorporated in these agreements, administrators are encouraged to seek counsel from individuals who are familiar with principles of contract law (O'Brien & Overby, 1997, p. 26).

### **The Response**

Recognizing the new challenges that result from the changes in college sport and the ensuing legal effects, academic institutions and athletic departments have responded by offering more opportunities that combine these areas of interest.

#### *Academia*

Academic programs across the nation have begun to offer courses related to sports law at both the undergraduate and graduate levels. Many undergraduate institutions now offer a sports administration program (or equivalent) whereby students are educated in the areas of sport-related business and management (UNC Exercise and Sport Science, 2007). Typically, these programs contain a sport law component that provides students with a “foundation in general legal concepts” in the areas that they are most likely to encounter in their profession(s) (UNC Exercise and Sport Science, 2007). Similarly, graduate level sports administration and sports management programs generally include at least one class targeted toward the education of legal issues in sport. Depending on the type of program, the scope of the course may be limited to areas affecting only a particular sector of athletics or the course may encompass all levels of sport ranging from interscholastic to professional athletics. For example, the UNC Sport Administration program focuses solely on preparing students for careers in collegiate athletic administration (UNC Exercise and Sport Science, 2007). Thus, UNC’s sports law component, Legal Issues in Collegiate Sport, provides students with “an

introduction to the United States legal system, legal principles, and legal issues related to intercollegiate athletics” (UNC Exercise and Sport Science, 2007). While the course still covers a variety of legal topics that are universal in sport (like coaching contracts, drug testing, and discrimination), these topics are discussed as they apply solely in the intercollegiate context. On the other hand, some programs prepare students for a wider range of careers in the sport profession. For example, the University of Miami’s Masters Program in Sports Administration seeks to provide its students with a competitive advantage in fields ranging from professional sport administration to administration in the general health and leisure industry (University of Miami, 2007). Thus, Miami’s legal component, Legal Aspects of Sports and Exercise Science, provides a wider scope of information to students to compliment the program’s breadth (University of Miami, 2007).

Undergraduate and graduate programs are not the only areas of academia that have recognized the connection between sport and the law, as 84% of the law schools across the nation offer a sport law course (Marquette Executive Summary, 2003). A 2003 survey conducted by the National Sports Law Institute of Marquette University Law School revealed several trends that, when compared to the Institute’s previous study in 1999, support the premise that law schools are recognizing the educational value of having sport courses as part of their curriculum (Marquette Executive Summary, 2003). Relevant findings include: (1) more law schools are now offering more than one sports law course, (2) more law schools are offering sports law courses taught by full-time faculty, and (3) there has been an increase in the number of law schools that have a sports or entertainment law association of some sort (Marquette Executive Summary, 2003).

Many law schools are offering opportunities outside of daily coursework to provide students with more involvement with sports law. Sports law reviews and journals as well as societies and internships are becoming more commonplace (Marquette Executive Summary, 2003). Some schools have gone a step further. For instance, Marquette University Law School offers a well-respected Sports Law Program that provides students with a variety of opportunities such as diverse course offerings in sports law, internships, Law Review, and Moot Court (Marquette Sports Law Program, 2007). As further evidence of its commitment to sports law education, Marquette University Law School founded the National Sports Law Institute, a “national educational and research institute for the study of legal, ethical and business issues affecting amateur and professional sports” in 1989 (Marquette Sports Law Program, 2007). This institute hosts national conferences and assists with the internship placement and publication efforts of its members.

With both graduate programs and law schools offering courses and opportunities in the area of sports law, a handful of schools have capitalized on this connection by offering dual degree programs that allow students to combine legal and graduate educational programs. Recognizing that sports administration professionals are increasingly encountering a variety of legal issues, obtaining dual degrees from both the law and graduate schools provides students with even more flexibility in pursuing career opportunities (Ohio University, 2007). Logistically, due to the cooperative enrollment between both programs, students are able to complete both areas of study in a shorter period of time than if they had pursued each experience separately. For example, the University of North Carolina at Chapel Hill offers a JD/MA dual degree program in sports administration and law whereby students can obtain both a Juris Doctorate degree and a Masters of Arts degree in sports

administration after four years of coursework (UNC: Dual Degree, 2007). However, if pursued individually, this combination of degrees would require five years of study (three years for the Juris Doctorate degree and two years for the Masters of Arts degree in Sports Administration).

When looked at in totality, these educational opportunities indicate the reality that sports administration and the law are becoming increasingly interconnected (Capital University, 2007). Students who pursue these educational paths, particularly the dual degree option, will arguably be able to progress faster in their career paths, as they are equipped with tools that provide flexibility in their professional pursuits (Capital University, 2007).

#### *College Athletic Departments*

With academia responding by offering more opportunities in this combined area of interest, it seems that college athletics departments would take advantage of the talented pool of candidates emerging from these programs. To date, there is no published research that focuses on the correlation and placement of individuals with Juris Doctorate degrees within collegiate athletic departments. However, by looking at information regarding profiles of both athletic administrators, one may infer that individuals who have earned Juris Doctorate degrees are competitive candidates for employment in collegiate sports.

In 2003, Barbara Osborne, J.D., a professor at the University of North Carolina and director of the graduate program in sports administration, presented research to the NCAA Committee on Women's Athletics regarding the Senior Woman Administrator (SWA) position. Osborne mailed surveys to 974 SWA's at the Division I, II, and III level and received an overall response rate of 45.9% (Osborne, 2003). From the responses received, Osborne was able to create a profile of the typical SWA. For the purposes of this study, the

relevant characteristic of the SWA was her completion of an advanced educational degree. Osborne's findings are listed in Table 1.

**Table 1: Highest Academic Degree Earned by SWA's**

|                               |              | High School<br>Diploma | Bachelor's | Graduate | Doctorate | Professional | Total  |
|-------------------------------|--------------|------------------------|------------|----------|-----------|--------------|--------|
| NCAA Division<br>(I, II, III) | Division I   | 1.2%                   | 13.7%      | 70.8%    | 9.5%      | 4.8%         | 100.0% |
|                               | Division II  | 1.7%                   | 20.7%      | 69.0%    | 6.9%      | 1.7%         | 100.0% |
|                               | Division III | .7%                    | 20.8%      | 68.8%    | 9.0%      | .7%          | 100.0% |
| Total                         |              | 1.2%                   | 18.0%      | 69.6%    | 8.6%      | 2.6%         | 100.0% |

While the data above does not specifically address whether any of these individuals had earned a law degree, the data does support that SWA's typically have earned some form of graduate or post-graduate degree. From the data collected in Osborne's study, the finding that graduate level degrees are commonplace in the SWA position supports an assumption that a law degree may also be beneficial for these individuals. Further generalizing this information to other positions with the athletic department, one can infer that an advanced degree beyond a Bachelor's degree would enhance a candidate's attractiveness.

## **CHAPTER 3**

### **METHODOLOGY**

The purpose of this study was two-fold: first, to identify the number and types of positions in Division I athletic departments and Division I athletic conference offices that are filled by individuals with a Juris Doctorate degree, and second, to identify the perceptions (both positive and negative) of employing such individuals.

#### **Subjects**

Since the purpose of this study was two-fold, two populations were necessary to achieve the dual purpose. The first group was comprised of 330 directors of athletics at NCAA Division I institutions and 32 commissioners of Division I conferences. These individuals were the initial contact for the study, as they were able to provide opinions regarding the value of hiring someone with a Juris Doctorate degree and were perceived to be in the best position to identify the second group, administrators in Division I athletic departments and Division I conference offices who have earned a Juris Doctorate degree.

The 362 Division I athletics directors and conference commissioners were sent an email cover letter (included in Appendix C) on February 19, 2008. This letter explained the purpose of the study as well as asked the population for their participation. These individuals were informed that their participation in the survey or any part of it was entirely voluntary.

A link to the online survey was inserted into the bottom of the letter such that someone who wished to participate in the survey could click the link and would be redirected to the survey (Survey One) which was hosted by an online survey service, Survey Monkey. In Survey One, respondents were asked eight questions that are included in Appendix E. One week later, on February 26, 2008, a reminder email was sent to those who had not responded, once again asking for their participation. The reminder letter is included in Appendix D. The same reminder email was sent on Monday, March 3, 2008, indicating that Survey One would officially close on Sunday, March 9, 2008 at 11:59pm.

The ability to identify the second population was completely dependent upon receiving full and accurate responses from the athletics directors and conference commissioners in the first population. Due to the time constraints of the study, on February 20, the researcher used all contact information that had been received during the first day of the study to send an email cover letter to those individuals, which is included in Appendix F. Each day, the researcher gathered all contact information received the previous day and sent the cover letter to those individuals. Once again, the cover letter explained the purpose of the study and asked for the respondents' participation. It further explained that participation in the study, or any part of it was entirely voluntary. A link to the online survey was included at the bottom of the email such that individuals could access the survey (Survey Two). Due to the cyclical nature of the responses received, the researcher documented when the first letter was sent to each Juris Doctorate candidate so that a reminder cover letter (included in Appendix G) could be sent exactly one week from the date each respondent received the initial contact. Each respondent received two reminder emails requesting the participation of those who had not yet completed Survey Two.

In addition to questions that asked the Juris Doctorate respondents about the perceived benefits and drawbacks of having someone in their department who has earned a Juris Doctorate degree, they were also asked questions about their salary range, their current and previous employment history, the areas in which they provide legal counsel to their department or office, and their job description.

### **Instrumentation**

In order to achieve the dual purpose of this study, two surveys were created, with one being sent to each target group. The purpose of the first survey, the one that was sent to directors of athletics and conference commissioners, was to obtain the contact information for the second group and to illicit information about the perceived benefits and drawbacks of hiring an administrator with a Juris Doctorate degree (from the employer/supervisor point of view).

After compiling the information gathered from the first group, a second survey was sent to the second population, the administrators and conference office employees who have earned a Juris Doctorate degree. This group was asked to respond to questions concerning the benefits and drawbacks of athletic departments/conference offices having an administrator who has a Juris Doctorate degree within their department. Respondents were also asked to provide other job-related information such as salary range, educational level, career path, and job description.

## **Procedures**

Descriptive statistics, mainly frequencies and percentages, were used to determine the most frequent and common answers from both groups of respondents. Responses related to the benefits and drawbacks of having an administrator in the athletics department with a Juris Doctorate were descriptively compared between groups to determine whether perceptions were similar or different.

## **CHAPTER 4**

### **RESULTS**

In total, 330 Division I athletics directors and 32 Division I conference commissioners were contacted via email and asked to participate in the first survey by clicking on an electronic survey link contained in the email. Of the 362 potential participants, 142 participated in the survey, resulting in an overall response rate of 39.2%.

The first survey was distributed to the population of Division I athletics directors and conference commissioners in an attempt to ascertain their perceptions regarding having individuals who have earned a Juris Doctorate degree on their staff as well as to obtain the contact information of any such individuals who are employed in their department or office.

Using the contact information provided by the first population, 49 individuals who have earned a Juris Doctorate degree and who currently work in either a Division I athletic department or a Division I conference office were identified and sent a second, unique survey. The second survey asked respondents to provide their perceptions of the benefits and drawbacks of athletic departments and conference offices having someone on staff who has their qualifications (a Juris Doctorate degree). Additional information unique to this population including salary range and professional experience(s) was also requested. Thirty-three individuals completed the second survey, resulting in an overall response rate of 67.3%. The results of each survey will be presented separately.

## Results of Survey One

Survey One was completed by 142 Division I athletics directors and Division I conference commissioners.

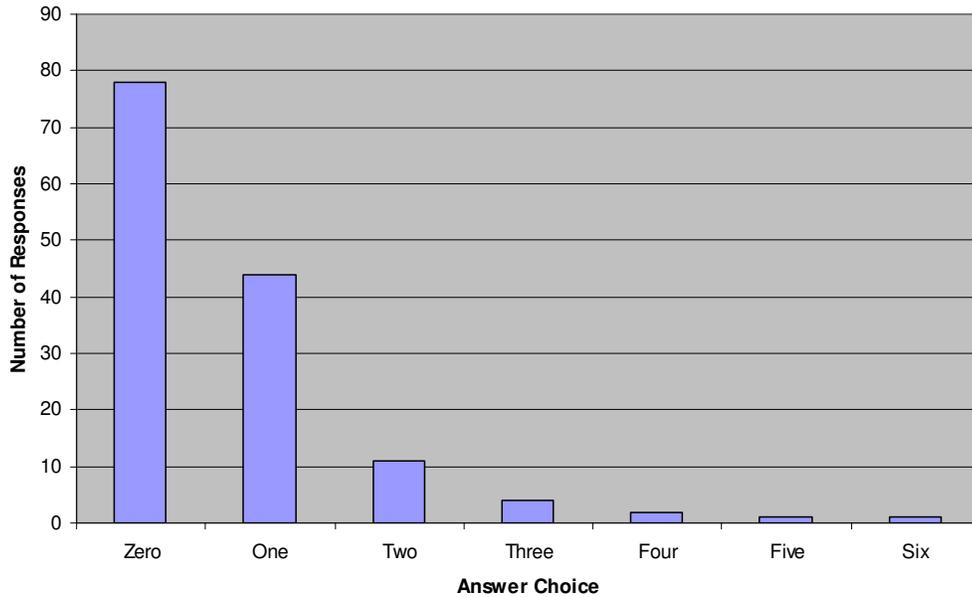
### *Survey One, Question 1:*

*“Please indicate how many full-time employees within the athletics department/conference office (including individuals employed by affiliated organizations like fundraising organizations, outsourced marketing companies, etc.) have a Juris Doctorate (law) degree.”*

One hundred forty-one respondents chose to answer Question 1, giving an overall response rate of 99.3%. The respondents were provided with answer choices of “0,” “1,” “2,” “3,” “4,” “5,” or “Other (please indicated a number).” Respondents were only allowed to select only one answer choice. The most common answer choice was “0,” with 78 respondents (55.3%) selecting this choice and thereby indicating that their department or office does not currently employ any individuals who have earned a Juris Doctorate degree. The second most common answer choice selected was “1,” with 44 respondents (31.2%) indicating that their department/office had one individual on staff that has earned a Juris Doctorate degree. Eleven respondents (7.8%) indicated that they had “3” such individuals on staff. The remaining answer choices each had less than a 3% response rate.

The results of all answer choices are displayed graphically in Figure 1.

**Figure 1: Juris Doctorate Employees**



*Survey One, Question 2*

*“Please indicate the name and email address for each employee with a Juris Doctorate (law) degree. (This information will only be used to send a follow-up survey to the employee to measure his/her perceptions and will not be compiled or disclosed for any other purposes.)”*

Respondents were allowed to answer Question 2 only if they indicated in Question 1 that they had at least one individual in their athletic department or conference office who has earned a Juris Doctorate degree. Thus, of the 63 individuals who were eligible to answer Question 2, 46 provided at least one email address (or other contact information) for an individual in their athletic department or conference office who has earned a Juris Doctorate degree, resulting in a 73.0% response rate. Two respondents indicated that they did not feel it was appropriate to provide such contact information without first obtaining the individual’s consent. The information obtained in Question 2 was used to send out Survey Two.

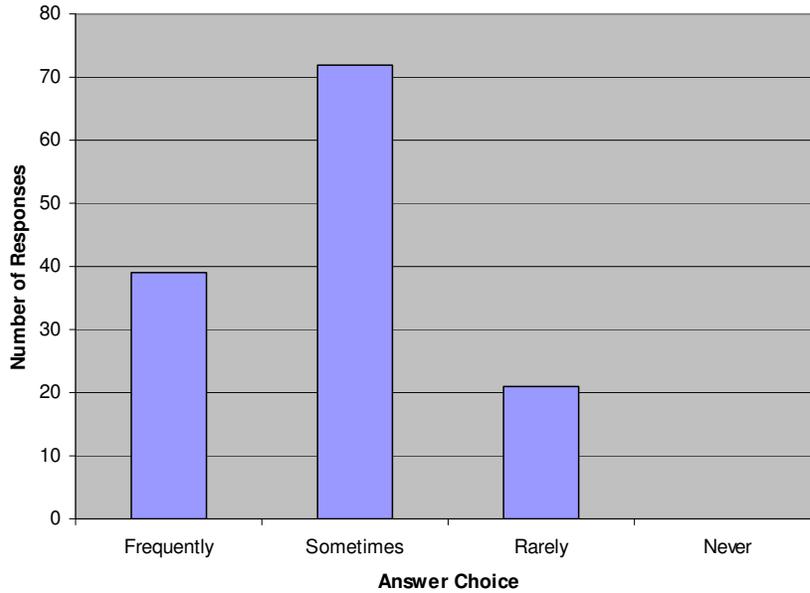
*Survey One, Question 3:*

*“In your opinion, how frequently do legal issues/matters arise within the athletic department/conference office?”*

One hundred thirty-two of the respondents chose to answer Question 3, giving an overall response rate of 93.0% for this question. Respondents were asked to indicate how frequently legal issues or matters arose within their department. Respondents were provided with four answer choices, of which they could select only one choice. The most common answer, selected by 72 respondents (54.5% ), was “sometimes (1 or more times per month),” indicating that the majority of Division I athletics directors and conference commissioners who answered Question 1 feel that their department/office encounters legal issues on a monthly (as opposed to a weekly, yearly, or never) basis. The second most common selected answer choice was “frequently (1 or more times per week),” indicating that slightly more than a quarter (39 respondents, 29.5%) of the respondents in Question 3 believe that their office or department encounters legal issues on a weekly basis. In contrast, only 21 respondents (15.9%) indicated that their department encounters such issues on a yearly basis and no respondents selected the final answer choice, “never.”

