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WHAT'S ON THE SHELF?

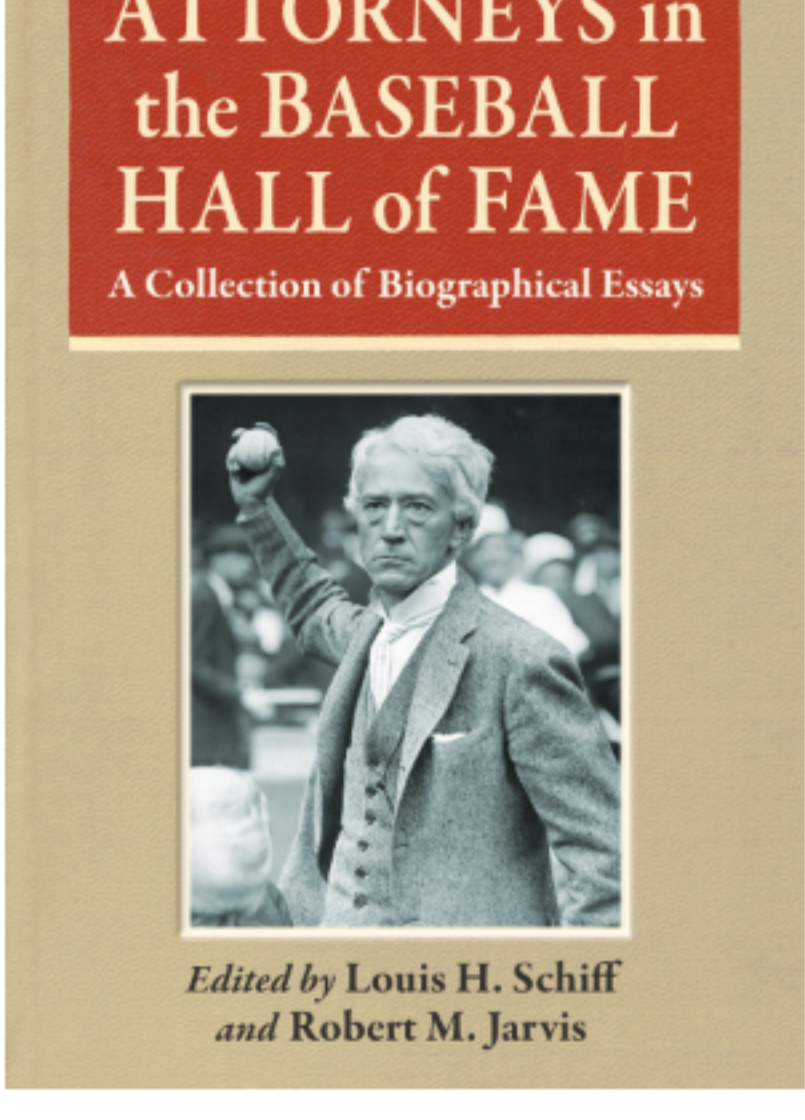
Hitting the Books: Law school can be taught with just baseball cases, retired judge says

BY RANDY MANILOFF

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Retired judge Lou Schiff authored and co-authored books about lawyers and baseball.

Lou Schiff says “you could teach an entire law school curriculum” using nothing but baseball cases. The retired Florida judge is exaggerating—but not by much.

During a recent phone interview, Schiff makes his pitch—rattling off numerous law school subjects and then baseball-related cases that illustrate their principles. “Even matrimonial,” he adds, telling me about an opinion that addressed the valuation of a baseball card collection as part of a divorce settlement.

Schiff, 70, is the co-author of *Baseball and the Law: Cases and Materials*, a 1,000-page book that tags many of the law school bases. Earlier this year, he published *Attorneys in the Baseball Hall of Fame*, featuring biographical essays of the 11 individuals who have turned this double play.

And with the World Series set to begin on Oct. 24, Schiff’s books offer some fascinating and timely tales for baseball fans and lawyers alike.

Schiff’s enthusiasm for the intersection of American’s two national pastimes—baseball and litigation—doesn’t end there. For the past 13 years, he has taught “Law and the Business of Baseball” at Mitchell Hamline School of Law in St. Paul, Minnesota.

This one-credit course is held over a weekend in the press box of CHS Field—home of the St. Paul Saints, the Triple-A affiliate of the Minnesota Twins. Students are encouraged to wear their favorite baseball team cap and jersey. Their first step to taking the class: getting on the two-year waiting list.

Schiff’s students tell him that the breadth of legal subjects that baseball hits in the course has helped prepare them for the bar exam.

“I teach civil procedure through Pete Rose,” Schiff tells me, referring to Rose’s suit against then baseball Commissioner A. Bartlett Giamatti, in connection with allegations that baseball’s all-time hit leader had wagered on the game, should be heard in federal or state court.

Law career takes a few swings

Schiff, a Brooklyn, New York native, completed his studies at the University of Florida and then went on to Hamline University School of Law, now Mitchell Hamline. “I graduated magna cum luck,” he says chuckling. “I was in the top 89th percent of the class.”

I suggest to Schiff that his grade point average must have been hovering around the Mendoza Line, the baseball term for a batting average under .200. It wasn’t that bad, Schiff pushes back. “I was never on probation,” he says with pride in his voice. “I was a .218, .219 student.”

In 1996, following several years of private practice in Tamarac, Florida, Schiff was elected as a County Court judge in the state’s Broward County, hearing civil cases valued under \$15,000 and misdemeanors. Following several reelections, he retired from the bench at the end of 2024.

