

## APPLICATION FOR NEW COURSE

1. Submitted by the College of Law Date: Aug 11, 2009

Department/Division proposing course: Law

2. Proposed designation and Bulletin description of this course:

a. Prefix and Number LAW 895

b. Title\* Equine Law

\*If title is longer than 24 characters, offer a sensible title of 24 characters or less: \_\_\_\_\_

c. Courses must be described by at least one of the categories below. Include number of actual contact hours per week.

CLINICAL     COLLOQUIUM     DISCUSSION     LABORATORY     LECTURE  
 INDEPEND. STUDY     PRACTICUM     RECITATION     RESEARCH     RESIDENCY  
 SEMINAR     STUDIO     OTHER – Please explain: \_\_\_\_\_

d. Please choose a grading system:  Letter (A, B, C, etc.)     Pass/Fail

e. Number of credit hours: 2-3

f. Is this course repeatable?    YES     NO     If YES, maximum number of credit hours: \_\_\_\_\_

g. Course description:

This course is directed at students with an interest in developing an in-depth knowledge of current issues in equine law. Equine law is an amalgamation of various areas of the law employed specifically in the advancement of the equine industry. The industry is founded on a tradition of handshake deals (which still take place at the highest level) but is increasingly sophisticated. This course will take a multi-disciplinary approach and investigate current topics, including account wagering, simulcasting, stallion syndications, multiple ownership vehicles, intellectual property, tax and other emerging topics. The course will investigate the legal relationships (rights, duties, and obligations) among and between the constituent parties in horse racing, breeding, ownership and sport horse activities and the laws that to a greater or lesser degree define those relationships. PREREQUISITES: Law 851 (Business Associations) and Law 860 (Tax I); concurrent enrollment in Law 851 is permitted.

h. Prerequisite(s), if any:

LAW 851 - Business Associations

LAW 860 - Taxation I

i. Will this course also be offered through Distance Learning?    YES     NO

If YES, please check one of the methods below that reflects how the majority of the course content will be delivered:

Internet/Web-based     Interactive video     Extended campus

3. Supplementary teaching component:  N/A or  Community-Based Experience     Service Learning     Both



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16. Will adding this course change the degree requirements for ANY program on campus?  YES  NO  
 If YES<sup>‡</sup>, list below the programs that will require this course:

<sup>‡</sup>In order to change the program(s), a program change form(s) must also be submitted.

17.  The major teaching objectives of the proposed course, syllabus and/or reference list to be used are attached.
18.  Check box if course is 400G- or 500-level and graduate students by (i) requiring additional assignments by the graduate students; and/or (ii) the establishment of different grading criteria in the course for graduate students. (See SR 3.1.4)

19. Within the department, who should be contacted for further information about the proposed new course?

Douglas C. Michael

Name: Associate Dean for Academic Affairs Phone: 71485 Email: michaeld@uky.edu

20. Signatures to report approvals:

N/A

DATE of Approval by Department Faculty	printed name	Reported by Department Chair	signature
March 26, 2009	David A. Brennen	Reported by College Dean	signature
* DATE of Approval by Undergraduate Council	printed name	Reported by Undergraduate Council Chair	signature
* DATE of Approval by Graduate Council	printed name	Reported by Graduate Council Chair	signature
* DATE of Approval by Health Care Colleges Council (HCCC)	printed name	Reported by Health Care Colleges Council Chair	signature
* DATE of Approval by Senate Council	Reported by Office of the Senate Council		
* DATE of Approval by University Senate	Reported by Office of the Senate Council		

\*If applicable, as provided by the *University Senate Rules*. (<http://www.uky.edu/USC/New/RulesandRegulationsMain.htm>)

## **Equine Law 900-002**

Laura A. D'Angelo,  
Partner, Wyatt Tarrant & Combs, LLP

**Spring 2008—Mondays 8:00am – 9:50 am**

### **Course Overview**

This course is directed at students with an interest in developing an in-depth knowledge of current issues in equine law. Equine law is an amalgamation of various areas of the law employed specifically in the advancement of the equine industry. The industry is founded on a tradition of handshake deals but is increasingly sophisticated. This course will take a multi-disciplinary approach and investigate current topics, including account wagering, simulcasting, stallion syndications, multiple ownership vehicles, intellectual property, tax and other emerging topics as they apply to equine matters. The course requires prerequisite classes in Business Associations and Tax I.

