

## Table of Contents

DePaul College of Law

Follow this and additional works at: <https://via.library.depaul.edu/jslcp>

---

### Recommended Citation

DePaul College of Law, *Table of Contents*, 10 DePaul J. Sports L. & Contemp. Probs. (2014)  
Available at: <https://via.library.depaul.edu/jslcp/vol10/iss1/1>

This Front Matter is brought to you for free and open access by the College of Law at Via Sapientiae. It has been accepted for inclusion in DePaul Journal of Sports Law by an authorized editor of Via Sapientiae. For more information, please contact [digitalservices@depaul.edu](mailto:digitalservices@depaul.edu).

# DEPAUL JOURNAL OF SPORTS LAW & CONTEMPORARY PROBLEMS

Volume 10

Spring 2014

Number 1

---

## CONTENTS

### ARTICLES

A BRIEF HISTORY OF SPORTS LABOR  
STOPPAGES: THE ISSUES, THE LABOR  
STOPPAGES AND THEIR EFFECTIVENESS  
(OR LACK THEREOF) ..... *Genevieve F.E. Birren* 1

THIS IS FOOTBALL, YOU'RE SUPPOSED TO  
GET HIT: TACKLING CONCUSSIONS AND  
CHRONIC TRAUMATIC ENCEPHALOPATHY;  
HAS THE NFL BEEN WRONGFUL? ..... *Kayleigh R. Mayer* 31

### COMMENTS

THE SOLUTION TO NHL COLLECTIVE  
BARGAINING DISPUTES:  
MANDATORY BINDING ARBITRATION..... *Braden Shaw* 53

ALWAYS PROTECT YOUR BRAND:  
TRADEMARK INFRINGEMENT  
PROTECTION FOR ATHLETES  
USING SOCIAL MEDIA SITES ..... *Barret R. Arthur* 83

THE COPYRIGHT CONUNDRUM IN MODERN  
TECHNOLOGY COPYRIGHT ISSUES REGARDING  
INTERNET SERVICE PROVIDERS AND  
LIVE SPECTATOR SPORT EVENTS ..... *John J. Leppler* 105

Cite as 10 DEPAUL J. SPORTS L. & CONTEMP. PROBS.  
Copyright 2014 by DePaul University  
All Rights Reserved  
DePaul Journal of Sports Law & Contemporary Problems

---

---

*DePaul Journal of Sports Law & Contemporary Problems* (ISSN 0011-7188) is published bi-annually by DePaul University College of Law, 25 East Jackson Boulevard, Chicago, Illinois 60604-2287. Postage paid at Chicago, Illinois and additional mailing offices. Changes of address should be mailed at least thirty days before the next issue to ensure delivery; include new and old addresses, with zip codes. POSTMASTER: send change of address notice to DePaul Journal of Sports Law & Contemporary Problems, 25 East Jackson Boulevard, Chicago, Illinois 60604-2287.

**SUBSCRIPTIONS:** Subscriptions are accepted on a per volume basis only. They are payable in advance and will be renewed automatically unless notification to the contrary is received. The annual price for a subscription to *DePaul Journal of Sports Law & Contemporary Problems* is \$50.00.

**MANUSCRIPT SUBMISSION:** Send manuscripts to the editorial offices at 25 East Jackson Boulevard, Chicago, Illinois 60604-2287. Citations must conform to *The Bluebook: A Uniform System of Citation* (18th ed. 2005). Manuscripts will not be returned unless specifically requested.

**JOURNAL OF SPORTS LAW & CONTEMPORARY PROBLEMS WEBSITE:** For more information, visit our websites at [www.law.depaul.edu/sportslaw](http://www.law.depaul.edu/sportslaw).