The results of all answer choices are displayed in Figure 2.

**Figure 2: Frequency of Legal Issues**



*Survey One, Question 4*

*“When legal matters or legal issues arise in the athletic department/conference office, who do you refer these matters/issues to? Please check all that apply.”*

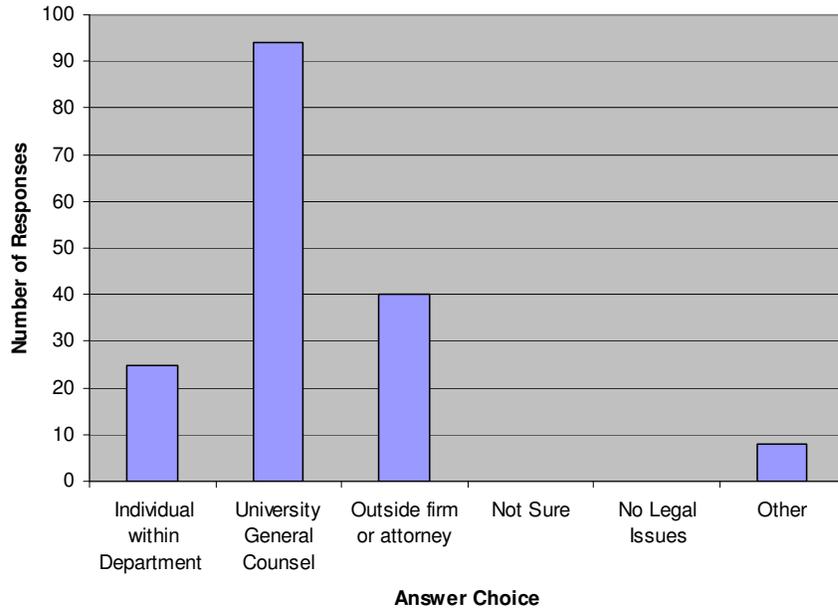
Unlike Questions 1 and 3, Question 4 allowed respondents to select multiple answers, if applicable. One hundred thirty-two respondents (93.0%) chose to answer Question 4. Ninety-four respondents (71.2%) who chose to answer Question 4 indicated that legal issues arising in the athletic department or conference office are referred to the “University General Counsel.” Respondents also frequently selected “An outside firm or attorney” (40 respondents, 30.3%) and “an individual(s) within our department/office who has a Juris Doctorate (law) degree” (25 respondents, 18.9%). No respondents indicated that they were “not sure” or that “legal issues do not arise within our department/office.”

Respondents were also provided with an “other (please specify)” answer choice whereby respondents could add additional answers that were not included in the

predetermined answer choices. Eight respondents (6.1%) selected this choice and added additional comments. Of the eight responses provided, each of these answers can be grouped into one of the three predetermined answer choices. Six individuals provided comments suggesting that legal issues within their department are handled by someone outside of their department such as a “lawyer on retainer” or “an independent contractor.” These responses fall within the definition of “an outside firm or attorney.” Three respondents added comments such as “in-house staff” or “internal” that can be grouped in the answer choice suggesting that such matters are handled by an individual within the department/office. The remaining respondent wrote that such issues are handled by the “University General Counsel at the system-wide level,” which can be incorporated into the answer choice “University General Counsel,” even though that particular university counsel appears to be located at the system level rather than the institutional level. If these adjustments are made, the responses for each answer choice are as follows: 28 respondents (21.2%) indicated that “an individual within the department” handled legal matters, 95 respondents (66.9%) selected the “University General Counsel” answer choice, and 46 respondents (32.4%) indicated that “an outside firm or attorney” handle such issues. Appendix I contains a complete list of the comments contributed by the respondents who selected the “other” answer choice.

The results of all answer choices (without making any adjustments for the “other” answer choices) are displayed in Figure 3. Please note that if such adjustments are made, the responses will change as previously mentioned.

**Figure 3: Point of Referral for Legal Issues**



*Survey One, Question 5*

*“In your opinion, what are the benefits, if any, of hiring a candidate with a Juris Doctorate (law) degree? Please check all that apply.”*

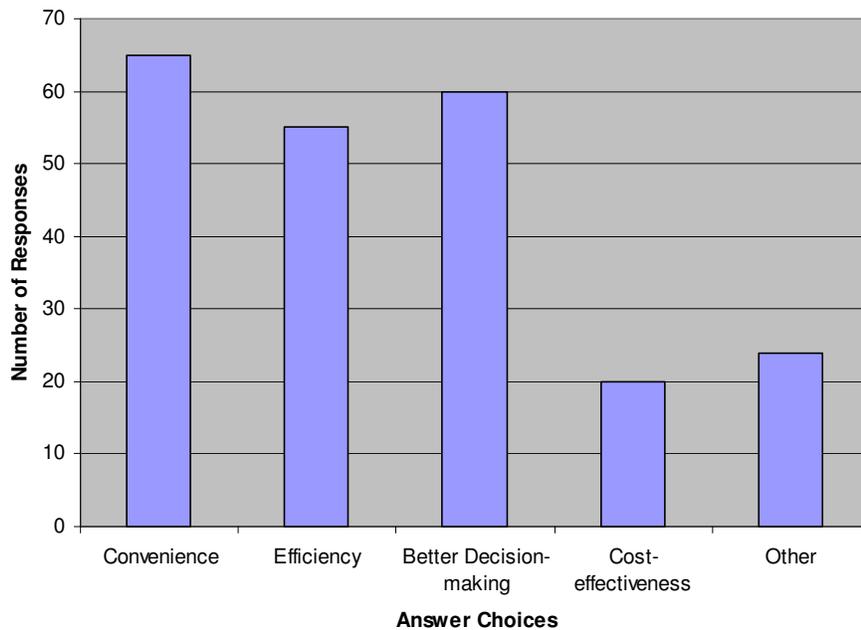
Similar to Question 4, respondents in Question 5 were allowed to select multiple answers, if applicable. One hundred twenty-three respondents (86.6%) elected to answer Question 5. The most common answer choice, selected by 65 respondents (52.8%), was “convenience.” Respondents had similar response rates for the answer choices “better decision-making” (60 respondents, 48.8%) and “efficiency in resolving legal matters” (55 respondents, 44.7%). “Cost-effectiveness” was selected by 20 respondents (16.3%).

Respondents were once again provided with an “other (please specify)” answer choice, which, if selected, would allow the respondent to add additional comments or answers that were not in the list of predetermined answer choices. Twenty-four respondents (19.5%) selected this choice and added other comments. Of these 24 respondents, two

additional write-in choices were common. Six respondents noted that a possible benefit of hiring an individual with this degree is that he/she could provide advice in the compliance area. Six respondents also indicated that an individual who earned has a Juris Doctorate brings a unique skill set, particularly in regards to his/her ability to be highly analytical, and a different perspective from other employees. Appendix J contains a complete list of the comments contributed by the respondents who selected the “other” answer choice.

The results of all answer choices (without making any adjustments for the “other” answer choices) are displayed in Figure 4. Please note that if such adjustments are made, the responses will change as previously mentioned.

**Figure 4: Perceived Benefits**



*Survey One, Question 6*

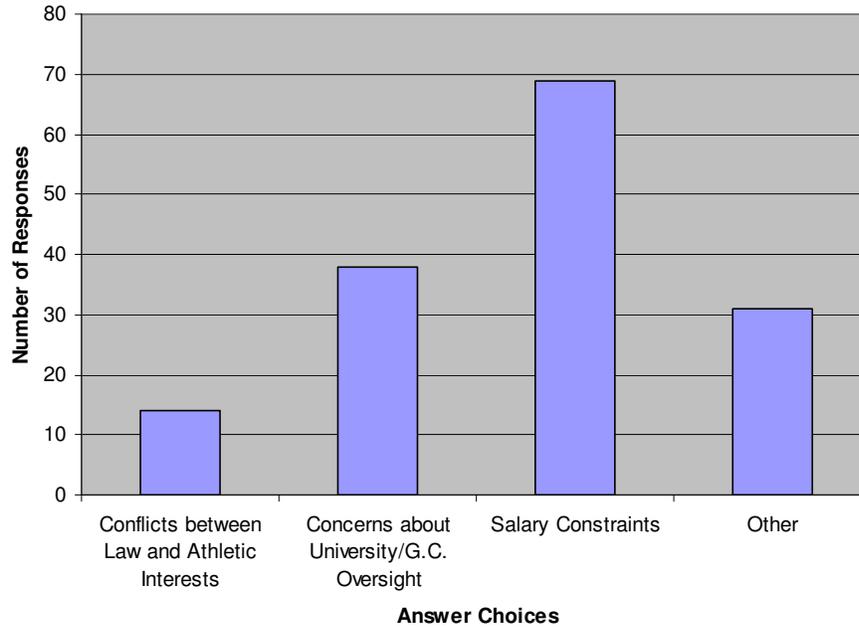
*“In your opinion, what are the drawbacks or deterrents, if any, of hiring a candidate with a Juris Doctorate (law) degree? Please check all that apply.”*

Respondents to Question 6 were also allowed to select multiple answer choices, if applicable. One hundred fourteen respondents (80.3%) elected to answer Question 6. The most common answer choice, “salary constraints,” was selected by 69 respondents (60.5%). The second highest percentage (33.3%) of respondents indicated that “concern about the University and University Counsel's oversight of this position” was a deterrent in hiring a candidate who has earned a Juris Doctorate degree. Of the predetermined answer choices, “conflict between legal requirements and athletic interests” was selected by the fewest number of respondents (14 respondents), resulting in a 12.3% response rate.

Once again, respondents elected to provide additional information and/or comments by selecting the “other (please specify)” answer choice. Thirty-one respondents (27.2%) chose this answer choice. Of these respondents, 17 individuals (54.8% of the “other” respondents) indicated that there were no perceived drawbacks of hiring a candidate who has earned a Juris Doctorate degree. Six respondents perceived that a law degree, without some collegiate experience, is not enough to warrant hiring someone in their department/office. Three respondents suggested that either they do not generate enough legal issues to warrant hiring someone with a Juris Doctorate degree or that any such individual would also need to serve in another capacity, if hired. Appendix K contains a complete list of the comments contributed by the respondents who selected the “other” answer choice.

The results of all answer choices are displayed graphically in Figure 5.

**Figure 5: Perceived Drawbacks**



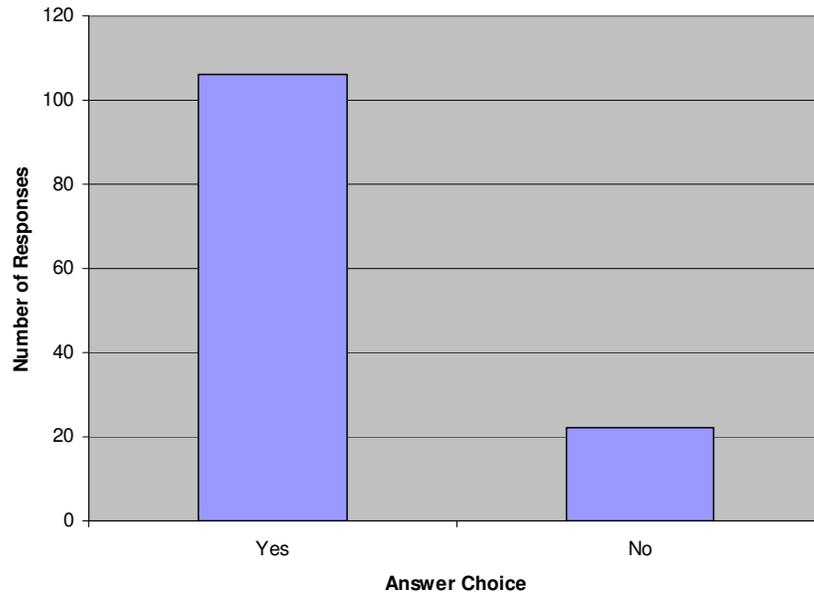
*Survey One, Question 7*

*“Do you feel that having an employee with a Juris Doctorate (law) degree would be a benefit to your department/office?”*

Question 7 was a “yes/no” question, whereby respondents who chose to answer the question were able to select only one answer choice. One hundred twenty-eight respondents (90.1%) elected to answer Question 7. The overwhelming majority of the respondents (106 respondents, 82.8%) selected the “Yes” answer choice, thereby indicating that they felt that hiring an employee who has earned a Juris Doctorate degree would be a benefit to their department or office. The remainder of the respondents (22 respondents, 17.2%) selected the “No” answer choice.

The results of all answer choices are displayed graphically in Figure 6.

**Figure 6: Would a Juris Doctorate Employee be a Benefit?**



*Survey One, Question 8*

*“Please rank the importance of having someone in your department/office who is knowledgeable about the law and/or legal requirements as they relate to college athletics.”*

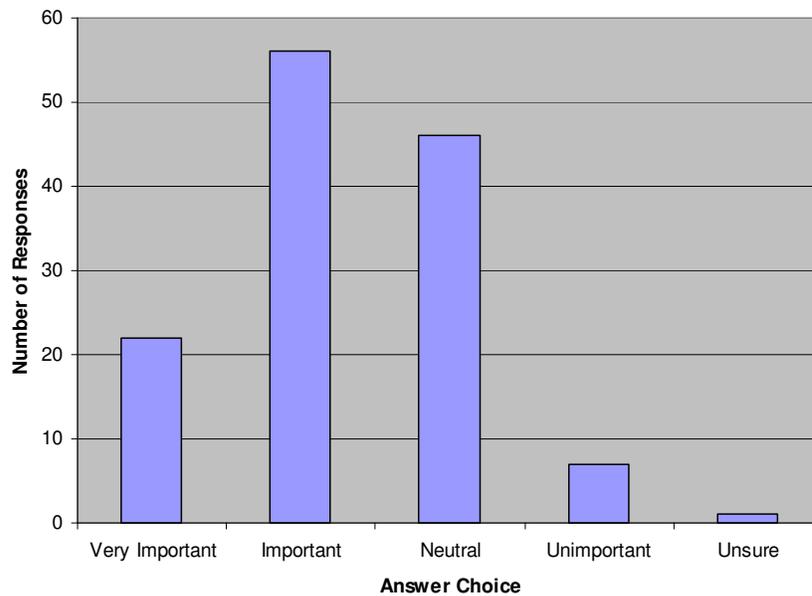
Question 8 was formatted as an opinion scale/Likert question. Respondents were asked to rate the importance of having an employee in their department who is knowledgeable about the law and/or legal requirements as they relate to college athletics. Respondents were permitted to select one of the following answer choices: “very important,” “important,” “neutral: neither important nor unimportant,” “unimportant,” or “unsure.” One hundred thirty-two respondents (93.0%) elected to answer Question 8.

Fifty-six respondents (42.4%) indicated that having someone in their department with such knowledge is “important.” The second most common answer choice for Question 8 was “neutral: neither important nor unimportant,” with 46 respondents (34.8%) indicating that such knowledge was of neutral importance. Twenty-two respondents (16.7%) selected the

“very important” answer choice, which was the highest level of importance available in the answer choices. The final two answer choices combined for only 6.1% of the total responses, with 5.3% (seven respondents) selecting the “unimportant” answer choice, and one respondent (.8%) indicating that he/she was “unsure” of the importance of having someone in their department or office who has this type of legal knowledge.

The results of all answer choices are displayed graphically in Figure 7.

**Figure 7: Importance of Having an Employee with Legal Knowledge**



### **Results of Survey Two**

Survey Two was distributed to 49 individuals who have earned a Juris Doctorate degree and who currently work in either a Division I athletic department or a Division I conference office.

