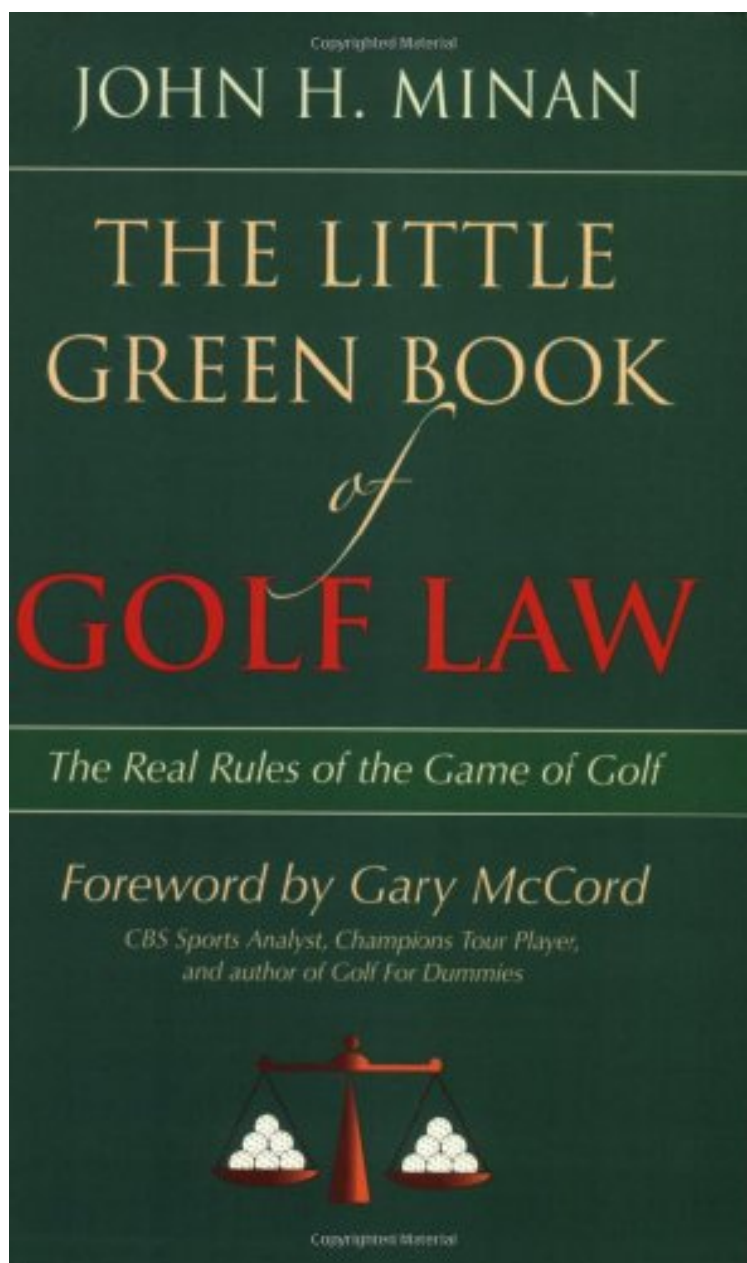



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The Little Green Book of Golf Law: The Real Rules of the Game of Golf (ABA Little Books Series)

John H. Minan

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before purchasing it in order to gauge whether or not it would be worth my time, and all praised *The Little Green Book of Golf Law: The Real Rules of the Game of Golf* (ABA Little Books Series):

0 of 0 people found the following review helpful. ... is an interesting read anyway and it's a really easy book to dip in and out of. I have no professional involvement with law (or personal involvement - thank goodness) but it's fascinating to see how some of these legal cases involving golfers - some pretty famous! - have played out in court. Def worth buying. 0 of 0 people found the following review helpful. It's ok. By S.F. Just general ideas on the subject. I'm looking for what others are doing and saying on this subject. Make my own scripts, incorporate what others use and see what really works. 0 of 0 people found the following review helpful. Great Read, Entertaining, but Not a Big Resource. By J. Nelson I got this wanting a little background on golf law, and it's a great intro/background book; very entertaining while still providing good starting points for further research (if desired).

Golfers and lawyers alike will enjoy this insightful look at law and golf. Not concerned about the rules of golf, each chapter of this book examines an actual case where law and golf have come together. Read about a wide array of legal issues, including Tiger Woods' right of publicity, personal injury and product liability cases, contract disputes involving hole-in-one contests, IRS litigation over tax deductions for golf expenses, equipment patent disputes, and much more. It's the perfect book to share with the golfer or lawyer looking for a new perspective on the game!