**DePaul University is an equal-opportunity educator and employer.**

# DEPAUL JOURNAL OF SPORTS LAW & CONTEMPORARY PROBLEMS

---

*Volume 10*

*Spring 2014*

*Number 1*

---

## BOARD OF EDITORS

AMY SCHILLER-NEUSTEDTER  
*Editor-in-Chief*

ANDREW BUSH  
*Executive Editor*

NICK GUTIERREZ  
*Articles & Technology Editor*

THOMAS CONLON  
*Symposium Editor*

## WRITING STAFF

GENEVIEVE BINNIE  
KATLYN GREGG  
C.J. GINN

VINCENT LEWIS  
JOHN O'DONNELL  
YENI ADETOLA  
KERRI FECZKO

## FACULTY ADVISOR

MICHAEL S. JACOBS

# DEPAUL COLLEGE OF LAW

## GENERAL ADMINISTRATION

Rev. Dennis H. Holtschneider, C.M., D.Min., *President*  
John T. Richardson, C.M., *Chancellor*  
Helmut P. Epp, Ph.D., *Provost*  
Bonnie Hirsch, C.P.A., *Vice President, Finance*  
Rev. Edward R. Udovic, C.M., Ph.D., *Secretary/Vice President, Administration*  
Jeff Bethke, *Treasurer*  
J.D. Bindeagel, *Vice President for Community, Government & International Affairs*  
Jay Braatz, Ed.D., *Senior Executive for Presidential Operations*  
James R. Doyle, *Vice President, Student Affairs*  
Mary C. Finger, *Senior Vice President for Advancement*  
Mary Hawkins, *Controller*  
Robert Janis, *Vice President, Facility Operations*  
David H. Kalsbeck, Ph.D., *Vice President, Enrollment Management*  
David Lively, *Vice President of Development*  
Elizabeth F. Ortiz, Ed.D. *Vice President for Institutional Diversity and Equity*  
Jose D. Padilla, J.D., *Vice President/General Counsel*  
William Seithel, *Vice President for Human Resources*  
Rev. Edward R. Udovic, C.M., Ph.D., *Vice President for Teaching & Learning Resources & Senior Executive for University Mission*

## COLLEGE OF LAW ADMINISTRATION

Gregory Mark, *Dean*  
David L. Franklin, *Vice Dean & Associate Professor of Law*  
Andrea D. Lyon, *Associate Dean for Clinical Programs, Director for Justice in Capital Case & Professor*  
Stephen Greenberger, *Associate Dean of Faculty & Professor*  
Howard M. Rubin, *Associate Dean for Lawyering Skills, Director of Field Placement Program*  
Michael Burns, *Assistant Dean for Enrollment Management & Director of Admissions*

## COLLEGE OF LAW FACULTY 2013-2014

**Benjamin E. Alba** ..... Director, Bar Passage Program  
B.S., DePaul University; J.D., Loyola University of Chicago,  
**Sioban Albiol** ..... Clinical Professor  
B.A. University of Texas at Austin; J.D. Loyola University of Chicago,  
**Phillip S. Ashley** ..... Associate Professor  
B.A., Rockford College; J.D., Tulsa University; LL.M., New York University.  
**M. Cherif Bassiouni** ..... Emeritus Distinguished Research Professor of Law  
J.D., Indiana University; LL.M., John Marshall Law School;  
S.J.D., George Washington University; LL.D. (H.C.), University of Torino.  
**Mary Becker** ..... Professor  
B.S., Loyola University of Chicago; J.D., University of Chicago.  
**Mary Ann Becker** ..... Legal Writing Instructor  
B.A. from Northwestern University, J.D., DePaul University College of Law.  
**Barbara B. Bressler** ..... Clinical Associate Professor of Law; Director, Clinical Programs;  
Supervisor, Technology/Intellectual Property Legal Clinic,  
Deputy Director, Field Placement Program  
B.S., University of Minnesota; J.D., DePaul University  
**Jacob Carpenter** ..... Legal Writing Instructor  
B.A. DePaul University; J.D. Mercy University Law School  
**Leonard L. Cavise** ..... Professor, Director, Center for Public Interest Law,  
Director, Chiapas Human Rights Practicum  
B.A., Hamilton College; J.D., Georgetown University Law Center.  
**Sumi K. Cho** ..... Professor  
B.A., J.D., Ph.D., University of California.  
**Alberto Coll** ..... Professor  
B.A., Princeton University; J.D. & Ph.D., University of Virginia

**Michelle Cue** ..... Legal Writing Instructor  
 B.A., J.D. University of Illinois

**John F. Decker** ..... Emeritus Professor  
 B.A., Loras College; B.A., University of Iowa;  
 J.D., Creighton University; LL.M., J.S.D., New York University.