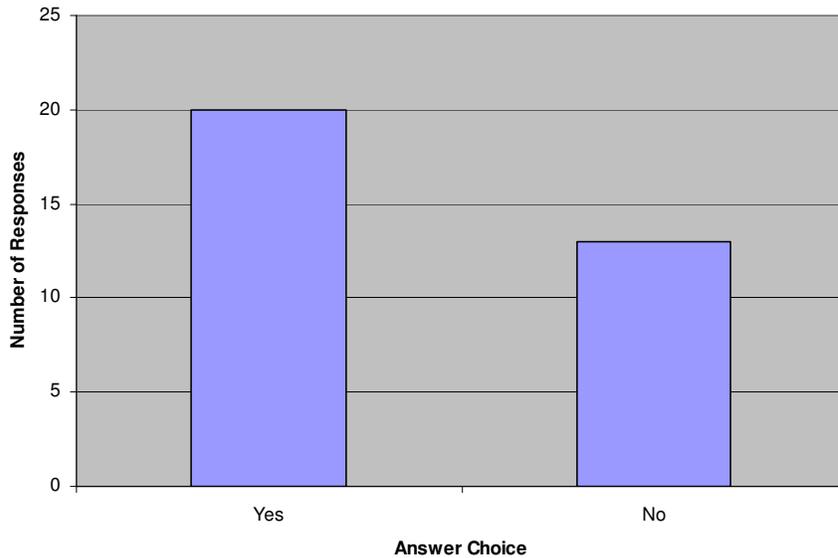
*Survey Two, Question 1*

*“Are you currently licensed to practice law?”*

Question 1 was a “yes/no” question whereby respondents were asked to select either “yes” or “no” to indicate if they were currently licensed to practice law. The response rate for this question was 100%, with 33 respondents choosing to answer Question 1. Twenty individuals (60.6%) indicated that they were licensed to practice law by selecting the “yes” answer choice, while 13 individuals (39.4%) selected “no,” thereby stating that they were not licensed to practice law at the time they responded to the survey.

The results of all answer choices are displayed graphically in Figure 8.

**Figure 8: Currently Licensed to Practice Law**



*Survey Two, Question 2*

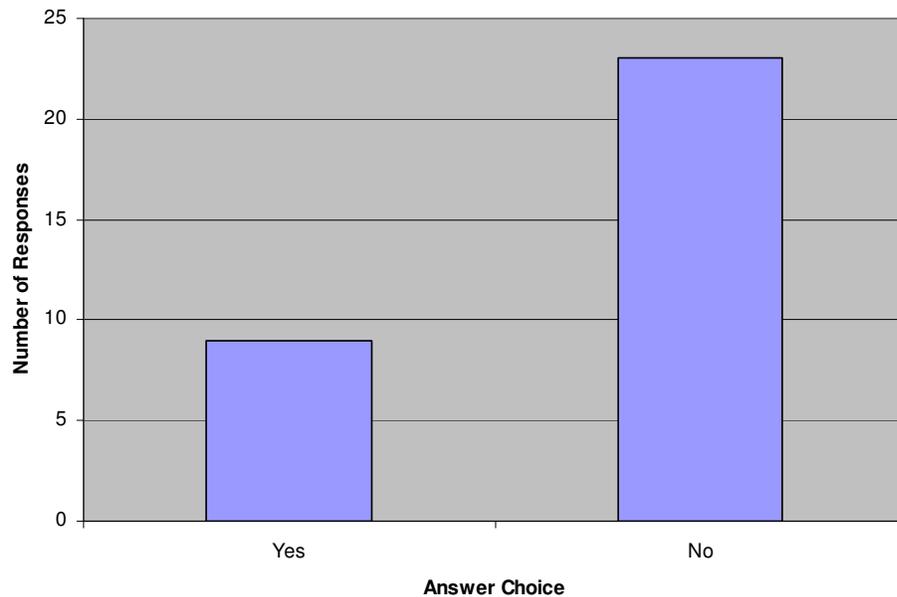
*“Is this your first experience working in college athletics?”*

Question 2 was also a “yes/no” question whereby respondents were asked to select either “yes” or “no” as their answer. The response rate for Question Two was 97.0% (32 out of 33 potential respondents). Twenty-three individuals (71.9%) indicated that this was not

their first time working in college athletics by selecting “no,” while the remaining nine respondents (28.1%) stated that this was their first experience by choosing the other answer choice, “yes.”

The results of all answer are displayed graphically in Figure 9.

**Figure 9: First Experience Working in College Athletics?**



*Survey Two, Question 3*

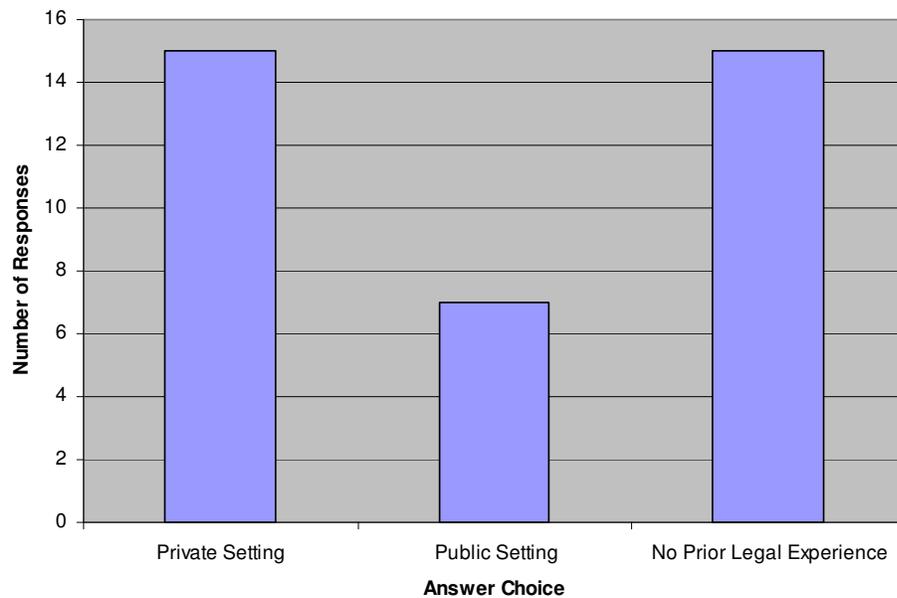
*“Have you ever practiced law in a private office or public setting?”*

Unlike the first two questions on Survey Two, Question 3 allowed respondents to select more than one answer, if applicable. Thirty-three respondents chose to answer Question 3, giving an overall response rate of 100% for this question. The purpose of this question was to obtain information from respondents regarding their previous legal experience (of lack thereof) whether with a private law firm or within a public setting such as working for a district attorney’s office. The most common answer choice, “yes, in a private setting (ex. a firm),” was chosen by 15 respondents (45.5%). Seven respondents (21.2%)

selected “yes, in a public setting,” indicating that they had practiced law as a public servant prior to their current experience in collegiate athletics. Lastly, 15 respondents (45.5%) indicated that they have not (answer choice “no”) previously practiced law in either a private office or a public setting.

The results of all answer are displayed graphically in Figure 10.

**Figure 10: Prior Legal Experience**



*Survey Two, Question 4*

*“How would you classify your role in your athletic department/conference office?”*

The purpose of Question 4 was to obtain information regarding the respondents’ current position within his/her department or office. Respondents were provided with nine answer choices, eight of which were specific positions (such as conference commissioner or athletics director) and one selection, “other (please specify),” that allowed respondents to enter their position if it did not fit neatly within any of the other predetermined answer

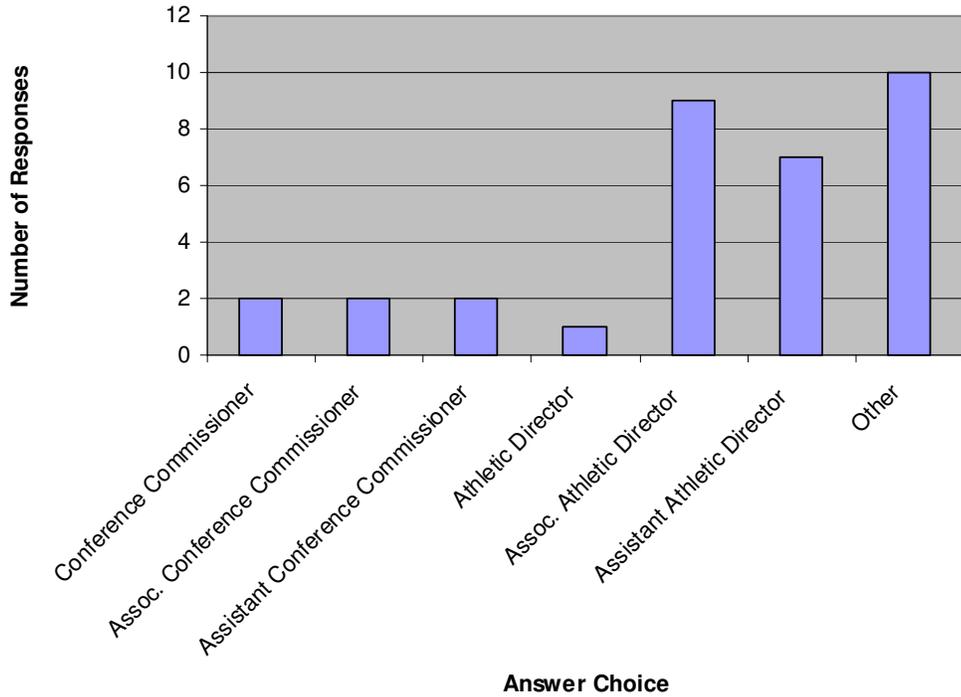
choices. The response rate for this question was 100%, with all 33 respondents choosing to answer Question 4.

Of those who selected from the eight predetermined choices, the two most common answer choices were: “Associate Athletics Director” (chosen by nine respondents, 27.3%) and “Assistant Athletics Director” (chosen by seven respondents, 21.2%). The answer choices “Conference Commissioner,” “Associate Conference Commissioner,” and “Assistant Conference Commissioner,” were each chosen by two respondents, giving a response rate of 6.1% for each of these three positions. One respondent (3.0%) indicated that he/she was an ‘Athletics Director,’ while no one chose either “Director of Department” or “Employee or General Counsel of an affiliate organization.”

Ten respondents (30.3%) selected the “other (please specify)” answer choice and wrote in their positions. Of the ten individuals who wrote in additional roles, two individuals can be inserted in to the “Associate Athletics Director” category, and two individuals can be added to the “Assistant Athletics Director” category. Three individuals indicated that they were some type of coach at their respective institutions, while the remaining three respondents indicated that their role is best classified as relating to “compliance” either at the university or NCAA level. Appendix L contains a complete list of the comments contributed by the respondents who selected the “other” answer choice.

The results of all answer choices (exactly as they were selected by respondents) are displayed graphically in Figure 11.

**Figure 11: Role in Athletic Department or Conference Office**



*Survey Two, Question 5*

*“How long have you been employed in your current position?”*

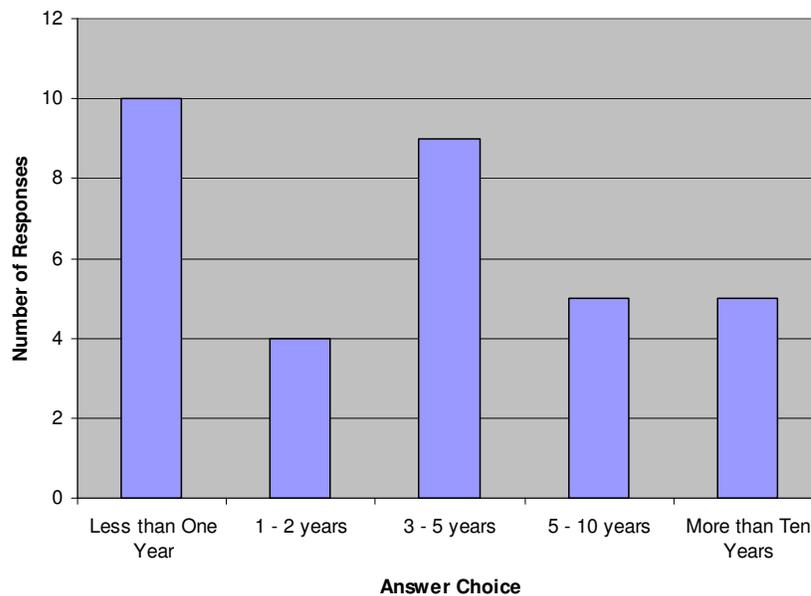
Question 5 asked respondents to indicate how long they have been employed in their current position. Respondents were provided with five answer choices that ranged from “less than one year” to “more than 10 years,” and were able to select only one answer choice. The response rate for Question 5 was 100%, with 33 respondents choosing to answer the question.

The most common answer choice, selected by 10 respondents (30.3%) was “less than one year,” indicating that slightly less than one third of the respondents have been in their current position for less than 12 months. Slightly more than a quarter of the respondents (nine respondents, 27.3%) have been in their current position between “3-5 years.” The three remaining answer choices had similar response rates: four respondents (12.1%) selected “1-2

years,” five respondents (15.2%) selected “5-10 years,” and five respondents (15.2%) selected “more than 10 years.”

The results of all answer choices are displayed graphically in Figure 12.

**Figure 12: Length of Employment in Current Position**



*Survey Two, Question 6*

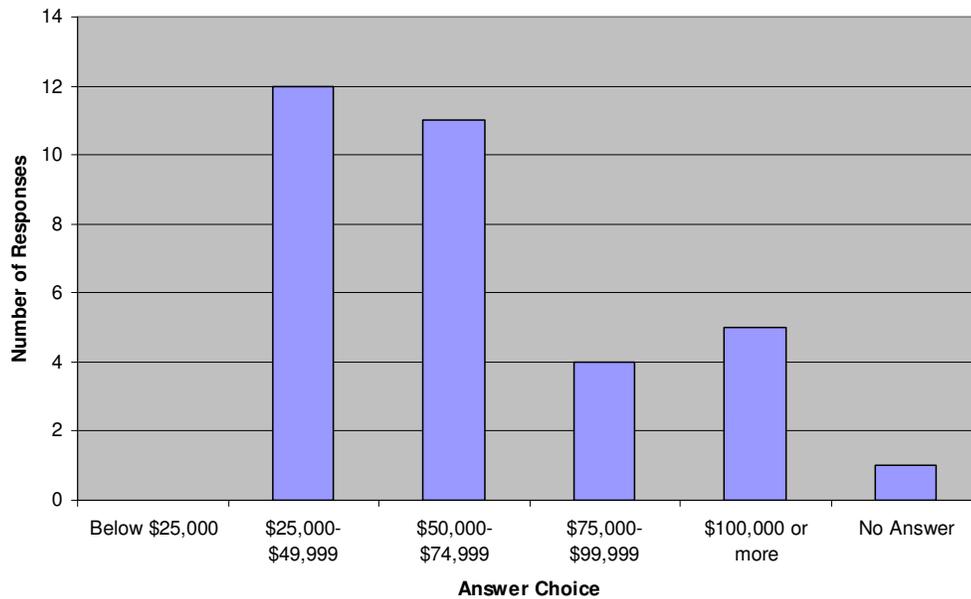
*“In your current position, what is your salary range?”*

Question 6 asked respondents to select their salary range from a group of choices ranging from “below \$25,000” to “\$100,000 or more.” The response rate for this question was 100%, with 33 respondents choosing to answer Question 6. The most common salary range among respondents, selected by 12 individuals (36.4%), was the “\$25,000-\$49,999” range, followed closely by the “\$50,000-\$74,999” range, which was chosen by 11 respondents (33.3%). The two highest salary ranges had similar responses, with five individuals (15.2%) choosing the highest salary range (“\$100,000 or more”) and four

individuals (12.1%) indicating that their salary was between “\$75,000 and \$99,999.” No respondents selected the “Below \$25,000” answer choice, and one respondent (3.1%) chose the “no answer” choice.

The results of all answer choices are displayed graphically in Figure 13.

**Figure 13: Annual Salary**



*Survey Two, Question 7*

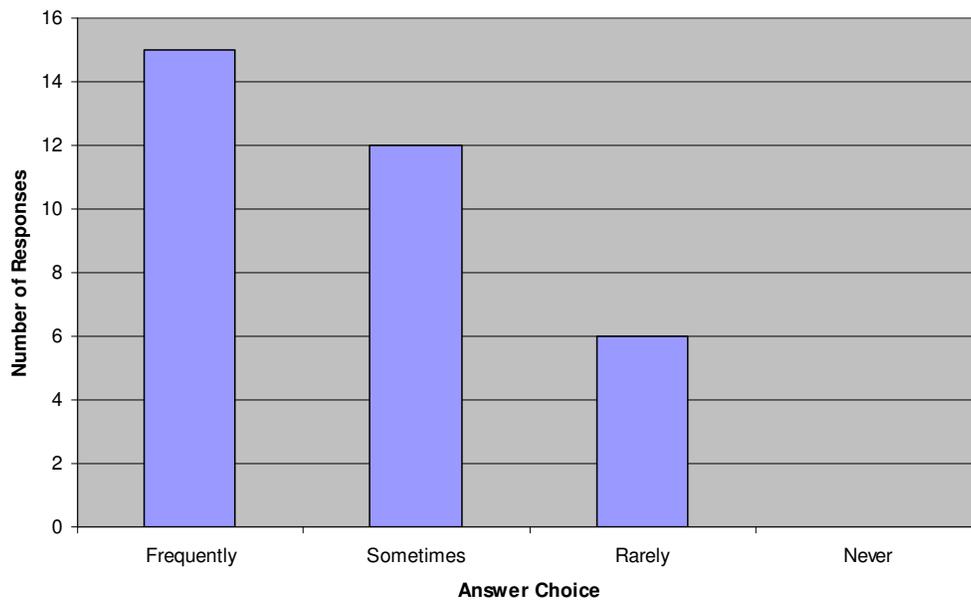
*“How often do you encounter legal issues/matters in your current position?”*

The purpose of Question 7 was to find out how frequently the respondents encountered legal issues or matters in their current position. Using a Likert scale format, respondents were asked to select one of the following four answer choices: “frequently, 1 or more times per week),” “sometimes (1 or more times per month),” “rarely (1 or more times per year),” and “never.” The response rate of Question 7 was 100%, with all 33 respondents choosing to answer the question.

