

TIMOTHY DAVIS  
SCHOOL OF LAW  
WAKE FOREST UNIVERSITY  
P.O. Box 7206  
Winston-Salem, NC 27109  
Telephone 336/758-3670  
Telefax 336/758-4496  
E-mail: davistx@wfu.edu

## **TEACHING EXPERIENCE**

### **Wake Forest University**

Professor of Law, August 1998 - Present

*Courses Taught:* Contracts, Sale of Goods, Sports Law, NCAA Rules Enforcement and Compliance.

### **University of Illinois School of Law**

Visiting Professor of Law, Spring 2008

*Course Taught:* One-week short course on *Legal Issues in Intercollegiate Athletics*

### **University of North Carolina School of Law**

Visiting Professor of Law, Spring 2005

*Course Taught:* Sale of Goods

### **Southern Methodist University School of Law**

Professor of Law, August 1997 - July 1998

Associate Professor, with tenure, August 1994 - July 1997

Assistant Professor, August 1989 - July 1994

*Courses Taught:* Contracts, Advanced Contracts, Sales, Construction Law (seminar), Sports Law (seminar) and Lawyering Process

### **University of Colorado School of Law**

Visiting Assistant Professor of Law, Fall 1991

*Courses Taught:* Contracts and Construction Law (seminar)

### **Teaching Honors:**

2006—Wake Forest Law School Excellence in Teaching Award (voted teacher of the year by 3L class).

2001—Joseph Branch Award for Excellence in Law Teaching (given annually to a member of the Wake Forest law faculty who exhibits excellence in teaching and scholarship and whose service to the academic community reflects the highest and best ideals of a learned profession)

1996—SMU Law School Teacher of the Year

1994—SMU Golden Mustang Award (University-wide award given annually for excellence in teaching and curriculum development)

1991 Recipient of Don Smart Award for Directed Research, SMU School of Law

## **EDUCATION**

University of California at Berkeley, Boalt Hall School of Law, J.D. 1979

Stanford University, A.B. Political Science, 1975

## **PUBLICATIONS**

### Books

SPORTS LAW AND REGULATION: CASES, MATERIALS AND PROBLEMS (with Matthew Mitten, Robert Berry & Rodney K. Smith) (Aspen, 2d ed. 2009).

THE BUSINESS OF SPORTS AGENTS (with Kenneth L. Shropshire) (University of Pennsylvania Press, 2d ed. 2008).

SPORTS LAW AND REGULATION: CASES, MATERIALS AND PROBLEMS (with Matthew Mitten, Robert Berry & Rodney K. Smith) (Aspen 2005).

THE BUSINESS OF SPORTS AGENTS (with Kenneth L. Shropshire) (University of Pennsylvania Press, 2003).

A READER ON RACE, CIVIL RIGHTS AND AMERICAN LAW: A MULTIRACIAL APPROACH (with Kevin Johnson and George Martinez) (Carolina Academia Press, 2001).

SPORTS AND THE LAW: A MODERN ANTHOLOGY (with Kenneth L. Shropshire and Alfred Mathewson) (Carolina Academic Press, 1999).

### Law Review Articles and Essays

*American Needle, Inc. v. NFL: Reflections on its Labor Law Implications*, 1 WAKE FOREST L. REV. ONLINE 1 (2011), <http://lawreview.law.wfu.edu/edition/forum/>.

*Eradicating Student-Athlete Sexual Assault of Women: Section 1983 and Personal Liability Following Fitzgerald v. Barnstable*, 2009 Michigan State L. Rev. 629 (with Keith E. Smith).

*Review: Sport and Criminal Behavior*, 4 J. INTERCOLLEGIATE SPORT 204-210.

*Reaction to “An Economic Look at the Economic Sustainability of FBS Athletic Departments:” Implications for Reform*, 4 J. INTERCOLLEGIATE SPORT 22-27 (2010).

*UCC Breach of Warranty and Contract Claims: Clarifying the Distinction*, 61 BAYLOR L. REV. 783 (2009).

*Athlete Eligibility Requirements and Legal Protection of Sports Participation Opportunities*, 8 VIRGINIA SPORTS & ENTERTAINMENT L. J. 71 (2009) (with Matt Mitten).

*The Intersection of Race and Sports: An Historical Perspective*, 7 VIRGINIA SPORTS & ENTERTAINMENT L. J. 291 (2008).

