

FOREWORD

*William W. Berry III**

“The difference between the impossible and the possible lies in a man’s determination.” – Tommy Lasorda

One of the wonderful things about college and professional sports is their seemingly never-ending supply of “possibility.” As Ernest Thayer wrote, “hope . . . springs eternal.”¹ In baseball, it begins when pitchers and catchers report to spring training at the dawn of a new season² and persists until the team’s last out. Indeed, chasing the “possibility” of victory can have deeply redeeming value even when that “one shining moment”³ comes crashing down in epic defeat.

The costs of failure, though, particularly outside of the sports world, can often deter the pursuit of “possibility.” Indeed, good lawyers are, in many cases, those who know the limits of “possibility” for their clients and who can realistically assess when to plead or when to settle. On the other hand, the *best* lawyers may be those who are able to push the limits of “possibility” to achieve results for their clients that others believed unlikely or even impossible.

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¹ Ernest Thayer, *Casey at the Bat: A Ballad of the Republic Sung in the Year 1888*, SAN FRANCISCO EXAMINER (June 3, 1888). The full stanza is as follows:

A stragglng few got up to go in deep despair. The rest
Clung to that hope which springs eternal in the human breast;
They thought, if only Casey could get but a whack at that -
We’d put up even money, now, with Casey at the bat.

Id.

² This is true even for fans of the Boston Red Sox (pre-2004) and the Chicago Cubs.

³ CBS’ annual televising of the NCAA basketball tournament memorably concludes with a video montage of some of the tournament’s highlights with the playing of the sentimental song, “One Shining Moment.” *See, e.g.*, <http://www.youtube.com/watch?v=3dPG24wjdjA> (2011 version of One Shining Moment).

All too often, great ideas die as mere “possibilities.” The MISSISSIPPI SPORTS LAW REVIEW, thankfully, is not one of these.

That you are reading this is a testament both to the beauty of “possibility” and to the persistence of a small group of University of Mississippi law students pursuing that “possibility.” As a law professor, I have quickly discovered that virtually every student I interact with has much to offer—lives full of potential and a wide variety of “possibilities.” One of the great privileges of teaching these students is the opportunity I have to play a role, albeit small, in helping students pursue these “possibilities” and turn them into realities.

And it is with great joy over the past year that I have been able to watch the students who created this law review take the idea of “a sports law journal at Ole Miss”—a mere “possibility” just a year ago—and turn it into a successful academic enterprise. Under the leadership of Justin Campbell, who deserves much of the credit for the existence of this law review, the students on the MISSISSIPPI SPORTS LAW REVIEW⁴ have conducted two well-received symposia and have published two issues in the REVIEW’s inaugural year.⁵

In the autumn, the symposium addressed the important topic of the regulation of the use social media by intercollegiate athletes. The distinguished panel included prominent Chicago sports lawyer Timothy Epstein, Professor Meg Penrose of Texas Wesleyan, Professor Jerry Parkinson of Wyoming, and Professors John Wendt and Peter Young of St. Thomas Business School.

This spring, an equally distinguished panel—Dallas lawyer Christian Dennie, Professor Alfred Mathewson of New Mexico, and Professor Rodney Smith of Thomas Jefferson—discussed

⁴ The senior editorial board—Justin Campbell, Betsey Sawyer, Joanna Frederick, Adam Ribock, and Sherrod Taylor—did the hard work of creating this organization and convincing Dean Gershon that it was a worthwhile endeavor. Their ideas and vision certainly would not have come to fruition without a core group of their classmates who decided to help make this “possibility” a reality: David Long, Robert Oliveri, Jenna Harris, Elizabeth Young, Joseph Knight, John McMahan, and Jeffrey Graves. It is worth noting that the future looks bright for this organization as well under new editor-in-chief Ryan Becker and the following group of 2Ls: Nicholas Broder, Payton Bramlett, Nicole Jones, Tim Hewitt, Pavan Reddy, Wesley Shelley, Adam Vaughan, Nathan Zhart, Kris Knowles, Kyle Richards, and Lee Thorne.

⁵ Many thanks also go to University of Mississippi Law School Dean Richard Gershon, without whose support this publication would not exist.

many of the legal questions arising from the Bowl Championship Series and conference realignment. Their papers are the subject of this volume.

Perhaps coincidentally, “possibility” is at the heart of much of this volume—the “possibility” of reform in intercollegiate athletics. The “how” and “why” of reform remain, of course, the subjects of heated debate. The articles herein examine some of these issues within the broader legal context. It is the REVIEW’s hope that this work will provoke continued careful consideration of these important issues, regardless of whether one agrees with the positions advocated by the various authors.⁶

Finally, I would like to congratulate the students on the quality of the notes published during the inaugural year of this publication. The difficult and time-consuming process of writing, editing, re-writing, editing, and re-writing again has been one that will benefit these students long after they leave this institution. Certainly, watching the evolution of these notes from papers submitted in my Sports Law class to published scholarship has been a rewarding experience.

Many congratulations to the students on the MISSISSIPPI LAW REVIEW for making this “possibility” a reality!

⁶ Clearly, the opinions herein are those of the authors alone. The opinions offered in this issue (or in any issue for that matter) are those of the respective authors alone and do not state or reflect the views of the University of Mississippi, its School of Law, or the MISSISSIPPI SPORTS LAW REVIEW.