A strong majority of respondents indicated that they encounter legal issues in their current position either “frequently,” (15 respondents, 45.5%) or “sometimes” (12 respondents, 36.4%). Six respondents (18.2%) “rarely” encounter such issues while no one selected the “never” answer choice.

The results of all answer choices are displayed graphically in Figure 14.

**Figure 14: Frequency of Legal Issues**



*Survey Two, Question 8*

*“In what areas do you currently provide legal advice or counsel to the athletic department/conference office? Please check all that apply.”*

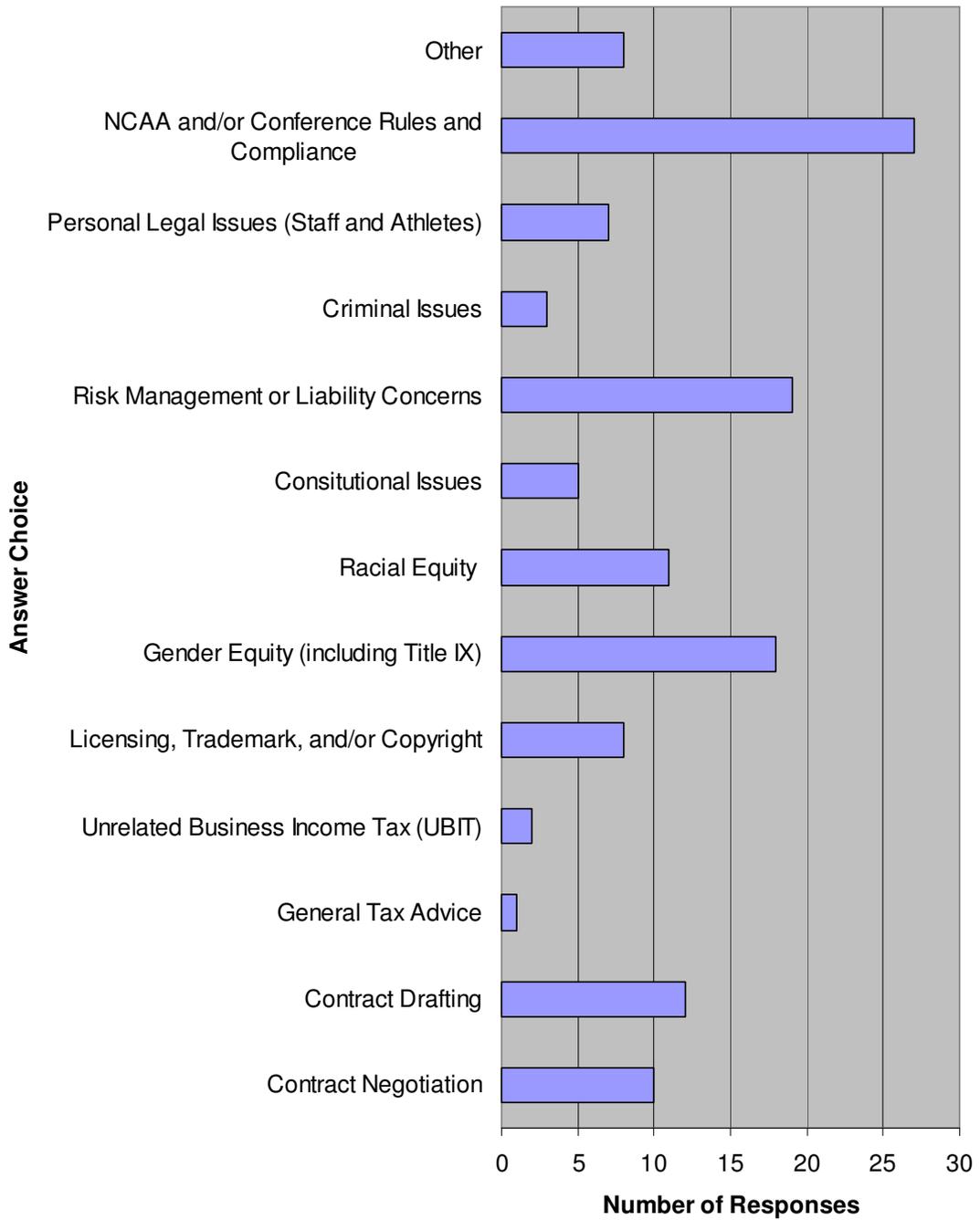
In Question 8, respondents were asked to select areas in which they currently provide legal counsel or advice to their department or office. The response rate for this question was 97.0%, with 32 respondents choosing to answer the question. Respondents were provided with 13 predetermined answer choices as well as an “other” answer choice whereby respondents could write in additional areas.

At least one respondent selected 12 of the 13 predetermined choices, with no one indicating that they provide legal advice regarding “estate matters for donors.” The most common answer choice selected by the Juris Doctorate candidates was “NCAA and/or conference rules and compliance.” Twenty-seven respondents (84.4%) indicated that they provide some sort of counsel or advice in this area. Similar responses were provided for the second and third most common answer: 19 respondents (59.4%) selected “risk management or liability concerns” as an area of advice and assistance and 18 individuals (56.3%) indicated that they provide counsel regarding “gender equity issues (including Title IX).” The next three most popular choices also had similar responses: 12 respondents (37.5%) selected “contract drafting” as an area of assistance or advice, 11 respondents (34.4%) chose “racial equity issues,” and 10 individuals assist their department or office in “contract negotiation.” Eight respondents (25.0%) selected the “licensing, trademark, and/or copyright” answer choice, while seven respondents (21.9%) indicated that they provide assistance with “personal legal issues for staff or athletes.” Five respondents (15.6%) assist with “other constitutional matters,” which was intended to encompass any area of constitutional relevance excluding gender and racial matters. Only three respondents (9.4%) provide legal counsel regarding “criminal issues (related to administrators, coaches, staff, and athletes.” Similarly, two respondents (6.3%) counsel their departments or offices about “UBIT (Unrelated Business Income Tax)” matters and only one individual commented that he/she provided “general tax advice.”

Eight respondents selected the “other” option and chose to write-in additional areas in which they provide legal advice or counsel. Appendix M contains a complete list of the comments contributed by the respondents who selected the “other” answer choice.

The results of all answer choices are displayed graphically in Figure 15.

**Figure 15: Areas of Legal Counsel or Legal Advice**



*Survey Two, Question 9*

*“Do you feel that your legal training/background has been an asset in your current position?”*

Respondents to Question 9 were asked to indicate, by selecting “yes” or “no,” if they feel that their legal training and background has been an asset for them in their current position. The response rate for this question was 100%, with 33 of 33 possible respondents choosing to answer Question 9. The results for this question were unanimous, with all 33 respondents (100%) indicating that their legal training and background has been an asset in their current position (answer choice “yes”).

*Survey Two, Question 10*

*“What do you think are the benefits, if any, of athletic departments/conference offices having a candidate with a Juris Doctorate degree within their department/office? Please check all that apply.”*

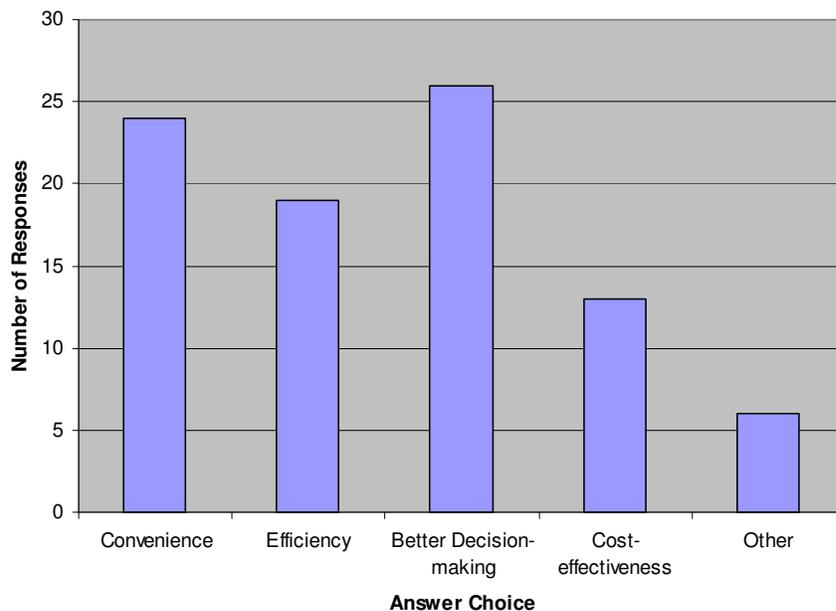
Question 10 allowed respondents to select multiple answers, if applicable, to indicate the benefits of athletic departments and conference offices having someone who has earned a Juris Doctorate degree in their department/office. The response rate for Question 10 was 100% with 33 respondents choosing to answer the question.

The respondents were provided with five choices, including an “other (please specify)” option whereby the respondents could add any additional perceived benefits. Two benefits were selected by approximately three-quarters of the respondents: “better decision-making” was chosen by 26 individuals (78.8%) and “convenience” was chosen by 24 individuals (72.7%). Nineteen respondents (57.6%) noted that “efficiency in resolving legal issues” was a benefit, while 13 respondents (39.4%) indicated that “cost-effectiveness” is a

benefit of having a candidate who has earned a Juris Doctorate degree within an athletic department or conference office. Six individuals (18.2%) selected “other (please specify),” indicating that they wished to add additional benefits that were not specified in the predetermined answer choices. These benefits include: providing assistance in compliance and contract-related issues (two respondents), being able to recognize potential legal issues and refer them to the appropriate individual (three respondents), and providing a resource for student-athletes who are interested in pursuing a legal career (one respondent). Appendix N contains a complete list of the comments contributed by the respondents who selected the “other” answer choice.

The results of all answer choices are displayed graphically in Figure 16.

**Figure 16: Perceived Benefits**



### *Survey Two, Question 11*

*“What do you think are the drawbacks or deterrents, if any, of athletic departments/conference offices having a candidate with a Juris Doctorate degree in their department/office? Please check all that apply.”*

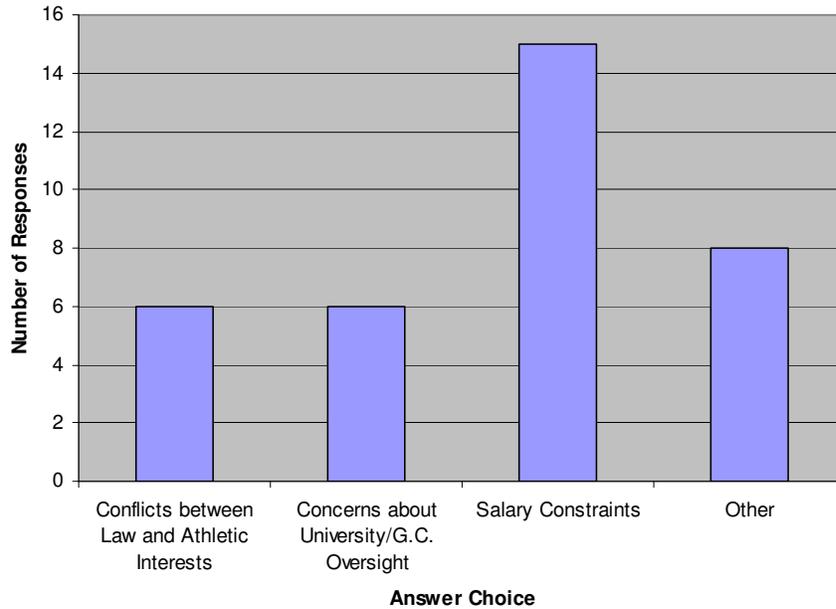
Similar to Question 10, Question 11 allowed respondents to select multiple answers, if applicable, to indicate the drawbacks and/or deterrents of athletic departments and conference offices having someone who has earned a Juris Doctorate degree. The response rate for Question 11 was 84.8%, with 28 of 33 respondents choosing to answer the question.

The most common deterrent selected by respondents was “salary constraints,” with 15 of the 28 respondents selecting this choice. Six respondents (21.4%) selected both “conflicts between legal requirements and athletic interests” and “concern about the University and/or University Counsel’s oversight of this position” as drawbacks of having individuals with Juris Doctorate degrees on staff.

Eight respondents (28.6%) selected “other (please specify),” indicating that they wished to add additional drawbacks and/or deterrents that were not specified in the predetermined answer choices. Three of these respondents wrote that they do not believe that there are any drawbacks to hiring someone who has earned a Juris Doctorate degree. Appendix O contains a complete list of the comments contributed by the respondents who selected the “other” answer choice.

The results of all answer choices are displayed graphically in Figure 17.

**Figure 17: Perceived Drawbacks**



*Survey Two, Question 12*

*“If you currently work in the university setting (either in an athletic department or affiliate organization), how often do you interact with University Counsel?”*

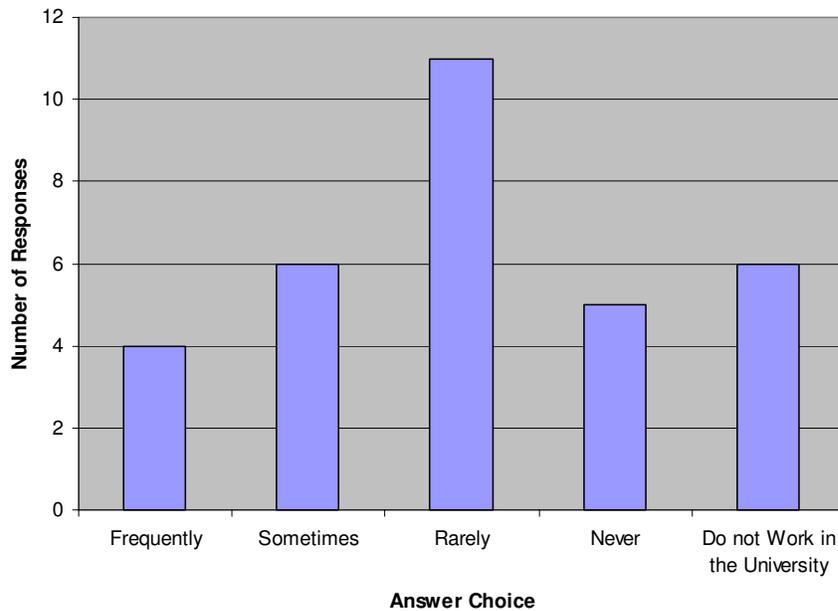
Thirty-two of the respondents chose to answer Question 12, giving an overall response rate of 97.0% for this question. Respondents were asked to provide an estimation of how frequently those respondents who work in the university setting interact with University Counsel. Using a Likert scale format, respondents were provided with five answer choices: “frequently (1 or more times per week),” “sometimes (1 or more times per month),” “rarely (1 or more times per year),” “never,” and “I do not work in the university setting” (for those individuals who may work in conference offices).

The most common answer, selected by 11 respondents (34.4%), was “rarely.” The remaining four answer choices received similar responses: six respondents (18.8%) selected “sometimes,” five respondents (15.6%) selected “never,” four respondents (12.5%) indicated

that they “never” interacted with University Counsel, and six respondents (18.8%) indicated that they “do not work in the university setting.”

The results of all answer choices are displayed graphically in Figure 18.