Schiff’s interest in baseball’s overlap with the legal system has its genesis in a college project his son was writing that compared the treatment of African American baseball players to boxers at the turn of the 20th century. His sources included a book titled *Only the Ball was White: A History of Legendary Black Players and All-Black Professional Teams*.

Schiff read the book. While not law-related, its focus on the discrimination early Black players endured planted a seed and got Schiff thinking more broadly about the relationship between baseball and legal issues.



Schiff (Photo courtesy Lou Schiff)

Around that time, Schiff had been teaching a class at Mitchell Hamline on the portrayal of lawyers and the legal system in films. He was approached by the law school’s dean to develop another course. Schiff mentioned his burgeoning interest in baseball and the law. Schiff got the green light.

For Schiff, writing a case book on baseball and the law was a logical progression. It was a passion project. “The purpose of the book was never to become a multimillionaire,” he says. “Some people play tennis every day. Some people play



racquetball every day,” Schiff explains. “At night, when I came home, and my work was done, I worked on the book. That was my hobby.”

Schiff’s book has been used in about 10 law schools he tells me. While *Prosser and Keeton on Torts* it is not, it stands out for its uniqueness. Books covering every conceivable aspect of baseball could surely fill a library. Schiff says that his is just one of two on baseball and the law that can qualify as law school texts. It was awarded the 2017 SABR Baseball Research Award by the Society for American Baseball Research.

Baseball’s presence in the courthouse goes back a very long way, Schiff tells me. The earliest may be 1791, when Pittsfield, Massachusetts, intent on preventing damage to a newly built meeting house, passed an ordinance to prevent baseball, and other sports, from being played within 80 yards of the structure. Violators faced a fine of five schillings. Schiff is quick to give credit to John Thorn, Major League Baseball’s official baseball historian, for unearthing this ancient legal connection to the sport. Thorn has been a guest speaker in Schiff’s class.

Attorneys in the Baseball Hall of Fame

A few years ago, Schiff and Robert Jarvis, his co-author of the case book, set out to cover another confluence of baseball and the law, publishing biographical essays of the 11 lawyers who are enshrined in the Baseball Hall of Fame in Cooperstown, New York.

Realizing that it was too much for them to tackle alone, Schiff says that the pair assembled “a team of law professors who love baseball.” The two wrote some chapters themselves and edited the others. Schiff explains that Jarvis “came up with some guidelines on how to write the chapters so it would seem like it was written in one voice.” The effort was released in July.

The extent of research undertaken by the authors is remarkable. The 200-plus page book includes 1,300 endnotes. Miller Huggins, the manager for the dominating New York Yankees teams in the 1920s, featuring Lou Gehrig and Babe Ruth, was elected to the Hall of Fame in 1964.

Huggins was also a 1902 graduate of the University of Cincinnati College of Law. Stephanie Hunter McMahon authored the book’s biography of the famous skipper. The Indiana University Bloomington Maurer School of Law tax professor provides readers with 12 of the 98 short-answer questions that Huggins faced from the Ohio bar examiners.

Schiff took on the task of profiling Kenesaw Mountain Landis, known as baseball’s first commissioner, brought in by team owners in 1920 to clean up the league after the prior year’s so-called Black Sox Scandal. The game was disgraced when several players on the Chicago White Sox took bribes from gamblers to lose the World Series.

At the time he became commissioner, Landis, with a degree from Northwestern University School of Law, was a federal judge in Illinois, having been appointed at the remarkably young age of 39.

Landis was paid \$42,500 annually to serve as baseball commissioner. His salary as a judge was \$7,500. Not knowing if the new baseball role would last—there was infighting amongst the team owners—Landis refused to give us his judgeship. He faced tremendous backlash for holding both positions. Some in Congress called for his impeachment.

At the 1921 annual meeting of the American Bar Association, the delegates approved a resolution condemning Landis, calling his conduct “unworthy of the office of judge” and “derogatory to the dignity of the Bench.” In 1924, owing to the Landis affair, the ABA adopted the country’s first code of judicial conduct. Landis was elected to the Baseball Hall of Fame in 1944.



(Self-portrait Bobblehead image created by Lou Schiff)

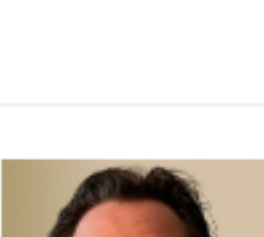
Contributing author Geoffrey Rapp, Dean of the DePaul College of Law, introduces readers to Jim O’Rourke, who earned a law degree from Yale University in 1887. O’Rourke was also a standout ballplayer, batting .300 or better 13 times, including .347 in 1884 for the Buffalo Bisons, winning the National League batting title. O’Rourke was elected to the Baseball Hall of Fame in 1945.

Surely some were not surprised by O’Rourke’s career after he hung up his cleats. As a player, he was nicknamed “Orator Jim,” on account of his commanding speaking voice and propensity for offering lengthy comments. On one occasion, when an umpire called a ball foul that O’Rourke believed was a home run, the would-be lawyer responded: “I am conversant with the conglomeration of facts in this case, and as my optical eyesight is of extreme excellence, I am positive of your misinformation.”

O’Rourke’s language skills were not limited to the verbal. In 1916, a will that O’Rourke had drafted was challenged by the testator’s children who had been cut out. A Connecticut probate court upheld the will, with one newspaper report calling the document “so clear in its diction” that lawyers who have seen it scoff at the idea that it was defective.

“Baseball permeates American life, and we are a country of laws and no shortage of lawyers,” Schiff says. “So, it makes sense that players aren’t the only ones outfitted in pinstripes involved in the game.”

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