**Katheryn M. Dutenhaver** ..... Associate Professor  
 B.A., North Central College; J.D., DePaul University.

**Christopher Evers** ..... Legal Writing Instructor  
 J.D. University of Michigan

**Freeman L. Farrow** ..... Assistant Professor  
 B.A. Amherst College; M.D. University of Massachusetts;  
 J.D. University of Michigan

**David M. Franklin** ..... Vice Dean & Associate Professor of Law  
 B.A., Yale College; J.D., University of Chicago.

**Jerold A. Friedland** ..... Professor  
 B.A., M.A., New York University; J.D., Brooklyn Law School;  
 LL.M., Georgetown University Law Center.

**Patty Gerstenblith** ..... Distinguished Research Professor  
 A.B., Bryn Mawr College; Ph.D., Harvard University;  
 J.D., Northwestern University.

**Andrew Gold** ..... Professor  
 B.A., Dartmouth College; J.D., Duke University.  
 LL.M., University of Wisconsin.

**Steven R. Greenberger** ..... Associate Professor & Associate Dean of Faculty  
 B.A., University of Illinois; J.D., Yale University.

**Ray J. Grzebielski** ..... Associate Professor  
 B.A., Northwestern University; M.B.A., University of Chicago;  
 J.D., Northwestern University; LL.M., Georgetown University Law Center.

**Brian F. Havel** .... Distinguished Research Professor, Director, International Aviation Law Institute  
 B.A., M.A., B.C.L., University of Dublin;  
 LL.M., J.S.D., Columbia University.

**Max N. Helveston** ..... Assistant Professor  
 B.A., University of Michigan; JD., Yale Law School

**Donald H. J. Hermann** ..... Professor  
 A.B., Stanford University; M.A., Northwestern University;  
 J.D., Columbia University; LL.M., Harvard University;  
 Ph.D., Northwestern University; M.A.A.H., Art Institute of Chicago.

**Michael Jacobs** ..... Professor, Co-Director, International Aviation Law Institute Professor of Law  
 B.A., Dartmouth College; J.D., Yale University; M.P.H., Johns Hopkins University

**Barry Kellman** ..... Professor  
 B.A., University of Chicago; J.D., Yale University.

**Terrence F. Kiely** ..... Professor  
 B.S., Loyola University (Chicago); J.D., DePaul University;  
 LL.M., New York University.

**Sarah Klaper** ..... Legal Writing Instructor  
 B.S. Ohio University; J.D. University of Cincinnati College of Law

**Sandra Kupelian** ..... Legal Writing Instructor  
 B.A., Northern Illinois University; J.D., University of Illinois

**Roberta Rosenthal Kwall** ..... Professor  
 A.B., Brown University; J.D., University of Pennsylvania.

**Stephan A. Landsman** ..... Professor  
 A.B., Kenyon College; J.D., Harvard University.

**Julie D. Lawton** ..... Assistant Professor  
 B.S., Florida A&M University; JD., Howard University; LL.M., Georgetown University

**Wayne K. Lewis** ..... Professor  
 B.A., Rutgers University; J.D., Cornell University.

**Margit Livingston** ..... Professor  
 B.A., Augsburg College; M.A., J.D., University of Minnesota;  
 LL.M., University of Illinois.

**Andrea Lyon** ..... Director of the Law Center for Justice in Capital Cases & Associate Professor  
 B.A., Rutgers University; J.D., Antioch School of Law.

**Jody Marcucci** ..... Legal Writing Instructor  
 B.A., University of Wisconsin-Madison; J.D., DePaul University

**Gregory Mark** ..... Dean  
 J.D., University of Chicago; MA, Harvard University; BA, Butler University

**Paul S. Miller** ..... Legal Writing Instructor  
M.F.A Temple University Tyler School of Art; J.D. Fordham University

**Mark Moller** ..... Associate Professor  
B.A. Duke University; J.D. University of Chicago  
L.L.M. University of Cambridge

**Daniel I. Morales** ..... Assistant Professor  
B.A., Williams College; JD., Yale Law School

**Allen Moye** ..... Associate Professor & Director  
B.A. Howard University; J.D. University of Richmond  
M.L.S. Catholic University

**Marlene Nicholson** ..... Emeritus Professor  
B.A., and J.D., University of California at Los Angeles

**Allison Ortlieb** ..... Legal Writing Instructor  
B.A., University of Chicago; J.D., University of Chicago.

**Bruce L. Ottley** ..... Professor  
B.A., University of Missouri; M.A., J.D., University of Iowa;  
LL.M., Columbia University.