**Figure 18: Frequency of Interaction with University Counsel**



*Survey Two, Question 13*

*“Based on your experience, please rank the importance of having someone within your athletic department or conference office who is knowledgeable about the law and/or legal requirements as they relate to college athletics.”*

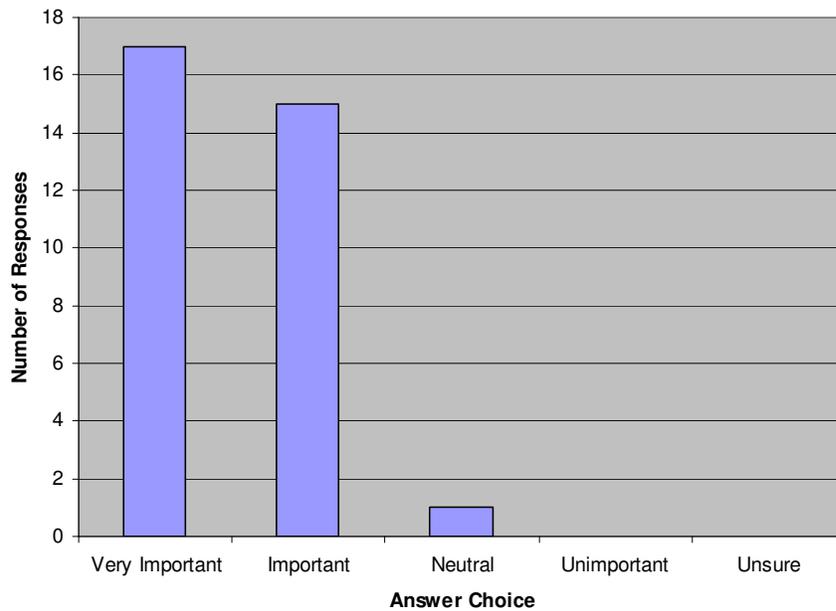
The response rate for Question 13 was 100%, with 33 respondents choosing to answer the question. Question 13 was formatted as an opinion scale/Likert question, with respondents being asked to rate the importance of having an employee in their department who is knowledgeable about the law and/or legal requirements as they relate to college athletics. Respondents were provided with five answer choices and were allowed to choose

only one answer choice: “very important,” “important,” “neutral: neither important nor unimportant,” “unimportant,” or “unsure.”

More than half of the respondents (17 respondents, 51.5%) indicated that having someone in their department/office with such knowledge was “Very important.” Similarly, 45.5% (15 respondents) believed that this was “Important.” However, only 3.1% (one respondent) believed that this type of employee was of “neutral” importance. No respondents selected either the “unimportant” answer choice or indicated that they were “unsure” of the importance.

The results of all answer choices are displayed graphically in Figure 19.

**Figure 19: Importance of Having an Employee with Legal Knowledge**



## **Application of Results to Research Questions**

### *Research Question 1*

*How many administrators in Division I athletic departments and Division I conference offices have earned a Juris Doctorate degree?*

Since the response rate for Survey One was not 100%, it is not possible to completely and accurately answer this question. However, using the information provided by those who did provide responses to Question 1 in the first survey, a more accurate hypothesis can be made regarding the quantity of individuals who work in Division I college athletic departments and Division I conference offices. In Survey One, 141 respondents reported that there were 97 individuals in their Division I athletic departments and conference offices who have earned a Juris Doctorate degree. The 141 respondents comprise 39.2% of the total population of Division I athletics directors and conference commissioners. If we hypothesize that the remainder of the population would have similar proportionate responses as the respondents in Survey One, the number Juris Doctorate candidates in Division I college athletic departments and conference offices would be slightly less than 250 individuals.

### *Research Question 2*

*In what area(s) of athletics administration are these individuals employed?*

Question 4 in Survey Two directly asked respondents to indicate the areas in which Juris Doctorate respondents are employed. From the responses received, it appears that these candidates occupy a wide range of positions both in athletic departments and in conference offices. Responses indicated that these individuals are employed in the following roles: conference commissioner, associate and assistant conference

commissioner, athletics director, associate and assistant athletics director, coach, and compliance coordinator.

*Research Question 3*

*In what area(s) do these athletics administrators provide legal counsel or advice in their current positions?*

Question 8 in Survey Two asked respondents to indicate the areas in which they currently provide legal counsel or advice to their respective departments and offices. As discussed above, the responses encompassed more than thirteen substantive legal areas, suggesting that the respondents are utilizing their legal training to assist their departments/offices in a wide range of legal matters.

*Research Question 4*

*Is an individual who has earned a Juris Doctorate degree an attractive candidate for employment within a Division I athletic department or Division I conference office?*

The purpose of this research question was to obtain information from athletics directors and conference commissioners regarding the attractiveness or desirability of hiring such candidates. Question 7 on Survey One asked these respondents to indicate whether an individual who has earned a Juris Doctorate degree would be a benefit to the respondent's department/office. Nearly 83% responded in the affirmative, thus indicating that such individuals are, in fact, attractive candidates for employment.

*Research Question 5*

*What are the positive and/or negative perceptions of hiring a candidate who has a law degree?*

Both surveys asked respondents questions about their perceptions regarding the benefits and drawbacks of having a Juris Doctorate candidate within the athletic department or conference office. Common perceptions between the groups regarding the benefits of having such a candidate include: convenience, better decision-making, cost-effectiveness, analytical perspective, unique viewpoints, and assistance in compliance related matters.

Similarly, respondents in both surveys were asked to indicate what the perceived drawbacks or deterrents of hiring a candidate with this credential would be. Shared common drawbacks include: salary constraints, concern about the university and/or University Counsel's oversight of this position, conflicts between legal requirements and athletic interests, not having enough legal-related issues to warrant employing the candidate, and a desire that the candidate also have previous experience in college athletics. Some respondents in both groups also indicated that they did not see any drawbacks or deterrents related to employing such individuals.

## **CHAPTER 5**

### **DISCUSSION**

#### **Discussion of Survey One**

##### *Survey One, Questions 1 and 2*

The first question on Survey One asked respondents to provide a quantitative response for the number of individuals in their department/office who have earned a Juris Doctorate degree. From the responses provided, slightly more than half (55.3%) of the respondents indicated that they do not have an attorney on staff. Thus, approximately 44.7% have at least one individual within their department/office who has earned a Juris Doctorate degree. When the responses for Question 1 are totaled, there are 97 individuals within the respondents' departments/offices who fit this description. All individuals who indicated any answer other than "0," were directed to Question 2, which asks them to provide an email address (or other contact information) for all individuals who meet the criteria described in Question 1 (individuals who currently work in their department or office and who have earned a Juris Doctorate degree). Given the answers provided in Question 1, if all respondents fully and accurately answered Question 2, one could expect to receive contact information for all 97 individuals. However, respondents only provided contact information for 49 individuals, which is 50.5% of the individuals who were identified in Question 1.

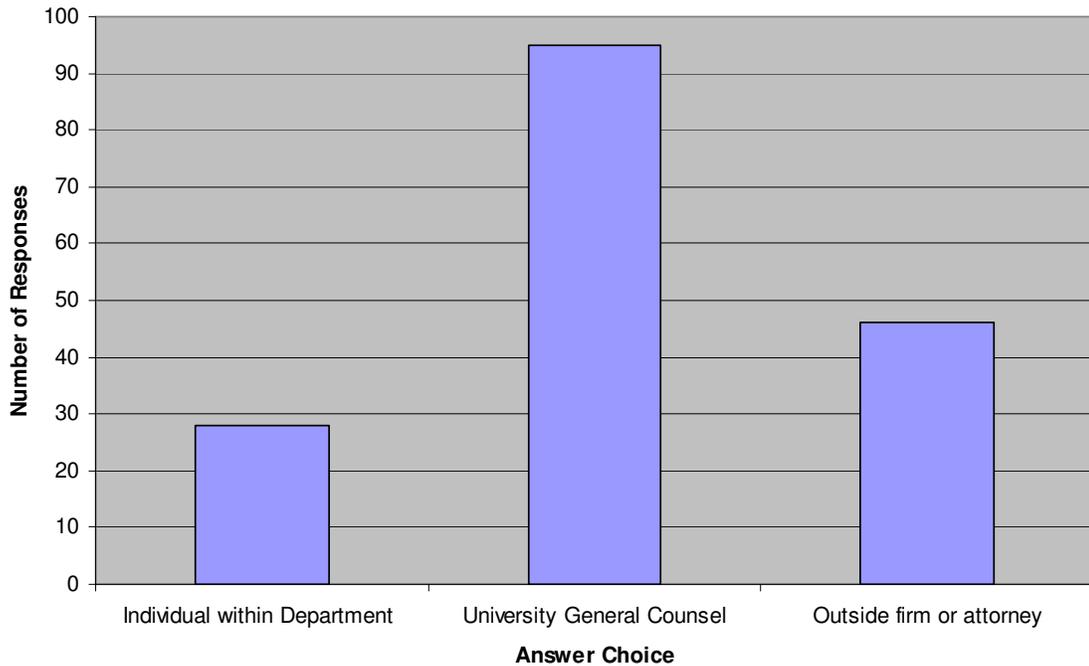
A stated limitation was that this study was “limited by the willingness and ability of athletics directors to provide accurate and complete information.” This limitation was a significant concern because the contact information for these individuals was vital to the success of the second survey; without such contact information, the second population could not be accurately identified. With slightly more than half of the eligible respondents choosing to provide contact information for individuals, it seems that this concern was a legitimate one. Two respondents chose to comment that they were uncomfortable releasing contact information without first receiving the individual(s) prior consent. This suggests that at least some of the respondents were concerned about confidentiality issues associated with such disclosure, which could have affected the participants’ willingness to accurately and completely answer Question 2.

While being able to contact half of the individuals who were eligible to participate in Survey Two still provided meaningful results, had more complete information been provided by the first population, the second survey could have been distributed to more subjects, providing an opportunity for more generalizable data.

#### *Survey One, Question 4*

The purpose of Question 4 was to obtain information about who handles legal matters for athletic departments and conference offices when such issues arise. As mentioned in Chapter 4, the comments provided in the write-in answer choice can each be grouped loosely into one of the other three answer choices. After these adjustments are made, the responses are shown in Figure 20.

**Figure 20: Adjusted Point of Referral for Legal Issues**



According to these figures, approximately 83.4% of all legal matters arising within the respondents' departments and offices are handled outside of the athletic department or conference office, either by someone at the university General Counsel's office or by an outside firm or attorney. From this information, one may infer that the individuals who were answering the remaining questions (Questions 5-8 ask respondents to provide their perceptions) may be affected by the reality that so few of the legal issues that arise within their department/office are actually handled internally. Accordingly, it is possible that an athletics director or conference commissioner who outsources more than three quarters of the legal issues affecting his/her department or office may not be able to completely and accurately articulate the benefits and drawbacks of having someone internally who is able to handle such matters, because the opportunity has not come to fruition.

*Survey One, Question 7*

The purpose of Question 7 was to obtain the respondents' perceptions regarding the benefit of having an individual on staff who has earned a Juris Doctorate degree so that the responses could be used to infer an answer to Research Question 4 (regarding the appeal of hiring such individuals). The question was placed immediately after the questions asking the benefits and drawbacks of hiring such individuals in order to provide respondents with an opportunity to reflect on the pro's and con's of hiring such individuals before developing the conclusory response requested in Question 7. In essence, Question 7 asked respondents to take into account all of the information they had previously provided in the survey and use the information to state whether, in light of their perceptions and responses, they feel that having an individual within their department/office would be a benefit.

With nearly 83% of the respondents indicating that an individual who was earned a Juris Doctorate degree would be a benefit to his/her department or office, one can infer that Division I athletics directors and Division I conference commissioners do, in fact, feel that such an individual would be an attractive candidate for employment within his/her department or office.

Given this finding, it seems that formal legal training is an asset for a candidate who is seeking employment within a Division I athletic department or Division I conference office. This indicates that individuals who have attended law school, whether in a traditional three-year program or a dual degree program, should be attractive job candidates at most NCAA Division I institutions or athletics conferences because they have earned a Juris Doctorate degree.

## **Discussion of Survey Two**

### *Survey Two, Question 1*

The first question on Survey Two asked respondents to state whether they are currently licensed to practice law. In order to practice law in the United States, an individual is required to be licensed in the jurisdiction in which he/she is practicing. Thus, those individuals who responded that they were not licensed should not be practicing law or providing legal advice in a way that requires, according to their state's statute, the individual to be licensed. While Question 1 facially asks only about the individual's license status, the information obtained also indirectly provides information regarding the respondent's legal ability to practice law. Since an individual without a license is precluded from practicing law, it can be inferred that such individuals should be working solely in an administrative (non-legal) capacity in their departments or offices.

The respondent's answers to Question 1 should also affect his/her response to Question 8, which asks about the areas in which the individual provides legal counsel to his/her department or office. An individual who indicated that he/she is not licensed in Question 1 should not have selected any answer choices in Question 8, as providing legal counsel or advice requires a license. Two individuals validated this assumption by commenting that they did not provide legal advice or counsel because they were not licensed in the state of their department/office.

One of this study's research questions (number 2) related to obtaining information about how the athletics administrators in the second population utilize their legal training within the athletics department or conference office. While all individuals in the second population could use their training informally without having a license, only those

individuals who are licensed in their state of employment may utilize their legal training formally to provide advice or counsel within their current positions.

*Survey Two, Questions 2 and 3*

Questions 2 and 3 were intended to provide some information about the respondents' prior employment history. Question 2 asked respondents to indicate whether this was their first experience working in college athletics. Nearly two-thirds of the respondents indicated that this was not their first time doing so. Slightly less than half (45.5%) of the respondents indicated that they had not practiced law before, either in a private or public setting.

From this information, a career path profile of these individuals can begin to take form. The majority of these respondents have had some prior experience working in collegiate athletics while approximately half of them had worked in a legal setting before beginning their current employment. Thus, it would seem that an individual having prior experience in college athletics would be an attractive addition for an individual with a Juris Doctorate degree when seeking employment in Division I college athletics. This assertion is supported by four on-point comments in Survey One, Question 6 (regarding drawbacks of hiring individuals who have Juris Doctorate degrees). While none of the respondents stated that a Juris Doctorate degree was not desirable or useful, four respondents indicated that a candidate needs to have some experience in collegiate athletics as well. These comments seem consistent with Question 2, as the majority of those individuals who responded to the question do, in fact, have prior experience in college athletics. In contrast, it does not seem that a lack of prior experience in a private or public legal environment is a determinative drawback when pursuing employment in a Division I athletic department or conference office, as less than half of the respondents had no such prior legal experience.

Given these results, a strong case may be made for dual degree programs like those discussed in Chapters 1 and 2. Through the law school component of these programs, students receive foundational legal knowledge that will enable them to provide counsel in the areas that the respondents noted in Question 8. The graduate school portion of the dual degree program provides athletics-related classroom or practical education in areas like marketing, facilities management, and NCAA compliance.

*Survey Two, Questions 4, 5, and 6*

In contrast to Questions 2 and 3, which asked respondents to provide information about their previous employment experiences, the purpose of Questions 4-6 was to obtain information about their current positions including their title/role, how long they have been in that position, and their salary range. From the information provided, we can create a profile of the respondents' current roles in regards to these three areas of their employment. The typical respondent in Survey Two:

- is employed in a director capacity, either as an athletics director, an associate athletics director, or an assistant athletics director,
- has been in his/her current position less than five years, and
- has an annual salary of less than \$75,000.

Although any discussion of these areas would be mere supposition, one can make some educated guesses regarding why the profile looks this way. First, individuals who have a Juris Doctorate degree have a terminal degree, and as such, may look for jobs that are in upper-level administration. Thus, it makes sense that these candidates would pursue positions somewhere within the athletics director hierarchy rather than an entry level position

within a particular area of the athletic department, as they feel they are qualified for such positions given their educational accomplishments.

Nearly 70% of the respondents have been employed in their current position for a relatively short period of time, less than five years. In fact, slightly more than 30% indicated that they have been employed in their current role for less than 12 months. Much like the legal world, careers in college athletics are rumored to be very transient. Given that 45.5% of the respondents indicated in Question 3 that they had not practiced law prior to their current experience in collegiate athletics, it may be that the respondents are fairly young and have just entered the workforce.

Similarly, some may consider the salary ranges reported by the Juris Doctorate respondents to be somewhat low. This premise may be accurate when compared to salaries that lawyers earn in private practice while solely practicing law. However, the respondents in Survey Two, as indicated by their responses to Question 4, are primarily administrators within their departments or offices. If they provide legal counsel, it seems that (given the high frequency of outsourcing of legal matters) they do so on an informal, infrequent basis. Thus, it seems logical that they would receive a salary commensurate with their role within the athletic department.

#### *Survey Two, Questions 8 and 9*

As discussed earlier, only individuals who are currently licensed in the state in which they are employed are (legally) able to provide formal legal counsel to their departments or offices. The purpose of this question was to obtain some information about the areas in which these individuals are providing legal advice or counsel. Respondents were provided with 13 predetermined answer choices, and only one choice (estate advice) was not selected

by any respondents. Thus, it seems that individuals within Division I athletic departments and Division I conference office who are able to provide legal counsel are doing so regarding a wide range of substantive legal areas.

The most common areas (those with more than a 50% response rate) selected by respondents were NCAA and/or conference rules and compliance (84.4%), risk management or liability concerns (59.4%) and gender equity issues (including Title IX) (56.3%). Areas also receiving significant responses in excess of 30% included contract negotiation (31.3%), contract drafting (37.5%), and racial equity issues (34.4%). Since respondents seem to be providing counsel in these areas most regularly, it can be inferred that having some legal background or training in these areas may be an asset for a candidate seeking employment in Division I athletics. Further, this may indicate that legal education, whether in a law school environment or graduate school program that encompasses these areas, would be an asset for a candidate.