The course will investigate the legal relationships (rights, duties, and obligations) among and between the constituent parties in horse racing, breeding, ownership and sport horse activities and the laws that to a greater or lesser degree define those relationships. The course will take a rigorous and academic approach utilizing case law, law review articles, legal writings and current controversies to illustrate various aspects of the industry. Horse racing is highly regulated and as such, the course will involve some analysis of statutes and the interpretation thereof by private parties, agencies and the courts.

Equine Law involves contracts, negligence, tax, agency, business associations, antitrust, securities, administrative law, intellectual property, insurance, liens, Uniform Commercial Code, warranties, consumer protection, constitutional law, regulatory matters, criminal prosecutions and pending legislation at state and federal levels. As such, this is an upper level class designed to apply what you have learned earlier in law school to a unique and growing area of practice.

An understanding of equine terminology and the workings of the industry in racing or pleasure horses is critical to establish credibility with equine clients. If you are not personally familiar with the industry, read the trade magazines to familiarize yourself with current issues and terminology. A non-exhaustive list of useful websites and publications is attached. More will be provided throughout the seminar or upon request.

### **Assignments**

Students must read the assigned materials before class and be prepared to discuss the substance of the materials. Class sessions will involve a great deal of discussion and may incorporate fact patterns and problems to help develop an understanding of the material. You must read to derive full benefit from these exercises. Additional assignments may be given to enhance the original topics.

### **Grading and Attendance**

You will be evaluated on the following basis:

Writing Assignment. One writing assignment will be worth ninety (90 %) of your grade. This will be a 20 page limit (before endnotes) memorandum on a topic of your choice which must be approved in advance by me. It will be evaluated for content and form. Final papers are due **Friday May 2, 2008 by 5pm**. The assignment must be handed in on time. Failure to hand in your writing assignment by the due date will result in the

reduction of the grade on that assignment by one full letter grade. Due to the enrollment, I will not formally comment on drafts however, I will do my best to meet with anyone who wishes to discuss paper topics or a draft **before March 10, 2008. I strongly recommend that you have a substantive draft complete by March 10, 2008.**

Final Examination. There is no final exam.

Class Participation. Grades may be raised or lowered to reflect **attendance and/or participation**, but everyone is expected to participate fully and to the best of their abilities. Participation in class will be worth ten (10) percent of your grade.

Miscellaneous. The Honor Code governs this course. Also, the Law School's rules regarding class attendance apply to this class; a student who misses twenty-five (25%) or more of the classes will not receive credit for the course. Because the class meets once each week for two hours, absences from four (4) classes will automatically disqualify students from receiving credit for the course.

#### **Contact Information**

Phone: 288 7646; e-mail: ldangelo@wyattfirm.com. I will not have regular office hours however, I will stay after class when necessary for discussion and I am happy to make appointments. I will answer questions and/or comments in person, by phone, or by e-mail. While I am somewhat difficult to reach by telephone, I am easy to reach by e-mail.

Laura D'Angelo  
Wyatt Tarrant & Combs, LLP  
250 West Main Street, Suite 1600  
Lexington, Kentucky, 40507  
859/288-6949 (direct)  
859/259-0649 (fax)  
ldangelo@wyattfirm.com  
www.wyattfirm.com

#### **Materials**

Law review articles, CLE materials, cases and other related materials and publications will be distributed on CD or by email for reading in advance of class.

#### **Syllabus**

This syllabus outlines general topics we will cover. We have some flexibility in the topics we cover in this course, so if extra interest exists in certain areas, or if we move through others more quickly than planned, the readings may be paced differently. Make up classes will be held Fridays at 3pm.

