



Preface

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We cordially welcome readers to the first volume of the *Harvard Journal of Sports and Entertainment Law*. It is with great pride that we have worked with students of the Harvard Law School to create this journal, and, in the process, contribute to the broader debates about law and the sports and entertainment industries. As our years at the Harvard Law School have shown us, there is a high degree of enthusiasm for these subjects, and a realization among students and faculty that the sports and entertainment fields are rich topics, worthy of consideration in an academic journal.

The Harvard Law School has offered basic courses in sports and entertainment law for several years. General courses such as antitrust, international trade, labor, tort, copyright, and trademark law augmented these offerings. Over the years, courses have been given relating to the marketing and economics of sports and entertainment, both at the Law School and at other schools across Harvard University. Recently, a deeper interest in the fields has emerged, leading to two additional courses: “Representing the Professional Athlete” and “Advanced Contract Drafting.”

Students have also been involved for a long time in sports and entertainment law outside the classroom. Since the early 1980s, the Harvard Law School has had a Committee on Sports and Entertainment Law. The Committee has been instrumental in engaging the student body on these topics, holding symposia, bringing in alumni who have worked in the sports and entertainment fields, and advising students on their career choices.

Beginning in 2007, the Sports Law Clinic offered students another way to get involved in the field. The program has placed students in over thirty clinical placements within the head offices of various teams in the three major sports leagues, and with many other professional and amateur sports organizations. On the

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entertainment side, the Recording Artists Project gives students a chance to provide pro bono legal work for musicians, record labels, and new media companies under the supervision of a practicing attorney, through the Transactional Practices Clinic.

Students over the years have taken advantage of these opportunities to move on to careers in the sports and entertainment industries. Whether as in-house counsel, members of law firms, professors, or even general managers of teams, these former students have utilized the skills honed at the Harvard Law School to advance in these industries and to have an impact on the evolution of sports and entertainment law. Notably, some Harvard Law School students have gone on to become professors of sports law, including one of the authors of an article in this inaugural issue, Michael McCann, LLM '05. With all the contributions that have been made by past students of the Harvard Law School, it is wonderful to see that current students share the same passion and that this has culminated in the creation of the *Harvard Journal of Sports and Entertainment Law*.

And a timely creation it is. At this moment, professional sports leagues are dealing with antitrust scrutiny of a kind that they have not faced in almost two decades, while up-and-coming sports are facing issues of regulation and legitimacy. The entertainment industry must cope with ever-shorter ratings cycles, while also trying to navigate the waters of what is and what is not acceptable in terms of content. But this is not all. The entertainment industry also faces rapid changes in technology, altering not only consumption of songs, movies, and books, but also raises concerns about authorship and intellectual property. In both industries, today's legal concerns impact both company and consumer alike.

The *Harvard Journal of Sports and Entertainment Law* will contribute to the debate and evolution of these concerns. It will examine elements of these issues today and into the future, tracking how the sports and entertainment industries adapt to new challenges and legal regimes.

The *Harvard Journal of Sports and Entertainment Law* will be a valuable addition to legal scholarship, and to the broader community of the Harvard Law School. The students who have worked tirelessly and enthusiastically on this inaugural issue are dedicated to publishing a journal of high quality. We hope that their successors will bring their unique talents and dedication to future volumes. Our understanding and the eventual shaping of the sports and entertainment industries will benefit from such an endeavor.