Given the breadth of answer choices that were selected, it seems that a candidate should be competent to provide counsel or advice on wide range of legal issues that are mostly, although not exclusively (such as when an individual provides advice related to criminal issues), are applied within the context of college athletics. Accordingly, each of the 33 respondents indicated in Question 9 that they feel that their legal training and background has been an asset in their current position. Even though law students may take an entire class devoted to copyright and trademark issues, such courses provide individuals with foundational knowledge that can then be applied within the context of athletics. From the answers provided in Questions 8 and 9, it seems that these candidates feel that their legal

education has benefited them in their current position, and that such training has provided them with benefits that they would not otherwise have.

*Survey Two, Question 12*

One issue that often arises when discussing the potential of college athletic departments hiring someone who has earned a Juris Doctorate degree is the uncertainty of how any such individual would interact with and relate to University Counsel. In Survey One, Question 4, athletics directors and conference commissioners were asked to identify who handles legal issues when they arise within their department or office. Nearly three-quarters of the respondents (between 71.2% and 72.0%, depending on whether an additional comment is grouped into this answer choice) indicated that the University General Counsel handles such issues when they arise. As such, it would seem that the Juris Doctorate respondents, if serving as legal counsel in any capacity to their department or office, would interact with University Counsel regularly. However, of those who work in the university setting, 42.3% indicated that they interact with the University Counsel “rarely (1 or more times per year).” In fact, only 15.4% stated that they interact with the University Counsel on a weekly basis. This information seems surprising, given the frequency that athletics directors claim to refer such matters to the University Counsel.

One possible explanation for the discrepancy is that all individuals who worked in the university setting were eligible to answer this question, without regard to whether or not they are licensed or claimed to practice law within their current position. As such, individuals who do not practice law likely responded to this question and logically, it would make sense that such individuals would not interact with University Counsel on a regular basis. Thus, the responses to this question may have been skewed by allowing such individuals to answer.

## **Discussion of Related Questions in Both Survey One and Survey Two**

### *Frequency of legal issues/matters*

Both populations were asked to indicate how often legal issues/matters arise within the department/office (see Question 3 in Survey One and Question 7 in Survey Two). The questions were phrased nearly identically in order to provide the truest possible comparison between the responses provided by the two populations. The two least selected answer choices had similar response rates: the answer choice “rarely (1 or more times per year)” was selected by 15.9% of the respondents in Survey One and 18.2% of the respondents in Survey Two; and no one in either population indicated that they “never” encounter legal issues in their department/office.

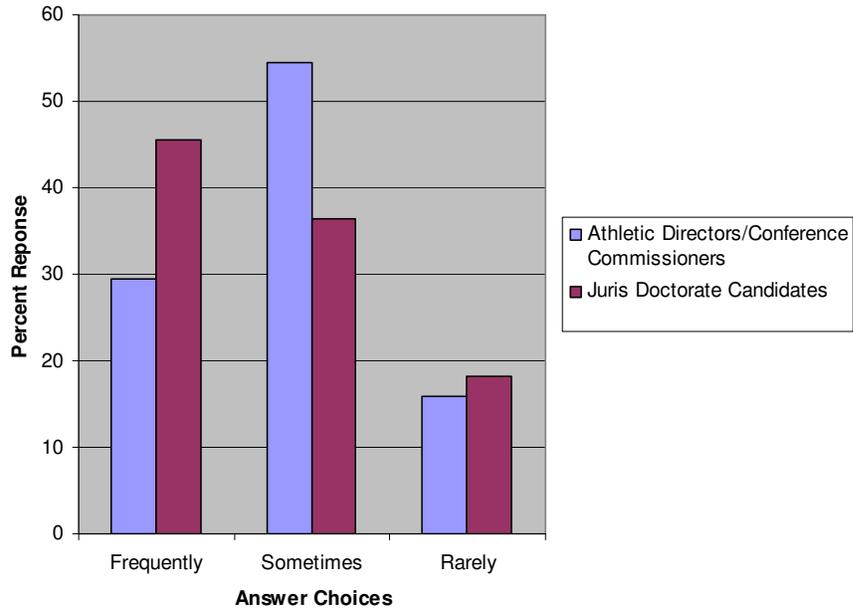
However, the response rates (in percentages) for the two most common answer choices were a bit different between the two populations. The first population, comprised of athletics directors and conference commissioners, selected “sometimes” as their most common answer with a 54.5% response rate. In contrast, only 36.4% of the Juris Doctorate candidates in Survey Two indicated that they encounter these issues “sometimes,” which made this answer choice this population’s second choice. The most popular answer choice for the Juris Doctorate respondents was “frequently,” with 45.5% response rate. In contrast, 29.5% of athletics directors and conference commissioners in the first survey believed that legal issues arise in their department/office “frequently.”

There are many possible explanations for the differences between the two populations in the perceived frequency of such legal issues. For instance, at first glance, it may seem that athletics directors and conference commissioners, as the leaders of their respective departments and offices may be in the best position to know about a majority of the affairs

that occur under their watch. However, it is also plausible that these individuals, without having any formal legal training or background, may not recognize legal issues that are hidden or embedded within an otherwise seemingly non-legal problem. Thus, an athletics director without a Juris Doctorate degree and an administrator who has a Juris Doctorate may be aware of the exact same problem, and each may have different perceptions regarding whether or not the problem poses any legal issues or considerations for the departments. For example, an athletics director who is responsible for the hiring and firing of the department's coaches may fail to realize that there may be legal implications for these actions (such as Title IX or Title VII implications) for the simple reason that he/she is not familiar with the law in these areas. However, it is likely that someone who has earned a Juris Doctorate degree would analyze such decisions with a different, legal-oriented framework in mind. If the trained eye is more apt to see legal issues, it seems logical that Juris Doctorate candidates may see more of these issues occurring than individuals who do not have such training, thus providing one plausible explanation for such differences.

Figure 21 (below) illustrates the percentage comparison of responses between the two groups. Please note that the "never" answer choice has been removed, as no respondents from either group selected this choice.

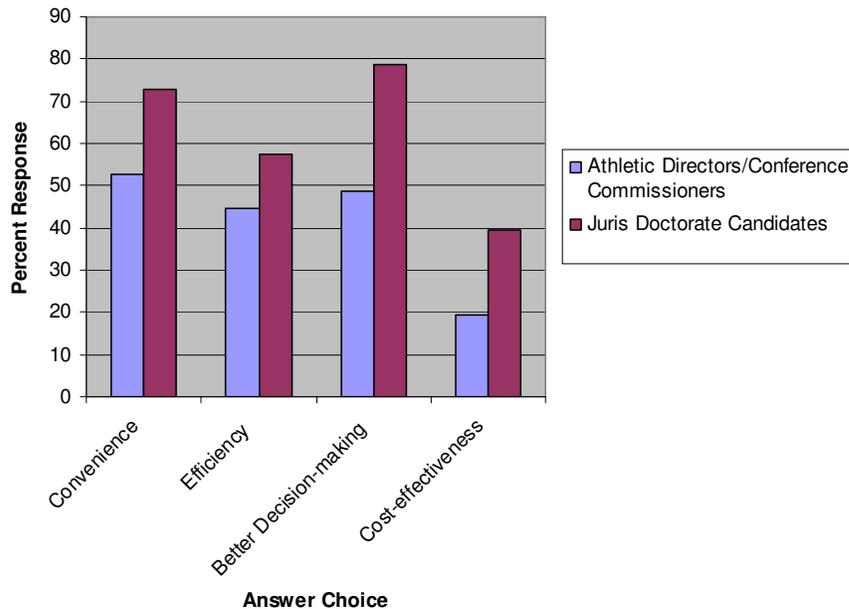
**Figure 21: Comparison of Frequency of Legal Issues**



*Perceived Benefits*

Both surveys asked respondents to indicate the benefits of having someone who has earned a Juris Doctorate degree within the athletic department or conference office (see Question 5 on Survey One and Question 10 on Survey Two). The responses from the two populations are shown in Figure 22. Please note that, for ease of comparison, the “other” answer choice has been removed from this chart.

**Figure 22: Comparison of the Perceived Benefits**



The most common benefit chosen by athletics directors and conference commissioners was “convenience” (52.8%). Nearly two-thirds of the Juris Doctorate respondents indicated that “convenience” was a benefit, but this was their second most common choice. For the second population, comprised of individuals who have earned a Juris Doctorate degree, the most common benefit (chosen by 78.8%) of having someone on staff who has earned this degree is “better decision-making.” Only 48.8% of athletics directors and conference commissioners noted that “better decision-making” was a benefit, resulting in exactly 30% difference between the populations on this answer choice. Similarly, there were differences between the benefits of “efficiency” (chosen by 44.7% of the first population and 56.7% of the Juris Doctorate respondents) and “cost-effectiveness” (chosen by 16.3% of the first population and 39.4% of the Juris Doctorate respondents).

Despite the differences noted above, each comparison between populations shares a common trend. Across the board, a higher percentage of Juris Doctorate respondents

indicated that each answer choice was a benefit than their athletics director and conference commissioner counterparts. The difference between answer choices was smallest for “efficiency,” with a 12.9% difference between the populations, and largest in the area of “better decision-making,” with a 30% difference as noted above.

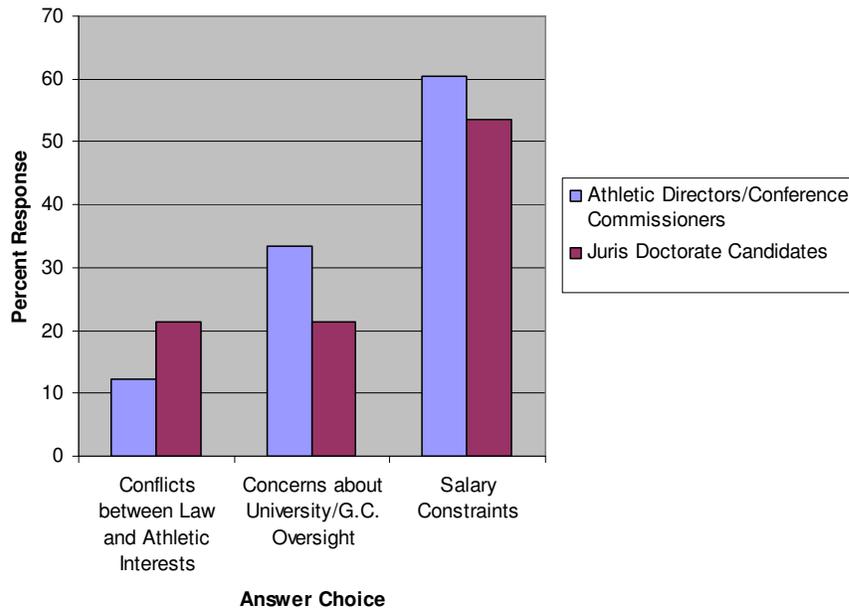
With Juris Doctorate respondents selecting each answer choice with greater frequency than athletics directors and conference commissioners, it seems that these individuals perceive that having someone on staff who has earned a Juris Doctorate degree provides greater benefits when compared with perceptions of the first population. The difference, once again, can be attributed to many factors. One possibility is that the Juris Doctorate population has an inflated perception of the benefits that their degree and legal training brings to their office/department. Nearly 80% of Juris Doctorate respondents indicated that they believe that having someone in their department/office would result in better decision-making. This result may not be surprising, as attorneys often receive internal and external praise for their ability to analyze problems analytically or to provide a unique viewpoint. In fact, law students are educated within an analytical framework, and this decision-making process becomes an ever present part of their legal education. While individuals who have experienced such training may perceive this as a superior skill, one that will lead to better decision-making, this may not be an objective reality.

Another explanation may be that since 50% of athletics directors and conference commissioners indicated that they do not have an individual on staff who has earned a Juris Doctorate degree, perhaps they have not had the opportunity to realize the benefits of having someone in house who fits this description. Perhaps the difference lies between these two extremes. Either way, one can hypothesize countless reasons why the perceptions differ.

### Perceived Drawbacks

Similarly, both surveys asked respondents to indicate the drawbacks or deterrents of having someone who has earned a Juris Doctorate degree within their department or office (see Question 6 on Survey One and Question 11 on Survey Two). Once again, both surveys provided identical answer choices and allowed respondents to write in additional benefits by selecting the “other” option. The responses (in percentages) from the two populations are shown in Figure 23.

**Figure 23: Comparison of Perceived Drawbacks**



Salary constraints appear to be the major drawback for both populations when considering hiring such individuals, with 60.5% of athletics directors and conference commissioners and 53.6% of Juris Doctorate respondents selecting this answer choice. One of the myths often associated with the legal profession is that most attorneys expect a six-figure salary, when in fact, these salaries are most commonly found only in select private firms. Among the law community, general consensus suggests that “in-house” positions (an

attorney who works in a corporation or organization as opposed to a law firm) generally pay less than “big” firms, depending on the size of the corporation or organization. There is no reason to believe that an in-house position within an athletic department would be any different, particularly if such individuals are not solely acting as an attorney and have dual roles (such as an Assistant Athletics Director who has earned a Juris Doctorate degree whose primary job is being an assistant athletics director and may secondarily provide legal counsel). Nor is there any reason to assume that Juris Doctorate respondents would be unwilling to accept a lesser salary in exchange for the tangible and intangible benefits associated with working in a Division I athletic department or conference office.

While salary constraints are a perceived drawback for both groups, in reality, these individuals may not pose as much of a financial burden as either group believes. In fact, according to responses from the Juris Doctorate respondents in Question 6, 81.8% of those individuals are paid a salary that is less than \$75,000. When compared to salary figures obtained by NALP (formerly known as the National Association for Law Placement), the salary ranges found in this study exceed most starting salaries for first year practitioners in the public service sphere. According to NALP’s survey, the average starting salaries in 2006 for three public service legal positions are as follows: prosecutors, \$46,000; judicial clerks, \$46,500, and legal services, \$38,000 (NALP, 2008). In fact, the salaries reported by the Juris Doctorate respondents are also within the range of 2007 starting salaries for associates in firms with fewer than 51 attorneys, which are typically between \$68,000 and \$81,000 (NALP, 2008).

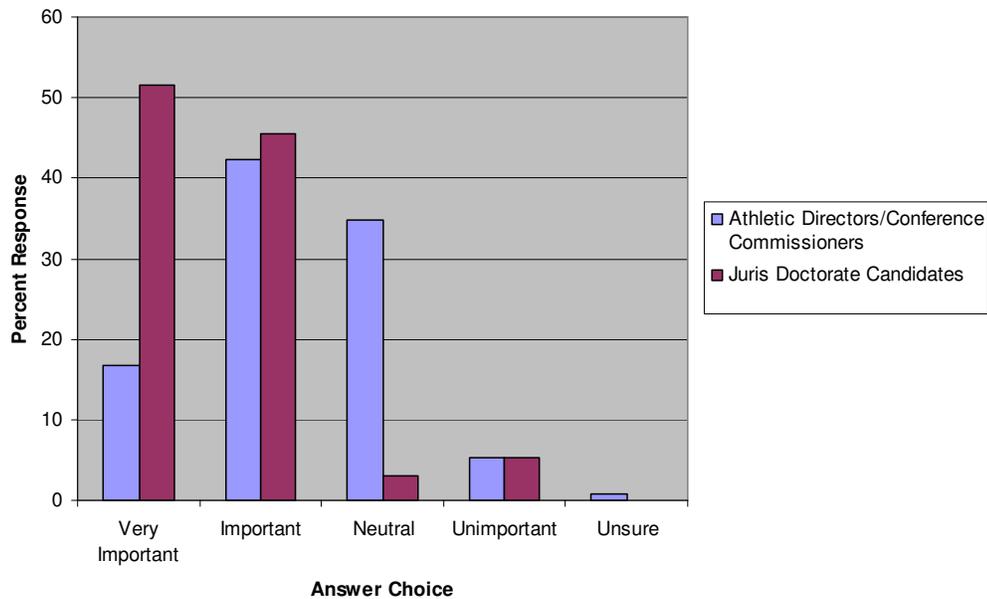
The other two answer choices, “conflicts between legal requirements and athletic interests” and “concern about the university and/or University Counsel’s oversight of this

position” received similar responses with approximately a 9% and 12% difference between the groups on each question, respectively.

### *Perceived Importance*

The final question that was similar in both surveys asked respondents to rank the importance of having someone within their office/department who is knowledgeable about the law as it relates to college athletics (Question 8 on Survey One and Question 12 on Survey Two). The responses (in percentages) from the two groups are illustrated in Figure 24.