"A broad collection of interesting cases...Few golfers will ever walk onto a golf course again without being reminded of the legalities of the game if they read this book." -- Advocate Magazine, Spring, 2008
"A very enjoyable read on the law of golf. A wonderful example of what a scholarly lawyer can accomplish when applying the law to one of the more enjoyable pursuits of everyday life. Golfers, lawyers, golf 'widows' as well as the non-golfer, non-lawyer who enjoys great story telling and would like to appear knowledgeable around the '19th hole' will do well to add this book to their collection." -- Bench and Bar, March, 2008
"An interesting and very readable survey of selected case law applicable to the game of golf." -- The Colorado Lawyer, July 2008
"The only overriding lesson to be taken from this book appears to be that there are innumerable ways to spoil a good game of golf by getting lawyers involved. However, if you don't mind a little golf in your law or law in your golf, *The Little Green Book of Golf Law* isn't a bad way to kill some time. Just try not to think about these lawsuits next time you're on the links; it'll kill your backswing." -- Arizona Attorney, July, 2008
"This book is an instant classic, a must have. I never had more fun learning the rules of a game than I did when I read this book. I now have a few extra stories to tell my fellow golfers while on the course." -- VeryClever.com
"We can all relate. Virtually every golfer has nervously watched an awful slice sail toward a row of houses, waiting for the crash of a window -- or worse, a blood-curdling scream. And Minan has done a fantastic job with this very original effort, giving us 19 horrible and humorous cases we love to read about, and pray they never happen to us." -- San Diego Union Tribune
About the Author John "Jack" H. Minan is a Professor of Law at the University of San Diego where he teaches Property, Land Use Planning and Water Law. He has been Associate Dean for Academic Affairs, Acting Dean of Summer Programs, and the Director of USD's International and Comparative Law Programs at Trinity College, Dublin, at Magdalen College, Oxford, and in Florence, Italy. He has authored or coauthored six books, four contributions to books, more than 40 scholarly articles, and numerous published reports and proceedings. Jack has a B.S. from the University of Louisville, a M.B.A. from the University of Kentucky, and a J.D. from the University of Oregon. He has completed Ph.D. course work in Operations Analysis at American University. Jack has practiced admiralty law as a trial attorney with the U.S. Department of Justice, and has qualified as an expert witness on matters involving Land Use Planning and Real Property. Jack served as a gubernatorial appointee to the California Regional Water Quality Control Board from 1999 to 2006, and served six consecutive one-year terms as its chairman. Professor Minan served on the Board of Governors of the Southern California Wetlands Recovery Project, an organization consisting of seventeen state and federal agencies.
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Introduction For those who find it useful, this Introduction provides a short overview of the American courts and system for reporting judicial decisions. The federal court system consists of trial courts (U.S. District Courts, the U.S. Tax Court, and the U.S. Court of Federal Claims), courts of appeal, and the U.S. Supreme Court. In addition, each state has its own court system based on its state constitution or authorizing legislation. State courts generally decide cases dealing with state law, while federal courts decide cases arising under federal law. Congress has given the federal courts exclusive authority over certain types of cases, such as patent, trademark, and federal tax issues. Understanding the hierarchy of the court system is important to understanding the significance of a decision. A trial court is the lowest court in the hierarchy. It may be thought of as the base of the judicial pyramid. The trial court usually is the starting point for the litigants. It is responsible for deciding the case by determining the facts, often with the aid of a jury, and then applying the law to those facts. A litigant dissatisfied with the result in the trial court may appeal. Two levels of appellate courts exist in the federal system and in most states. Intermediate appellate courts are one level above the trial courts. The court of last resort or highest level of appeal is at

the apex of the judicial pyramid. It has the final say on the matter appealed to it. In a state system, the court of last resort is usually called the Supreme Court. This name is not always used to describe the highest court, however. In New York and Maryland, for example, the court of last resort is called the Court of Appeals. Regardless of its official title, the state court of final resort is the highest judicial authority on all matters of state law, and its decisions are binding on all lower courts within the state. The title given to the intermediate appellate courts also varies by state, although the most common title is court of appeals. Intermediate appellate courts may be organized by geographical districts, such as in California, or by subject matter. As a practical matter, intermediate appellate courts handle most of the appeals within their state. In the federal system, the court of last resort is the United States Supreme Court. It is the final judicial authority on all questions of federal law, and has the power to review and decide any decision of a state court regarding the application of federal law. Federal Courts of Appeals are organized geographically by circuits, and typically review district court decisions in their respective circuits. There are eleven federal circuits, a District of Columbia Circuit, and a Federal Circuit. The function of appellate courts is to decide whether the law was correctly applied. With a few exceptions, factual determinations made by the trial court are not disturbed on appeal. When the trial court makes an error of law, the intermediate court of appeal exists to correct it. If the error is not corrected, the dissatisfied litigant may then ask the court of final resort to set the matter right. An incorrect decision will be reversed and often sent back (remanded) by the reviewing appellate court to the lower court so that the law can be correctly applied. If the law was correctly applied, the reviewing court will affirm the decision. Appellate courts often write opinions explaining their decisions. Under the doctrine of precedent, these written opinions are binding on lower courts in the judicial pyramid. These opinions are published in bound volumes, known as reporters, which are available to the legal community and the public. Most states have their own reporters for publishing opinions. In addition, regional reporters collect and publish state decisions on a broad geographical basis. State regional reporters and state reporters were used to locate many of the cases in this book. For those who might want to read a decision in its entirety, the official citation is given in the heading of each chapter and can be found on various electronic databases such as Lexis and Westlaw. *Hennessey v. Pyne*, can be found in Volume 694 of the Atlantic (Second Series) regional reporter at page 691. *Morgan v. Fuji Country U.S.A., Inc* can be found in the California state reporter, Volume 34 of the Fourth California Appellate Series at page 127. In addition to state court decisions, certain administrative decisions have the force of law. The *City of Santa Barbara* decision (Chapter Eighteen) of the State Water Resources Control Board illustrates this type of decision. The federal reporter system can be used to locate federal cases. The Federal Supplement Reporter contains U.S. district court trial opinions. Cases from the intermediate Federal Courts of Appeals, also called U.S. circuit courts, are printed in the Federal Reporter Series. *ETW Corp. v. Jireh Publishing, Inc.*, may be found in volume 332 of the Federal Reporter, Third Series, at page 915. The reference "(6th Cir. 2003)" indicates that the opinion was written by the U.S. Court of Appeals for the Sixth Circuit in 2003. The *Wilson Sporting Goods v. David Geoffrey Associates* may be located in Volume 904 of the Federal Reporter, Second Series, at page 677. If an opinion is not written or published in a reporter, the complaint, answer, motions, and other filings may be found, although it's more difficult. These documents are part of the public record. Two cases in the book come from such publicly available documents: *State v. Terry Pupus* and *Kurash v. J.C. Resorts, Inc*.