*Tort Liability of Coaches for Injuries to Professional Athletes: Overcoming Policy and Doctrinal Barriers*, 76 UMKC Law Review 571 (symposium contribution).

*Avila v. Citrus Community College District: Shaping the Contours of Immunity and Primary Assumption of the Risk*, 17 MARQUETTE SPORTS L.J. 259 (2006) (symposium contribution).

*Regulating the Athlete-Agent Industry: Intended and Unintended Consequences*, 42 WILLAMETTE L. REV. 781 (2006) (symposium contribution).

*What is Sports Law?* 11 MARQUETTE SPORTS L.J. 211 (2001).

*Reply to Sack and Staurowsky*, 10 MARQUETTE SPORTS L. J. 123-26 (1999).

*Teaching Sports and the Law: The Relevance of Race*, 1 VIRGINIA J. OF SPORTS & LAW 250-61(1999).

*Racism in Athletics: Subtle Yet Persistent*, 21 UALR L. REV. 881-900 (1999) (contribution to symposium issue—Racial Equity in the Twenty-First Century).

*Intercollegiate Athletics in the Next Millennium: A Framework for Evaluating Reform Proposals*, 9 MARQUETTE SPORTS L. J. 253-71 (1999) (contribution to symposium issue—Sports Law in the 21<sup>st</sup> Century).

*Student-Athlete Violence Against Women: Defining the Limits of Institutional Responsibility*, 55 WASH. & LEE L. REV. 55-116 (1998).

[\*Balancing Freedom of Contract and Competing Values in Sports\*](#), 38 SOUTH TEXAS L. REV. 1115-46 (1997) (contribution to symposium—Sports Law as a Reflection of Society’s Laws and Values).

[\*Who’s In and Who’s Out: Racial Discrimination in Sports: A Review Essay of Kenneth Shropshire’s In Black and White: Race and Sports in America\*](#), 28 PACIFIC L. J. 341-72 (1997).

[\*College Athletics: Testing the Boundaries of Contract and Tort\*](#), 29 UC DAVIS L. REV. 971-1017 (1996).

[\*African-American Student-Athletes: Marginalizing the NCAA’s Regulatory Structure?\*](#), 6 MARQUETTE SPORTS L.J. 199-227 (1996) (contribution to symposium issue—Race and Sports).

[\*A Model for Institutional Governance for Intercollegiate Athletics\*](#), 1995 WISCONSIN L. REV. 599-645 (contribution to symposium issue—The NCAA and the Student-Athlete).

[\*The Myth of the Superspade: The Persistence of Racism in College Athletics\*](#), 22 FORDHAM URBAN L.J. 615-98 (1995).

[\*Intercollegiate Athletics: Competing Models and Conflicting Realities\*](#), 25 RUTGERS L.J. 269-327 (1994).

[\*The Illusive Warranty of Workmanlike Performance: Constructing a Conceptual Framework\*](#), 72 NEB. L. REV. 981-1045 (1993).

[\*Student-Athlete Prospective Economic Interests: Contractual Dimensions\*](#), 19 T. MARSHALL L. REV. 585-626 (1994) (contribution to symposium issue—Current Trends in the U.S. Sporting Arena).

[\*Examining Educational Malpractice Jurisprudence: Should a Cause of Action be Created for the Student-Athlete?\*](#), 69 DENVER UNIV. L. REV. 57-96 (1992).

[\*Ross v. Creighton University: Seventh Circuit Recognition of Limited Judicial Regulation of Intercollegiate Athletics?\*](#), 17 S. ILL. UNIV. L.J. 85-115 (1992).

[\*An Absence of Good Faith: Defining a University’s Educational Obligation to Student-Athletes\*](#), 28 HOUSTON L. REV. 743-90 (1991).

#### Book Chapters

*From Barry Bonds to USADA: Protecting the Interests of “Drug-Free” Athletes* published in REVERSING FIELD: EXAMINING COMMERCIALIZATION, LABOR, GENDER, AND RACE IN 21ST CENTURY SPORTS LAW, WEST VIRGINIA UNIVERSITY PRESS (2010).

*The Persistence of Unconscious Racism in College Sport*, published in DIVERSITY AND SOCIAL JUSTICE IN COLLEGE SPORTS (D. Brooks & R. Althouse, eds. 2007).