January 7 (Lecture 1)	<p><b><u>Equine Law; Overview and History.</u></b></p> <p>Course Housekeeping; Overview of Course. Video</p>
January 14 (Lecture 2)	<p><b><u>History of Equine Law.</u></b></p> <p>Growth of Equine Law and Gaming Law and their relationship</p> <p><b><u>Legislative Overview – What is going on in Washington</u></b> (Second Hour) Equine Equity Act, Capital Gains, Unlawful Internet Gambling Enforcement Act, Other legislative initiatives.</p>
January 21	<p><b>Martin Luther King Day</b> (no class);</p>
January 28 (Lecture 3)	<p><b><u>Sales: Private</u></b> Pre-purchase exams, Lease or Lease with Option, Warranties, Consumer Protection, Dual Agent Issues, Purchase and Sale Agreements.</p> <p><b><u>Sales: Public</u></b> Legal and Illegal bidding, Conditions of Sale, Repository, Consignors, Agents, New Sales Integrity Task Force and New Condition, Warranties, Dual Agent issue, surgical and other disclosures.</p>
February 4 (Lecture 4)	<p><b><u>Pari-mutuel Wagering, Simulcasting, Account Wagering;</u></b> Pari-mutuel wagering, Bookmaking, Betting Exchanges, Simulcasting, The Role of Horseman's Groups, Tote systems and Hubs, Account Wagering, Pricing and Rebating, The Wire Act and the Justice Department's position on Simulcasting.</p> <p>Wagering Integrity, Internet Gambling Prohibition Act, The WTO Controversy and Status, Current Prosecutions, Sports Betting.</p>
February 11 (Lecture 5)	<p><b><u>Parimutuel Continued.....</u></b></p> <p><b><u>Equine Tax Issues</u></b> Entity Selection, Income Tax, Sales and Use Tax, Partnership Tax, Hobby Loss, Passive Loss, Capital Gains, 1031 Exchanges, Leasing Programs, Depreciation, Gambling Withholding, Gambling Losses.</p>
February 18 (Lecture 6)	<p><b><u>Ownership; Multiple Ownership Vehicles</u></b> Stallion Syndications – History and Evolution(Ed Bowen) Legal Aspects and Form Analysis</p>
February 25 (Lecture 7)	<p><b><u>Ownership; Multiple Ownership Vehicles</u></b> Racing Partnerships and Securities issues</p>

March 3 (Lecture 8)	<b><u>Liens, Secured Transactions and Priorities</u></b> Commercial Lending; Breeding vs. Racing Stock UCC Revised Article 9 (perfection and lien priorities) Agister's, Stallion Keeper's Liens, Consignors Loan Agreements and Secured Promissory Notes
March 10	Spring Break
March 17 (Lecture 9)	<b><u>The Horse Protection Act 15 USC 1821 et seq.</u></b> (First Hour) <i>The Act, enforcement, penalties.</i>  <b><u>Horse Slaughter Issues</u></b> (Second Hour)
March 24 (Lecture 10)	<b><u>Peggy Hendershot, SVP Legislative Affairs, National Thoroughbred Racing Association:</u></b> Update on Federal Legislation on Horse Slaughter; Jockey Club Welfare of the Horse Summit; Congressional Hearing on Steroids; Unwanted Horse Summit.  <b><u>NYRA:</u></b> Quasi-Governmental Agency, Spitzer's Deferred Prosecution, Appointment of a Federal Monitor, Award of the Franchise, Bankruptcy, Land Ownership Dispute.
March 31 (Lecture 11)	<b><u>The Race Track</u></b> <i>The Right to Exclude, Stall Agreements, The Right to Search, The Role of Horseman's Groups, Environmental Issues, Licensing, Jockey Catastrophic Injury Insurance and Workers' Compensation, VLT's.</i>  <b><u>Standardbred and Other Breed Issues: Artificial Insemination, Breed Registry, Embryo Transplants, Antitrust.</u></b>
April 7 (Lecture 12)	<b><u>Medications:</u></b> Current Environment, Racing Commission Hearings and Appellate Process, USEF Drug Rule and Hearing Process.  <b><u>8:00 a.m.: Frank Becker:</u></b> Defending a Medications Case  <b><u>9:00 a.m.: Scott Waterman, D.V.M.:</u></b> National Model Rules and the status of medication issues today.
April 14 (Lecture 13)	<b><u>Media Rights and Licensing</u></b> <i>Images (Races, People, Horses), Jockey Advertising/Apparel, Broadcast of Racing; Ownership of Signals (Bill Hollander)</i>  <b><u>Class Evaluation</u></b>
April 21	<b><u>Reading Period and Final Exams</u></b>
April 30, May 2	<b><u>National Equine Law Conference, Lexington Kentucky; PAPERS DUE MAY 2nd 5PM EST BY EMAIL IN WORD to <a href="mailto:ldangelo@wyattfirm.com">ldangelo@wyattfirm.com</a></u></b>