**Martha Pagliari** ..... Associate Director  
B.A., University of Notre Dame, J.D. DePaul University.

**Steven Resnicoff** ..... Professor  
A.B., Princeton University; J.D., Yale University.

**John C. Roberts** ..... Dean Emeritus & Professor  
B.S., Northwestern University; LL.B., Yale University.

**Zoë Robinson** ..... Assistant Professor  
B.Mus., Queensland Conservatorium of Music, Griffith University; B.A., Australian National  
University; LL.B., Australian National University; J.D., University of Chicago

**David Rodriguez** ..... Visiting Professor  
B.S., University of Illinois; J.D., University of Michigan

**Howard M. Rubin** ..... Associate Dean and Director of the Legal Clinic  
B.S., University of Illinois; J.D., DePaul University.

**Jane Rutherford** ..... Professor  
B.A., University of Chicago; J.D., University of Michigan.

**Joshua D. Sarnoff** ..... Associate Professor  
B.S., Massachusetts Institute of Technology; J.D. Stanford

**Jeffrey M. Shaman** ..... Professor  
B.A., Pennsylvania State University; J.D., University of Southern California;  
LL.M., Georgetown University Law Center.

**Stephen A. Siegel** ..... Professor  
B.A., Columbia University; J.D., LL.M. Harvard University.

**Terry Smith** ..... Professor  
B.A., Brown University; J.D., New York University

**Robert Smith** ..... Visiting Professor  
BA, University of California Berkeley; JD, Harvard Law School

**William W. Stuart** ..... Professor  
B.A., Stanford University; LL.B., Washington and Lee University.

**Jeremy Telman** ..... Visiting Professor  
BA, Columbia University; Ph.D. and MA, Cornell University; JD, New York University

**Susan E. Thrower** ..... Director, Legal Analysis, Research and Communication Program  
B.A., University of Virginia; J.D., Wake Forest University.

**Allison Brownell Tirres** ..... Assistant Professor  
B.A. Princeton University; M.A. Harvard University  
J.D. Harvard University; Ph.D. Harvard University

**Deborah Tuerkheimer** ..... Professor  
B.A., Harvard University; J.D., Yale Law School.

**Vincent F. Vitullo** ..... Emeritus Professor  
A.B., J.D., Loyola University (Chicago); LL.M., Yale University.

**Anthony Volini** ..... Legal Writing Instructor  
B.S., Benedictine University; J.D., Loyola University (Chicago).

**Mark C. Weber** ..... Professor  
B.A., Columbia University; J.D., Yale University.

**Judge Warren D. Wolfson** ..... Distinguished Visiting Professor  
LL.B., University of Illinois Urbana-Champaign; BS, University of Illinois, Chicago

## LIBRARY STAFF

<b>Allen R. Moyer</b> .....	Director
B.A., Howard University; J.D., University of Richmond; M.L.S., Catholic University	
<b>Michael Schiffer</b> .....	Associate Director (Computer Services)
B.A., University of Chicago; J.D., University of Michigan; M.L.S., Rosary College	
<b>Milta Hall</b> .....	Associate Director (Public Services)
B.A., Memphis State University; M.A., University of Wisconsin (Madison); M.A., University of Illinois; J.D., DePaul University	
<b>Wallie Brackett</b> .....	Circulation Assistant
<b>Drussilla Dillard</b> .....	Circulation Assistant
<b>Samantha Charlino</b> .....	Circulation Assistant
<b>Mark Giangrande</b> .....	Legal Research Specialist
<b>Kim Gainey</b> .....	Circulation Assistant
<b>Heather Hummons</b> .....	Circulation Manager
<b>Maria Willmer</b> .....	Interlibrary loan/Even Circ.
<b>Walter Bauman</b> .....	Legal Research Specialist
<b>Denise Glynn</b> .....	Librarian (Head of Cataloging)
<b>Mary Lu Linnane</b> .....	Associate Director (Technical Services)
<b>Lenore Boehm</b> .....	Acquisitions Manager
<b>Candis Collins</b> .....	Serials Manager
<b>David Labno</b> .....	Cataloging Assistant
<b>Elizabeth Shivers</b> .....	Serials Assistant
<b>Jack Gorman</b> .....	Government Documents Assistant
<b>Daniel Ursini</b> .....	Acquisitions Assistant