*Academic Inequity and the Impact of NCAA Rules*, published in DIVERSITY AND SOCIAL JUSTICE IN COLLEGE SPORTS (D. Brooks & R. Althouse, eds. 2007).

*Crossing the Color Line: The New York Yankees and Race Relations*, book chapter in COURTING THE YANKEES: LEGAL ESSAYS ON THE BRONX BOMBERS (Robert Jarvis ed.) (Carolina Academic Press 2003).

*Race, Law and NCAA Rules and Regulations*, book chapter in RACISM IN COLLEGE ATHLETICS: THE AFRICAN-AMERICAN EXPERIENCE 245-65 (2nd ed. 1999).

#### Other Publications

*Coparticipant and Coaches' Liability in High School and College Sports*, CLE Program "Amateur Sports and the Law" sponsored by the Sports and Entertainment Law Section of North Carolina Bar Association, October 2, 2008 (with David Rea and Taylor Fleming).

*The Line Between Amateur and Professional Sports* ((with David Ginzer and Brian Conley) (Sports and Entertainment Law Conference, Texas Bar Association, Austin, TX, Oct. 12, 2007).

*Overview of Select Legal Issues Arising in Golf*, CLE Program "The Law of Golf," sponsored by the Sports and Entertainment Law Section of North Carolina Bar Association, September 15, 2005.

*Recent Developments in Sports Law*, Annual Meeting of the National Federation of State High School Associations' Summit and Legal Meeting, April 2005.

*Current Developments in Sports and Entertainment Law*, CLE Program "Sports and Entertainment Law: Keys to Representing Athletes, Musicians and Teams," sponsored by Sports and Entertainment Law Section of North Carolina Bar Association, October 2001.

*Current Developments in Sports and Entertainment Law*, Meeting of Sports and Entertainment Law Section of North Carolina Bar Association, Dec. 2000.

*What is Sports Law?*, 30 WAKE FOREST JURIST 8 (July 2000).

*What is Sports Law?*, Sports and Entertainment Law for the New Millennium, CLE sponsored by North Carolina Bar Association.

*Review of Kenneth Shropshire, In Black and White: Race and Sports in America* (1996), 15 ENTERTAINMENT & SPORTS LAWYER 12 (Spring 1997).

*University Duty to Provide Educational Opportunity to Student Athletes*, 5 TEXAS ENTERTAINMENT & SPORTS L.J. (1995).

*Race and Sports in Intercollegiate Athletics*, 6 FOR THE RECORD 3 (Aug/Sept. 1995).

*An Absence of Good Faith: Defining A University's Educational Obligation to Student-Athletes* (edited and condensed version) 25:1 THE BRIEF (Fall 1992).

## **PRESENTATIONS**

August, 1, 2010, *The Role of Agents in Intercollegiate Athletics*, Southeastern Association of Law Schools Annual Meeting, Palm Beach, Florida.

January 12, 2010, *Reaction to "An Economic Look at the Economic Sustainability of FBS Athletic Departments:" Implications for Reform*, NCAA Scholarly Colloquium, Atlanta, Georgia.

September, 2009, *Title IX Overview*, Title IX Program sponsored by Sports and Entertainment Law Association, Wake Forest University School of Law.

March 12, 2009, *Title IX Liability for Sexual Harassment*, Diversity and Sports Symposium, Widener University School of Law.

October 2, 2008, *Coparticipant and Coaches' Liability in High School and College Sports*, CLE Program "Amateur Sports and the Law" sponsored by the Sports and Entertainment Law Section of North Carolina Bar Association.

September 11, 2008, *Race and Sports in America: An Historical Overview*, Sports Law Symposium, School of Law, University of West Virginia.

January 6, 2008, *The Intersection of Race and Sports: An Historical Perspective*, AALS Annual Meeting, New York.

October 12, 2007, *The Line Between Amateur and Professional Sports*, Sports and Entertainment Law Conference, sponsored by Texas Bar Association, Austin, TX.

April 12, 2007, *Tort Liability of Coaches for Injuries to Professional Athletes: Overcoming Policy and Doctrinal Barriers*, "Emerging Legal Issues Affecting Amateur and Professional Sports Symposium," sponsored by UMKC Law Review.

March 17, 2006, *Regulating the Athlete-Agent Industry: Intended and Unintended Consequences*, "Sports Law Symposium," sponsored by the Willamette Law Review.