**Figure 24: Comparison of the Importance of Having an Employee with Legal Knowledge**



A wide disparity exists in two of the answer choices. The Juris Doctorate respondents selected “very important” as their most common answer choice (51.5%), while only 16.7% of athletics directors and conference commissioners perceive that having an

individual with this particular qualification is “very important.” Another major difference is seen when looking at how frequently each group selected the “neutral” answer choice, indicating that having someone on staff who has legal knowledge is neither inherently important nor unimportant. Athletics directors and conference commissioners selected “neutral” as their second most common answer choice (34.8%), while this was the third most common answer choice among the Juris Doctorate respondents with only one individual (3%) indicating that such having such an individual in the department or office is neither important nor unimportant. Both populations had similar response rates for the answer choice “important,” with 45.5% of Juris Doctorate respondents and 42.4% of athletics directors and conference commissioners selecting this choice.

Once again, these differences may be attributed to many factors. Perhaps the Juris Doctorate respondents are once again victims of self-importance and perceive their presence, or the presence of others who have the same degree, to be of paramount importance to their department or office. However, the athletics directors and conference commissioners could again be influenced by the fact that they do not have such individuals in their department/office. Thus, it may be hard to accurately perceive whether such an addition would benefit their department/office enough to warrant a “very important” response to the question.

### **Suggestions for Future Research**

This study offered a first glimpse into the presence and perceptions of the Juris Doctorate degree in Division I college athletics. Even though this study provided relevant and useful information, this topic is relatively new, so there is room for significant

expansion on this research. One of the difficulties of this study was that the ability to identify individuals for the second population was completely dependent upon the willingness of athletics directors and conference commissioners to agree to participate in the first survey and to provide accurate contact information for the individuals in their department or office who have earned a Juris Doctorate degree.

Since this was a topic of first impression, there were no previous studies or databases that the researcher could utilize in order to identify and contact a greater number of individuals who met the criteria for the second population. As such, the first step for any future research on this topic would be to more accurately and completely identify those individuals who have earned a Juris Doctorate degree and who currently work in Division I college athletics. One possible way to do this would be for such individuals to form an organization whose members meet these criteria. This would not only be beneficial for future research, but would be a valuable networking tool for members.

The researcher recommends that a future study be conducted that is very similar to this one so that the results of the study can be compared. Due to the recent emergence of dual degree programs and the increase of apparent legal issues in college athletics, it is possible that this study was conducted at the forefront of the movement towards adding Juris Doctorate candidates to athletic departments and conference offices. Thus, a future study could provide a quantitative comparison that would allow future researchers to see whether the presence of such candidates did, in fact, increase over a period of time. A future study would also provide a comparison for areas like salary, length of employment in current position, and previous employment history.

If the recent emergence of dual degree programs and increase in legal issues within the collegiate sports context are any indication, these two areas will become increasingly intertwined in the future. Since there is little information currently available on this topic, the research possibilities are infinite, and future research will promote a better understanding of what roles Juris Doctorate candidates perform in the college sport workplace and the perceptions of such individuals.

**APPENDIX A**  
**DIVISION I COLLEGE ATHLETIC DEPARTMENTS**

|  |   |
|--|---|
| University of Akron  | University of California, Irvine        |
| Alabama A&M University                                     | University of California, Los Angeles   |
| Alabama State University                                   | University of California, Riverside     |
| University of Alabama at Birmingham                        | University of California, Santa Barbara |
| University of Alabama, Tuscaloosa                          | Campbell University                     |
| University at Albany                                       | Canisius College                        |
| Alcorn State University                                    | Centenary College (Louisiana)           |
| American University  | Central Connecticut State University    |
| Appalachian State University                               | University of Central Florida           |
| University of Arizona                                      | Central Michigan University             |
| Arizona State University                                   | College of Charleston (South Carolina)  |
| Arkansas State University                                  | Charleston Southern University          |
| University of Arkansas, Fayetteville                       | Chicago State University                |
| University of Arkansas, Little Rock                        | University of Cincinnati                |
| University of Arkansas, Pine Bluff                         | The Citadel                             |
| Auburn University  | Clemson University                      |
| Austin Peay State University                               | Cleveland State University              |
| Ball State University                                      | Coastal Carolina University             |
| Baylor University  | Colgate University                      |
| Belmont University   | University of Colorado, Boulder         |
| Bethune-Cookman University                                 | Colorado State University               |
| State University of New York at<br>Binghamton              | Columbia University-Barnard College     |
| Birmingham-Southern College                                | University of Connecticut               |
| Boise State University                                     | Coppin State University                 |
| Boston College   | Cornell University                      |
| Boston University  | Creighton University                    |
| Bowling Green State University                             | Dartmouth College                       |
| Bradley University   | Davidson College                        |
| Brigham Young University                                   | University of Dayton                    |
| Brown University   | University of Delaware                  |
| Bucknell University  | Delaware State University               |
| University at Buffalo, the State University<br>of New York | University of Denver                    |
| Butler University  | DePaul University                       |
| California Polytechnic State University                    | University of Detroit Mercy             |
| California State University, Fresno                        | Drake University                        |
| California State University, Fullerton                     | Drexel University                       |
| California State University, Northridge                    | Duke University                         |
| California State University, Sacramento                    | Duquesne University                     |
| University of California, Berkeley                         | East Carolina University                |
| University of California, Davis                            | East Tennessee State University         |
|  | Eastern Illinois University             |
|  | Eastern Kentucky University             |

Eastern Michigan University  
Eastern Washington University  
Elon University  
University of Evansville  
Fairfield University  
Fairleigh Dickinson University,  
Metropolitan  
University of Florida  
Florida A&M University  
Florida Atlantic University  
Florida International University  
Florida State University  
Fordham University  
Furman University  
Gardner-Webb University  
George Mason University  
George Washington University  
Georgetown University  
University of Georgia  
Georgia Institute of Technology  
Georgia Southern University  
Georgia State University  
Gonzaga University  
Grambling State University  
Hampton University  
University of Hartford  
Harvard University  
University of Hawaii, Manoa  
High Point University  
Hofstra University  
College of the Holy Cross  
University of Houston  
Howard University  
University of Idaho  
Idaho State University  
Illinois State University  
University of Illinois, Champaign  
University of Illinois at Chicago  
Indiana State University  
Indiana University, Bloomington  
Indiana University-Purdue University,  
Fort Wayne  
Indiana University-Purdue University at  
Indianapolis  
Iona College  
University of Iowa

Iowa State University  
Jackson State University  
Jacksonville State University  
Jacksonville University  
James Madison University  
University of Kansas  
Kansas State University  
Kent State University  
University of Kentucky  
La Salle University  
Lafayette College  
Lamar University  
Lehigh University  
Liberty University  
Lipscomb University  
Long Beach State University  
Long Island University-Brooklyn Campus  
Longwood University  
University of Louisiana at Lafayette  
University of Louisiana at Monroe  
Louisiana State University  
Louisiana Tech University  
University of Louisville  
Loyola College (Maryland)  
Loyola Marymount University  
Loyola University (Illinois)  
University of Maine, Orono  
Manhattan College  
Marist College  
Marquette University  
Marshall University  
University of Maryland, Baltimore County  
University of Maryland, College Park  
University of Maryland, Eastern Shore  
University of Massachusetts, Amherst  
McNeese State University  
University of Memphis  
Mercer University  
University of Miami (Florida)  
Miami University (Ohio)  
University of Michigan  
Michigan State University  
Middle Tennessee State University  
University of Minnesota, Twin Cities  
University of Mississippi  
Mississippi State University

Mississippi Valley State University  
Missouri State University  
University of Missouri, Columbia  
University of Missouri, Kansas City  
Monmouth University  
University of Montana  
Montana State University-Bozeman  
Morehead State University  
Morgan State University  
Mount St. Mary's University  
Murray State University  
University of Nebraska, Lincoln  
University of Nevada, Las Vegas  
University of Nevada  
University of New Hampshire  
University of New Mexico  
New Mexico State University  
University of New Orleans  
Niagara University  
Nicholls State University  
Norfolk State University  
University of North Carolina, Asheville  
North Carolina A&T State University  
North Carolina State University  
University of North Carolina, Chapel Hill  
University of North Carolina, Charlotte  
University of North Carolina at Greensboro  
University of North Carolina, Wilmington  
University of North Texas  
Northeastern University  
Northern Arizona University  
University of Northern Colorado  
Northern Illinois University  
University of Northern Iowa  
Northwestern State University  
Northwestern University  
University of Notre Dame  
Oakland University  
Ohio State University  
Ohio University  
University of Oklahoma  
Oklahoma State University  
Old Dominion University  
Oral Roberts University  
University of Oregon

Oregon State University  
University of the Pacific  
University of Pennsylvania  
Pennsylvania State University  
Pepperdine University  
University of Pittsburgh  
University of Portland  
Portland State University  
Prairie View A&M University  
Princeton University  
Providence College  
Purdue University  
Quinnipiac University  
Radford University  
University of Rhode Island  
Rice University  
University of Richmond  
Rider University  
Robert Morris University  
Rutgers, State Univ of New Jersey, New Brunswick  
Sacred Heart University  
Sam Houston State University  
Samford University  
University of San Diego  
San Diego State University  
University of San Francisco  
San Jose State University  
Santa Clara University  
Savannah State University  
Seton Hall University  
Siena College  
University of South Alabama  
University of South Carolina, Columbia  
South Carolina State University  
University of South Florida  
Southeast Missouri State University  
Southeastern Louisiana University  
University of Southern California  
Southern Illinois University at Carbondale  
Southern Methodist University  
University of Southern Mississippi  
Southern University, Baton Rouge  
Southern Utah University  
St. Bonaventure University  
St. Francis College (New York)

|   |   |
|---|---|
| Saint Francis University (Pennsylvania) | Virginia Polytechnic Institute & State University |
| St. John's University (New York)        | Wagner College                                    |
| Saint Joseph's University               | Wake Forest University                            |
| Saint Louis University                  | University of Washington                          |
| St. Mary's College of California        | Washington State University                       |
| St. Peter's College                     | Weber State University                            |
| Stanford University                     | West Virginia University                          |
| Stephen F. Austin State University      | Western Carolina University                       |
| Stetson University                      | Western Illinois University                       |
| Stony Brook University                  | Western Kentucky University                       |
| Syracuse University                     | Western Michigan University                       |
| Temple University                       | Wichita State University                          |
| Tennessee State University              | College of William and Mary                       |
| Tennessee Technological University      | Winthrop University                               |
| University of Tennessee at Chattanooga  | University of Wisconsin, Green Bay                |
| University of Tennessee, Knoxville      | University of Wisconsin, Madison                  |
| University of Tennessee at Martin       | University of Wisconsin, Milwaukee                |
| Texas A&M University, College Station   | Wofford College                                   |
| Texas A&M University-Corpus Christi     | Wright State University                           |
| Texas Christian University              | University of Wyoming                             |
| Texas Southern University               | Xavier University                                 |
| Texas State University-San Marcos       | Yale University                                   |
| Texas Tech University                   | Youngstown State University                       |
| University of Texas at Arlington        |   |
| University of Texas at Austin           |   |
| University of Texas at El Paso          |   |
| University of Texas, Pan American       |   |
| University of Texas at San Antonio      |   |
| University of Toledo                    |   |
| Towson University                       |   |
| Troy University                         |   |
| Tulane University                       |   |
| University of Tulsa                     |   |
| U.S. Air Force Academy                  |   |
| U.S. Military Academy                   |   |
| U.S. Naval Academy                      |   |
| University of Utah                      |   |
| Utah State University                   |   |
| Utah Valley State College               |   |
| Valparaiso University                   |   |
| Vanderbilt University                   |   |
| University of Vermont                   |   |
| Villanova University                    |   |
| University of Virginia                  |   |
| Virginia Commonwealth University        |   |
| Virginia Military Institute             |   |

**APPENDIX B**  
**DIVISION I CONFERENCES**

Atlantic Coast Conference  
Big East Conference  
Big Ten Conference  
Big 12 Conference  
Conference USA  
Mid-American Conference  
Mountain West Conference  
Pacific-10 Conference  
Southeastern Conference  
Sun Belt Conference  
Western Athletic Conference  
Big Sky Conference  
Big South Conference  
Colonial Athletic Association  
Ivy League  
Mid-Eastern Athletic Conference  
Northeast Conference  
Ohio Valley Conference  
Patriot League  
Southern Conference  
Southland Conference  
Southwestern Athletic Conference  
America East Conference  
Atlantic Sun Conference  
Atlantic 10 Conference  
Big West Conference  
Horizon League  
Metro Atlantic Athletic Conference  
Missouri Valley Conference  
The Summit League  
West Coast Conference

**APPENDIX C**  
**EMAIL COVER LETTER**  
**ATHLETICS DIRECTORS AND CONFERENCE COMMISSIONERS**

Dear Athletics Director or Conference Commissioner:

My name is Anna Tharrington and I am a dual degree graduate student conducting a research study for the completion of the master's thesis in Sport Administration at the University of North Carolina at Chapel Hill. The study involves surveying two populations to attain information regarding the presence of individuals who have earned a Juris Doctorate (law) degree and are currently employed in Division I collegiate athletic departments and conference offices. The study has a two-fold purpose: first, to determine how many individuals within Division I collegiate athletic departments and conference offices have earned a Juris Doctorate (law) degree, and second, to ascertain the perceptions of the benefits and/or drawbacks of employing such individuals.

To date, there is no information about the target population of this study (employees in Division I collegiate athletic departments and conference offices who have earned a Juris Doctorate degree). The data obtained through this survey will be used to answer some of the current unknowns regarding this population. As such, your participation will be beneficial in two ways: first, you will be responsible for identifying those individuals within your respective departments or offices who have earned a Juris Doctorate degree and, second, you will provide your perceptions about employing such individuals.

To participate in the research study, please click on the link provided below to be directed to a brief survey. Completing the web-based survey should take no longer than five to seven (5-7) minutes and is hosted by a secure online survey service. Should you choose to participate in the survey, you may skip any question for any reason. Your participation in the survey is entirely voluntary and such participation will connote your consent to be a part of the research study. You will in no way be identified by your survey answers and all information will only be used within the scope of the study and will otherwise remain anonymous and confidential. Any contact information you provide for individuals within your department or office will be used exclusively to send an on-line survey to these individuals requesting information similar to that which you have provided. This information will not be disclosed or used in any other way.

If you have any questions or concerns regarding your participation in the study, please contact me at 252.904.6414. My advisor, Barbara Osborne, J.D., may be contacted by email at [sportlaw.unc.edu](mailto:sportlaw.unc.edu), or the UNC Institutional Review Board at 919-966-3113 or by email to [IRB\\_subjects@unc.edu](mailto:IRB_subjects@unc.edu) and refer to study # 08-0216.

I greatly appreciate your time and participation in this research study, as you are a vital component in achieving information in an unknown, yet increasingly apparent, area of collegiate athletics.

The following link will direct you to the 5-7 minute survey:

[http://www.surveymonkey.com/s.aspx?sm=QvH50WhI9flfq4PAglfOsw\\_3d\\_3d](http://www.surveymonkey.com/s.aspx?sm=QvH50WhI9flfq4PAglfOsw_3d_3d)

Sincerely,

Anna S. Tharrington  
Dual Degree Student  
UNC School of Law & UNC Graduate Program in Exercise and Sport Science  
252.904.6414  
atheels@email.unc.edu

**APPENDIX D**  
**REMINDER EMAIL COVER LETTER**  
**ATHLETICS DIRECTORS AND CONFERENCE COMMISSIONERS**

Dear Athletics Director or Conference Commissioner:

Last week, I contacted you regarding my graduate school thesis that involves law degrees in college athletics. For those who have responded, I greatly appreciate your participation. For those who have not had the opportunity to respond yet, I am once again asking for your help in the project. I am working toward having enough responses to make the study valid, and would greatly appreciate your help in making this happen. I have received very positive feedback from those who have participated, and I will be glad to provide you with information regarding the results of the study once it is completed if you would like.

The letter below explains my thesis project and provides the link at the bottom that will direct you to the survey. Thank you, once again, for participating in the study if you choose to do so.

Warm Regards,  
Anna Tharrington  
UNC School of Law  
UNC Graduate School: Sports Administration

Original email included here.