## ADJUNCT FACULTY

David Adler, J.D.	Leonard Goodman, J.D.	Paul McGrady, J.D.
Jeff Atkinson, B.S., J.D.	Hailey Guren, J.D.	Sibyl Medie, J.D.
Frederick Ball, J.D.	Ellen Gutionov, J.D.	Joey Mogul, J.D.
Michael Bergmann, J.D.	Susan Haddad, J.D.	Adolfo Mondragon, J.D.
Paul Berks, J.D.	Miriam Hallbauer, J.D.	Michael Morrissey, A.B., J.D.
S. Jan Brakel, J.D.	Maria Harrigan, J.D.	Craig Mousin, J.D.
Steve Branstedt, J.D.	John Hayes, J.D.	Laurence Mraz, J.D.
Hon. Mary Margaret Brosnahan, B.S., J.D.	Hon. Thomas Hennelly, J.D.	Brian Nach, J.D.
Vincent Browne, J.D.	Rachel Hodges-Spitsberg, J.D.	Peter Newman, J.D.
Shannon Burke, J.D.	Timothy Hoffmann, J.D.	Jennifer Niemec Dunn, J.D.
Patrick Bruks, J.D.	Colleen Hyland, J.D.	John Nisivaco, J.D.
Hon. Anthony Calabrese, J.D.	Hon. John Hynes, J.D.	Kevin Noonan, J.D.
Mary Ann Capron, J.D.	Lilianna Kalin, J.D.	John Paniaguas, J.D.
Natalie Carlomango, J.D.	Susan L. Kennedy, J.D.	Deborah Pergament, J.D.
Christopher Carmichael, J.D.	Cheryl Kettler, J.D.	Joan Pernecke, J.D.
Patrick Cassidy, J.D.	Brent Kidwell, J.D.	Lynda Peters, J.D.
James Clark, J.D.	Hon. John Kirby, J.D.	Angela Petrone, J.D.
Michael Clark, J.D.	Barry Kozak, J.D.	Shelby Prusak, J.D.
Zachary Clopton, J.D.	Kenneth Kraus, J.D.	William Ralph, J.D.
Brian Collins, J.D.	Michael Krzak, J.D.	Jay Readey, J.D.
Karen Conti, J.D.	Robert Labate, J.D.	Hon. Ericka Reddick, J.D.
Susan Cox, J.D.	Audrey Lee, J.D.	Timo Rehbock, J.D.
Jules Crystal, J.D.	Valerie Leopold	Elke Rehbock, J.D.
Daniel Cullen, J.D.	Lisa Levine, J.D.	Trish Rich, J.D.
J. Greg Deis, J.D.	Brian Lewis, J.D.	Martin Robins, J.D.
Catherine Diebel, J.D.	Katy Lewis, J.D.	Martin Robins, J.D.
Kelli Dudley, J.D.	Robert Loeb, A.B., J.D.	Michael Robinson, J.D.
Colin Dunn, J.D.	Mary Rita Luecke, B.A., J.D.	Laurie Rosenow, J.D.
Thomas Durkin, J.D.	Terrence MacCarthy, J.D.	Patrick Ryan, J.D.
Maureen Egan, J.D.	Matthew Madden, J.D.	Alan Salzenstein, J.D.
Bradley Erens, J.D.	Thomas Mahoney, J.D.	Gabriel Sanchez, J.D.
Lawrence Fox, J.D.	Scott Main, J.D.	Susan Schierl Sullivan, J.D.
Hon. Daniel Gillespie, J.D.	Crystal Marchigiani, J.D.	John Schmidt, J.D.
	Shannan McFadden, J.D.	Katherine Schostok, J.D.



Steve Seliger, J.D.  
Helene Shapo, J.D.  
Sam Shim, J.D.  
Joel Simberg, J.D.  
James Simon, J.D.  
Elizabeth Simon, J.D.  
Julie Simpson, J.D.  
Stanley Sklar, J.D.

Jamers Sowerby, J.D.  
Barry Spector, J.D.  
Kathryn Starshak, J.D.  
Geraldine Stroka, J.D.  
Lawrence Swibel, J.D.  
Michael M. Tannen, J.D.  
Jill Tanz, J.D.  
Trisha Tesmer, J.D.

William Theis, J.D.  
Joseph Thompson, J.D.  
Jennifer Villier, J.D.  
Elizabeth Vistine, J.D.  
Torrick Ward, J.D.  
Laura Weiler, J.D.  
Allison Wood, J.D.