September 15, 2005, *Overview of Select Legal Issues Arising in Golf*, CLE Program “The Law of Golf,” sponsored by the Sports and Entertainment Law Section of North Carolina Bar Association.

April 23, 2005, *Recent Developments in Sports Law*, Summit and Legal Meeting, National Federation of State High School Associations.

March 10, 2005, *Legal Issues Arising in Sports*, Raleigh Professional Women’s Forum.

October 16, 2003, *Current Developments in Professional and Amateur Sports*, CLE Program “Sports and Entertainment Law”, sponsored by Sports and Entertainment Law Section of North Carolina Bar Association.

February 16, 2002, University of North Carolina, School of Law, *Current Issues in Intercollegiate Athletics*, Seminar sponsored by Young Lawyers’ Division of North Carolina Bar Association.

October 2002, University of North Carolina, School of Law, *Crossing the Color Line: The New York Yankees and Race Relations*, Faculty Colloquium.

October 25, 2001, *Current Developments in Sports and Entertainment Law*, CLE Program “Sports and Entertainment Law: Keys to Representing Athletes, Musicians and Teams,” sponsored by Sports and Entertainment Law Section of North Carolina Bar Association.

April 21, 2001, University of North Carolina, School of Law, *Current Issues in Intercollegiate Athletics*, Seminar sponsored by Young Lawyers’ Division of North Carolina Bar Association.

December 8, 2000, *Current Developments in Sports and Entertainment Law*, CLE program held at Inaugural Meeting of Sports & Entertainment Law Section of North Carolina Bar.

August 12, 2000, *An Unconscionability Analysis of the Student-Athlete/University Contract: Its Implications for African American Student-Athletes*, Annual Meeting, American Sociological Association.

January 8, 2000, *Focus on Intercollegiate Athletics: The NCAA’s Evolving Role in Governing Intercollegiate Athletics*, Annual Conference, Association of American Law Schools.

October 21, 1999, *What is Sports Law?*, Sports and Entertainment Law for the New Millennium, CLE sponsored by North Carolina Bar Association.

January 9, 1999, *Integrating Perspectives into the Sports Law Curriculum*, Annual Conference, Association of American Law Schools.

November 21, 1998, *Sports Law in the 21<sup>st</sup> Century*, Marquette University, AALS Section on Law and Sports and National Sports Law Institute.

February 28, 1997, *Sports Law as a Reflection of Society's Laws and Values*, South Texas University College of Law.

November 13, 1996, *Race, Law and the African-American Athlete*, Annual Conference, North American Society for the Sociology of Sport.

October 3, 1996, *Sports and Law: The African-American Experience*, Annual Conference, Association for the Study of African-American Life and History.

November 4, 1995, *African American Sport Experience*, North American Society for the Sociology of Sport Conference on Cultural Diversity and the Sport Experience.

October 16, 1995, *Legal Obligations Arising Out of the University/Student-Athlete Relationship*, DePaul University School of Law Seventh Annual Conference on Legal Issues in Intercollegiate Athletics.

Sept. 12, 1995, *Racism and College-Athletics*, Marquette University Law School, Lilli Endowment Mini-Chair and National Sports Law Institute Lecture.

April 1995, *African-American Men and the Business of Sports*, University of Pennsylvania Symposium.

February 1995, *A Model of Institutional Governance for Intercollegiate Athletics*, Wisconsin Law Review Sports Law Symposium.

January 1995, *Legal Aspects of Intercollegiate Athletics*, Annual Conference, Association of American Law Schools.

April 1994, *Student-Athlete Prospective Economic Interests: Contractual Dimensions*, Thurgood Marshall Law Review Sports Law Symposium.

October 1991, *Warranty Disclaimers Under Texas Law*, Current Developments in Business Tort Litigation, SMU School of Law Continuing Legal Education Program.

June 1991, *Recent Developments in Design Professional Liability*, Dallas Bar Association.

February 1991, *Construction Claims Preparation*, Construction Law Conference, Houston, Texas, University of Texas School of Law Continuing Legal Education Program.