**APPENDIX E**  
**SURVEY ONE**  
**ATHLETICS DIRECTORS AND CONFERENCE COMMISSIONERS**

1. Please indicate how many full-time employees within the athletics department/conference office (including individuals employed by affiliated organizations like fundraising organizations, outsourced marketing companies, etc.) have a Juris Doctorate (law) degree.
  - a. 0
  - b. 1
  - c. 2
  - d. 3
  - e. 4
  - f. 5
  - g. Other (please indicate a number) \_\_\_\_\_

**IF “0,” SKIP TO QUESTION 3**

2. Please indicate the name and email address for each employee with a Juris Doctorate (law) degree. (This information will only be used to send a follow-up survey to the employee to measure his/her perceptions and will not be compiled or disclosed for any other purposes.)
3. In your opinion, how frequently do legal issues/matters arise within the athletic department/conference office?
  - a. Frequently (1 or more times per week)
  - b. Sometimes (1 or more times per month)
  - c. Rarely (1 or more times per year)
  - d. Never
4. When legal matters or legal issues arise in the athletic department/conference office, who do you refer these matters/issues to? Please check all that apply.
  - a. An individual(s) within our department/office who has a Juris Doctorate (law) degree
  - b. University General Counsel
  - c. An outside firm or attorney
  - d. Not sure
  - e. Legal issues do not arise within our department/office
  - f. Other (please specify) \_\_\_\_\_
5. In your opinion, what are the benefits, if any, of hiring a candidate with a Juris Doctorate (law) degree? Please check all that apply.
  - a. Convenience
  - b. Efficiency in resolving legal matters
  - c. Better decision-making
  - d. Cost-effectiveness
  - e. Other (please specify) \_\_\_\_\_
6. In your opinion, what are the drawbacks or deterrents, if any, of hiring a candidate with a Juris Doctorate (law) degree? Please check all that apply.

- a. Conflict between legal requirements and athletic interests
  - b. Concern about the university and University Counsel's oversight of this position
  - c. Salary constraints
  - d. Other (please specify)
7. Do you feel that having an employee with a Juris Doctorate (law) degree would be a benefit to your department/office?
- a. Yes
  - b. No
8. Please rank the importance of having someone in your department/office who is knowledgeable about the law and/or legal requirements as they relate to college athletics.
- a. Very important
  - b. Important
  - c. Neutral: neither important nor unimportant
  - d. Unimportant
  - e. Unsure
9. Please feel free to share any additional comments you may have regarding the subject matter of this survey.
-

**APPENDIX F**  
**EMAIL COVER LETTER**  
**JURIS DOCTORATE CANDIDATES**

Dear Juris Doctorate Candidate:

My name is Anna Tharrington and I am a dual degree law and graduate student conducting a research study for the completion of the master's thesis in Sport Administration at the University of North Carolina at Chapel Hill. I received your contact information from your Athletics Director or Conference Commissioner (who have already participated in the study) and hope that you will choose to participate as well. The study involves surveying two populations to obtain information regarding the presence of individuals who have earned a Juris Doctorate (law) degree and are currently employed in Division I collegiate athletic departments and conference offices. The study has a two-fold purpose: first, to determine how many individuals within Division I collegiate athletic departments and conference offices have earned a Juris Doctorate (law) degree, and second, to ascertain the perceptions of the benefits and/or drawbacks of employing such individuals.

To date, there is no information about the target population of this study (employees in Division I collegiate athletic departments and conference offices who have earned a Juris Doctorate degree). The data obtained through this survey will be used to answer some of the current unknowns regarding this population. As such, your participation will provide valuable information about your current position and your perceptions about candidates like yourself being employed in athletic departments and conference offices.

To participate in the research study, please click on the link provided below to be directed to a brief survey. Completing the web-based survey should take no longer than five to seven (5-7) minutes and is hosted by a secure online survey service. Should you choose to participate in the survey, you may skip any question for any reason. Your participation in the survey is entirely voluntary and such participation will connote your consent to be a part of the research study. You will in no way be identified by your survey answers and all information will only be used within the scope of the study and will otherwise remain anonymous and confidential.

If you have any questions or concerns regarding your participation in the study, please contact me at 252.904.6414. My advisor, Barbara Osborne, J.D., may be contacted by email at [sportlaw.unc.edu](mailto:sportlaw.unc.edu), or the UNC Institutional Review Board at 919-966-3113 or by email to [IRB\\_subjects@unc.edu](mailto:IRB_subjects@unc.edu) and refer to study # 08-0216.

I greatly appreciate your time and participation in this research study, as you are a vital component in achieving information in an unknown, yet increasingly apparent, area of collegiate athletics.

Please click the link below to be directed to the survey:

[http://www.surveymonkey.com/s.aspx?sm=P\\_2f81T\\_2feGegKF8JpZ\\_2bEsaFQ\\_3d\\_3d](http://www.surveymonkey.com/s.aspx?sm=P_2f81T_2feGegKF8JpZ_2bEsaFQ_3d_3d)

Sincerely,

Anna S. Tharrington

Dual Degree Student

UNC School of Law & UNC Graduate Program in Exercise and Sport Science

252.904.6414

athrrngtn@aol.com

**APPENDIX G**  
**REMINDER EMAIL COVER LETTER**  
**JURIS DOCTORATE CANDIDATES**

Dear Juris Doctorate Candidate

Last week, I contacted you regarding my graduate school thesis that involves law degrees in college athletics. For those who have responded, I greatly appreciate your participation. For those who have not yet had the opportunity to respond, I am once again asking for your help in the project. I am working towards having enough responses to make the study valid, and would greatly appreciate your help in making this happen. I have received very positive feedback from those who have participated, and I will be glad to provide you with information regarding the results of the study once it is completed if you would like. I have the privilege of being UNC's first dual degree student, and through this study, we are hoping to get a better idea as to how these two areas of interest (law and collegiate sport) mesh.

The letter below explains my thesis project and provides the link at the bottom that will direct you to the survey. Thank you, once again, for participating in the study if you choose to do so.

Warm Regards,  
Anna Tharrington  
UNC School of Law  
UNC Graduate School: Sports Administration

Original email included here.

**APPENDIX H**  
**SURVEY TWO**  
**JURIS DOCTORATE CANDIDATES**

1. Are you currently licensed to practice law?
  - a. Yes
  - b. No
2. Is this your first experience working in college athletics?
  - a. Yes
  - b. No
3. Have you ever practiced law in a private office or public setting? Please check all that apply.
  - a. Yes, in a private setting (ex. a firm)
  - b. Yes, in a public setting
  - c. No
4. How would you classify your role in your athletic department/conference office?
  - a. Conference Commissioner
  - b. Associate Conference Commissioner
  - c. Assistant Conference Commissioner
  - d. Athletics Director
  - e. Associate Athletics Director
  - f. Assistant Athletics Director
  - g. Director of Department
  - h. Employee or General Counsel of an affiliate organization
  - i. Other (please specify) \_\_\_\_\_
5. How long have you been employed in your current position?
  - a. Less than one year
  - b. 1-2 years
  - c. 3-5 years
  - d. 5-10 years
  - e. More than 10 years
6. In your current position, what is your salary range?
  - a. Below \$25,000
  - b. \$25,000-\$49,999
  - c. \$50,000-\$99,999
  - d. \$100,000 or more
  - e. No answer
7. How often do you encounter legal issues/matters in your current position?
  - a. Frequently (1 or more times per week)
  - b. Sometimes (1 or more times per month)
  - c. Rarely (1 or more times per year)
  - d. Never
8. In what areas do you currently provide legal advice or counsel to the athletic department/conference office? Please check all that apply.
  - a. Contract negotiation

- b. Contract drafting
  - c. General tax advice
  - d. UBIT (Unrelated business income tax) issues
  - e. Estate matters for donors (related to fundraising)
  - f. Licensing, trademark, and/or copyright
  - g. Gender equity issues (including Title IX) Racial equity issues
  - h. Other Constitutional issues
  - i. Risk management or liability concerns
  - j. Criminal issues (related to administrators, coaches, staff, and athletes)
  - k. Personal legal issues for staff or athletes (ex. parking tickets)
  - l. NCAA and/or conference rules and compliance
  - m. Other (please specify) \_\_\_\_\_
9. Do you feel that your legal training/background has been an asset in your current position?
- a. Yes
  - b. No
10. What do you think are the benefits, if any, of athletic departments/conference offices having a candidate with a Juris Doctorate degree within their department/office? Please check all that apply.
- a. Convenience
  - b. Efficiency in resolving legal issues
  - c. Better decision-making
  - d. Cost-effectiveness
  - e. Other (please specify) \_\_\_\_\_
11. What do you think are the drawbacks or deterrents, if any, of athletic departments/conference offices having a candidate with a Juris Doctorate degree within their department/office? Please check all that apply.
- a. Salary constraints
  - b. Conflicts between legal requirements and athletic interests
  - c. Concern about the university and/or University Counsel's oversight of this position
  - d. Other (please specify) \_\_\_\_\_
12. If you currently work in the university setting (either in an athletic department or an affiliate organization), how often do you interact with University Counsel?
- a. Frequently (1 or more times per week)
  - b. Sometimes (1 or more times per month)
  - c. Rarely (1 or more times per year)
  - d. Never
  - e. I do not work in the university setting.
13. Based on your experience, please rank the importance of having someone within your athletic department or conference office who is knowledgeable about the law and/or legal requirements as they relate to college athletics.
- a. Very important
  - b. Important
  - c. Neutral: neither important nor unimportant
  - d. Unimportant

e. Unsure

14. Please feel free to share any additional comments you may have regarding the subject matter of this survey.

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**APPENDIX I**  
**SURVEY ONE, QUESTION 4**  
**ADDITIONAL WRITE-IN RESPONSES**

*When legal matters or legal issues arise in the athletic department/conference office, who do you refer these matters/issues to? Please check all that apply.*

1. Institutional counsel within one of our member institutions.
2. Either outside counsel or in house staff with degree depending on issue.
3. The items are referred to me since I have a JD. Our conference also use outside counsel when necessary.
4. Conference legal counsel who is an independent contractor with the conference office.
5. State Attorney General's office
6. Most stay internal...come referred to general counsel
7. University General Counsel at the systemwide level
8. Lawyer on retainer

**APPENDIX J**  
**SURVEY ONE, QUESTION 5**  
**ADDITIONAL WRITE-IN RESPONSES**

*In your opinion, what are the benefits, if any, of hiring a candidate with a Juris Doctorate (law) degree? Please check all that apply.*

1. Different viewpoint.
2. none
3. If in the compliance field especially, systems are put in place that avoid problems
4. Possible advantage within the compliance area
5. Someone who has a terminal degree
6. With regard to the position we recently hired - had to do with expertise in handling compliance related duties.
7. Thoughtful analysis of issues, good writing skills, good verbal communication
8. The analytical skills of a lawyer are invaluable when assessing numerous situations that may arise at the conference office.
9. At a small school, our legal issues are minimal and the cost of outsourcing is more cost effective than in house counsel.
10. Analytical thought process. Can provide some direction on legal issues even if not legal counsel.
11. Only in the area of compliance - better at interpreting rules
12. Top notch internal counseling on many non-legal matters
13. Knowledge of Compliance matters
14. It's possible that they are bright, organized and motivated.
15. There is a convenience in general discussions re: legal issues - but when there is a legal problem you best go to full time licensed attorneys for your answers.
16. Depends on who you hire. For me personally, I don't hold any weight in the degree - me and my staff are aware of the issues we need to be concerned with and contact our legal council when we need assistance in matters.
17. Might provide a very different perspective
18. A decision-oriented, fact-oriented approach to issues; training/habit of thinking in precedential terms; training that's relevant to a number of areas (e.g., compliance, trademarks) and tasks (e.g., drafting contracts)
19. Limited benefits out of proportion to the additional costs
20. Our person with the law degree is a coach and was not hired because of the law degree
21. Legal training helps in dealing with NCAA compliance issues.
22. Having someone on staff with general legal knowledge would be helpful, especially with reviewing contracts
23. The NCAA is loaded with lawyers and we need our own to keep up with the NCAA
24. Provides balance

**APPENDIX K**  
**SURVEY ONE, QUESTION 6**  
**ADDITIONAL WRITE-IN RESPONSES**

*In your opinion, what are the drawbacks or deterrents, if any, of hiring a candidate with a Juris Doctorate (law) degree? Please check all that apply.*

1. They would need to also serve in another major capacity.
2. We don't generate enough law-related issues to justify full-time lawyer.
3. Not having practical experience of day to day athletics experiences
4. Lack of experience in NCAA Compliance
5. Our department would still be required to seek legal opinion from the General Counsel.
6. None
7. None
8. I see no drawbacks.
9. None
10. No drawbacks if the person has experience in athletics.
11. Not sure there are any
12. None really
13. If a candidate has practiced law prior to seeking a position in intercollegiate athletics, there is an assumption on the candidate's part that his or her legal skills alone should get them the job. The reality is that any candidate, including a lawyer, should present some type of intercollegiate athletics experience if he or she expects to get the job. To get at least some experience, the lawyer has to realize that getting the necessary experience may require that he or she take a pay cut along with an entry-level position.
14. See above
15. None
16. None.
17. No drawbacks
18. None
19. They don't always have a good sense of the big picture in college athletics. Experience has proven that at times they have an overblown sense of their worth.
20. None
21. None
22. No deterrents
23. I don't need a person to conflict with my legal council. I hire the best person for the job - period.
24. Do not know if there is enough work to make this a full time position
25. We're a conference office so the response is a little different: major concern is to be sure the person with legal training/experience realizes s/he is the client, and not the lawyer
26. Utilizing university counsel's office keeps tighter communication between senior administration and athletic department
27. None

28. A full-time legal position would be costly and, in our situation, not warranted; seems many with law degrees that work in athletics don't actively practice law, making it difficult/impractical to keep current with the law and bringing to mind the adage -- a little knowledge can be dangerous
29. No conflict
30. Affinity for athletics related decision making
31. No real drawbacks. Having our own legal counsel would not allow us to act on legal matters without University counsel's involvement.

**APPENDIX L**  
**SURVEY TWO, QUESTION 4**  
**ADDITIONAL WRITE-IN RESPONSES**

*How would you classify your role in your athletic department/conference office?*

1. Senior Associate Director of Athletics
2. Assistant Director
3. Coach
4. Assistant Director of Compliance, Legal Affairs
5. Coach
6. Vice Athletic Director -- the number two position in our Department.
7. Assistant to the Athletics Director
8. NCAA Compliance
9. Tennis Coach
10. Compliance Coordinator

**APPENDIX M**  
**SURVEY TWO, QUESTION 8**  
**ADDITIONAL WRITE-IN RESPONSES**

*In what areas do you currently provide legal advice or counsel to the athletic department/conference office? Please check all that apply.*

1. HIPPA, FERPA (federal privacy legislation pertinent to higher education)
2. random individual instances
3. We refer most of these issues to the Institutional Counsel. My role on many of these is framing issues, asking the right questions, and making decisions on clear-cut cases. My job is an administrative/management one, not a legal position per se.
4. General discussion and perspective on issues, both civil and criminal, that arise within the athletic department
5. I really don't provide legal advice since I am not licensed to practice law in my state.
6. Employment law issues (e.g., applying Fair Labor Standards Act to background check process; applying Title VII in the hiring process).
7. INFORMAL counsel!
8. I don't provide legal advice or counsel because I'm not licensed in Texas.

**APPENDIX N**  
**SURVEY TWO, QUESTION 10**  
**ADDITIONAL WRITE-IN RESPONSES**

*What do you think are the benefits, if any, of athletic departments/conference offices having a candidate with a Juris Doctorate degree within their department/office? Please check all that apply.*

1. Able to assist with all aspects of NCAA rules compliance and contract issues regarding coaches, and sponsors.
2. Serve as a resource to student-athletes considering a legal career.
3. The ability to objectively evaluate the variety of matters that arise in the athletic department.
4. I think recognition of potential legal issues in the conduct of office/department affairs is a huge benefit of having legally trained personnel on staff.
5. I work in compliance. The NCAA manual appears to be written like the UCC so it helps to have experience reading through the legal jargon.
6. With respect to the fact that I have a JD, my approach is that I know enough to be dangerous. Consequently, I would defer to our outside legal counsel for official advice on a legal matter. However, it is helpful to have a better sense of when legal counsel should be consulted, and a better sense of when there may be legal vulnerabilities, regardless of the issue.

**APPENDIX O**  
**SURVEY TWO, QUESTION 11**  
**ADDITIONAL WRITE-IN RESPONSES**

*What do you think are the drawbacks or deterrents, if any, of athletic departments/conference offices having a candidate with a Juris Doctorate degree in their department/office? Please check all that apply.*

1. No drawbacks.
2. None
3. I don't there are any.
4. N/A
5. I don't see any drawbacks.
6. In some cases, lawyers who have been practicing law in the "real world" experience some culture shock when adjusting to life within the world of the NCAA. The NCAA is a membership organization, and to date, not a "government actor." Consequently, the NCAA doesn't have to provide the same Constitutional protections that say, a police department would. This isn't to say that the NCAA doesn't abide by traditional notions of fairness; it's just that there are differences. As a result, the transition from practicing law in the real world to operating with the NCAA structure can lead to occasional frustration.
7. i.e., need to remember that we/I are the client, not the lawyer -- in question 12, I talk with our trademark counsel roughly monthly, and consult regularly if there's a specific television or other contract involved.
8. Concerns that staff members in the department do not realize that, as an attorney working for a university, you represent the university and not them. Also, concerns that staff members do not realize that an attorney working for the department cannot answer personal legal questions.

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