## **PROFESSIONAL ACTIVITIES AND BAR MEMBERSHIP**

*Admitted:* Colorado (1979)

American Law Institute

American Bar Association

Colorado Bar Association

North Carolina Bar Association

Sports Lawyers Association

## **SIGNIFICANT ACADEMIC AND PROFESSIONAL SERVICE**

**Chair**, Information Resources Committee, Wake Forest Univ., School of Law, August 2010 – present.

**Member**, Conversation With Committee, Wake Forest Univ., School of Law, August 2010 – present.

**Member**, Board of NCAA Scholarly Colloquium, March 2009 – present.

**Member**, Editorial Board, *Journal of Intercollegiate Sport*, March 2009 – present.

**Member**, Review Board, United States Anti-Doping Agency, January 2005-present.

**Member**, Contracts Drafting Committee, National Conference of Bar Examiners, Oct. 2003 – present.

**Member**, Board of Governors, North Carolina Bar Association, June 2003 – 2006.

**Member**, Faculty Development Committee, Wake Forest University School of Law, August 1998 – present.

**Member**, University Planning Council, Wake Forest University, May 2006 – present.

**Member**, Dean Search Committee, Wake Forest University School of Law, May 2006 – May 2007.

**Representative**, University Senate professional school's representative to Wake Forest University Board of Trustees, Aug. 2007 – present.

**Representative**, University Senate, Wake Forest University, August 2006 – present.

**Co-Faculty Advisor**, Black Law Students Association, Wake Forest University School of Law.

**Member**, Council, Sports & Entertainment Law Section, North Carolina Bar Association, Dec. 2000 – present.

**Chair**, Sports & Entertainment Law Section, North Carolina Bar Association, June 2001 – June 2002.

**Vice-Chair**, Sports & Entertainment Law Section, North Carolina Bar Association, Dec. 2000 – June, 2001.

**Newsletter Editor**, Sports & Entertainment Law Section, North Carolina Bar Association, Dec. 2000 – June, 2001.

**Member**, Guilford Inns of Court, since May 2001.

**Member**, Board of Advisors, Sports Law Reporter Advisory Board, June 2000 – present.  
**Member**, Provost Search Committee, Wake Forest University School of Law, Oct. 2000 – present.

**Member**, Board of Advisors, National Sports Law Institute, Jan. 2000 - present.

**Member**, Executive Committee, Law and Sports Section of Association of American Law Schools, Jan. 2000 - present.

**Chair**, Law and Sports Section of Association of American Law Schools, Jan. 1999 - Jan. 2000.

**Chair-Elect**, Law and Sports Section of Association of American Law Schools, Jan. 1998 - Jan. 1999.

**Member**, SMU Provost Search Committee, August 1995-April 1996.

**Member**, SMU Non-Faculty Employee Grievance Committee, August 1995-1998.

**Member**, SMU Board of Trustees Standing Committee on Athletics, August 1995-1998.

**Chair**, Equity Subcommittee of Athletic Council, SMU, 1995-1998.

**Member**, Athletic Council, Southern Methodist University, 1993-1998.

**Member**, Steering Committee of SMU's NCAA Athletic Certification Committee, June 1995-1998.

**Member**, Law School Executive Committee, Southern Methodist University, August 1994-May 1996.

**Faculty Advisor**, Black Law Students Association, Southern Methodist University School of Law, 1991-1998.

**Member**, Appointments Committee, Southern Methodist University School of Law, 1990-91, 1992-94, 1996-97, 1997-98.

**Member**, Admissions Committee, Southern Methodist University School of Law, 1994-96.

**Chair**, Academic Subcommittee and Member Executive Committee of SMU's NCAA Athletic Certification Committee, February - September 1995.

**Member**, Athletic Director Search Committee, 1994.

**Member**, Task Force on Minority Programs, Southern Methodist University, 1992-1993.

**Member**, Commission on the Status of Racial Minorities, Southern Methodist University, 1992 -1994.

**Member**, Ad Hoc Committee on Tenure Processes and Procedures, Southern Methodist University School of Law, Spring 1993.

## **PRIOR EMPLOYMENT**

1986-1988—Partner and Associate, Holt & Gebow, P.C., Denver, Colorado; specialized in Construction and Commercial Law.

1983 – 1986—Senior Attorney and Attorney, Manville Corporation, Denver, Colorado; specialized in Insurance, Bankruptcy and Products Liability.

1980 – 1983—Associate, Holland & Hart, Denver, Colorado; specialized in Commercial, Products and Antitrust Litigation.

1979 – 1980—Law Clerk for Honorable John L. Kane, Jr., United States District Court  
District of Colorado, Denver, Colorado.