About the Book

John H. Minan writes on how violating "the law" of golf -- as opposed to the rules that govern the game -- can have serious consequences. You don't have to be a lawyer to enjoy this book, which combines two great passions: law and golf.

Each chapter examines a different set of facts and involves an actual case. The chapters explore a wide array of legal issues -- Tiger Woods' right of publicity, personal injury claims for negligence and products liability, contract disputes involving hole-in-one contests and golf cart rentals, a forfeiture claim under the Endangered Species Act, the Internal Revenue Service's litigation against a taxpayer over tax deductions for golf expenses, patent and trade mark disputes, and more.

Each chapter identifies the subject matter and the official citation to the case in the chapter heading. John Minan selected a total of nineteen cases to correspond to the typical eighteen holes played in a round of golf plus one for the traditional nineteenth hole.

What Others are Saying

"Fundamentally, however, the rules can be reduced to a few underlying principles--only two, in the opinion of John Minan, a professor at the University of San Diego School of Law and author of "The Little Green Book of Golf Law." The first is to play the course as you find it and the second is to play your ball without touching it until you hole out--except, of course, when there are exceptions. The rules define and explain the exceptions. And for situations that aren't covered in the rules, there's the all-important equity clause, Rule 1.4: When in doubt, do what's fair."
--The Wall Street Journal, May 23, 2009

"Fans of law, golf and wine alike will enjoy these well-written and entertaining works. I give the Little Green Book to my golf hosts as thank-you gifts, and I plan to do the same for others with the just-released Little Red Book."
H. Thomas Wells Jr., ABA President

"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

"An interesting and very readable survey of selected case law applicable to the game of golf."
The Colorado Lawyer, July 2008

"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 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

"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
Minan Hits a Hole-in-One with Golf Book
Minan Hits a Hole-in-One with
The Little Green Book of Golf Law
The game of golf is loved by many, barely tolerated by some and disliked by others. H.L. Mencken, America’s beloved curmudgeon and full-time satirist, said that if he had his way “no man guilty of golf would be eligible to any office of trust or profit in the United States.” Humorist P.J. O’Rourke chipped in that golf “combines two favorite pastimes: taking long walks and hitting things with a stick.” Finally, there is Mark Twain’s quip, “Golf is a good walk spoiled.”
The 1996 film classic Tin Cup shows how success can change one's attitude toward the game. During a practice session on the driving range, Dr. Molly Griswold, played by Rene Russo, tells Roy "Tin Cup" McAvoy, played by Kevin Costner, that golf "is, without any doubt, the stupidest, silliest, most idiotic grotesquery masquerading as a game that has ever been invented." Her instructor, "Tin Cup," encourages her to try it again. She then hits a great shot and smiles broadly at her success. She now gets it; golf can be fun.

The Little Green Book of Golf Law—The Real Rules of the Game of Golf was born from USD School of Law Professor John ("Jack") H. Minan's shameless love affair with the game of golf and the law. When he began collecting legal opinions on golf, he did not intend to write a book. But with the passage of time, the project took on a life of its own.

Minan states, "The law is so increasingly complex that no one can keep up with it, not even the most skilled and knowledgeable amongst us. What is needed is to break down this impediment is a methodology to make the law more accessible as well as understandable."

Gary McCord, CBS sports analyst and professional golfer, has written the book's foreword. McCord notes that the game was banned by James II of Scotland in the Middle Ages because James thought it distracted the troops from practicing archery. Those who choose to play golf rather than tackle other duties, such as pending chores, understand the king's concern. McCord goes on to say that most golfers today, including himself, like to keep the law at arm's length on the golf course. This avoidance strategy is not always possible. Like it or not, judges and lawyers sometimes get involved.

While legal intervention is occasionally necessary, one does not have to be a lawyer or have legal training to enjoy pondering whether the cases Minan considers are examples of the legal system run amok or are reasonable outcomes to be cheered enthusiastically.

Golf is a sport that often exposes the best in a person or, occasionally, the worst. In no other sport are the players left to determine for themselves whether they are following the rules. An official is not usually around to help a player. Thus, it is not surprising that the game places a premium on knowing the rules and applying them.

Nineteen Golf Cases

Signifying the 18 holes typically played during a round of golf plus one for the visit to the clubhouse bar, the so-called 19th hole, Jack chose 19 published opinions involving golf as the methodology to examine certain legal rules, principles and arguments. His goal was to metaphorically drive down the legal fairway of these individual cases, which are strewn with legal hazards and other obstacles, without straying out of bounds (OB). Those readers with an interest in either golf or the law are invited along for the journey.

Metaphorically called "holes," each chapter explores different facts and legal issues. Because each hole is based on a different set of facts, the chapters are more like short stories than building blocks for a comprehensive legal theory. As a result, they stand alone and may be read in any order without diminishing the reader's enjoyment.

The book contains a broad collection of interesting cases. There are cases, of course, involving personal injuries and property damage that occur on and off the golf course. But there are also cases involving a contract dispute involving a hole-in-one contest, a product liability case for a defective golf club, a criminal prosecution under the endangered species act, a fight over the mandated use of reclaimed water on a golf course, a claim by Tiger Woods based on the right of publicity, and patent and trademark disagreements, just to name a few. There is also a case, PGA Tour v. Martin, decided by the Supreme Court of the United States.
The final case, Dolan v. State Farm Fire & Casualty, should be especially interesting to anyone who has hoisted a drink or two after finishing a round of golf. A squabble between a drunken player and a golf course employee ended with a physical altercation and a lawsuit. The post-round melee ultimately found its way to the Iowa Supreme Court. "The lesson is simple," writes Minan. "Don't get carried away at or from the 19th hole."

Sprinkled throughout the book are asides intended to bring a smile to the reader's face. For literature lovers there is the reference to "The Rime of the Ancient Mariner" in the case of the golfer who killed a Nene goose, Hawaii's state bird and an endangered species. Cartoon characters also make timely appearances. The irascible Looney Tunes character Yosemite Sam counsels anger management, and Fred Flintstone and his Flint-mobile surface in the case involving a golf cart accident.

The observation by the humorist Will Rogers "that the income tax has made more liars out of the American people than golf" shows up in the case involving the dispute with the Internal Revenue Service (IRS) over tax deductions by a wanna-be professional golfer. The IRS liked the taxpayer so much it named the case after him, Courville v. Commissioner.

Movies, such as Sideways and Cast Away, also find their way into the case commentary. The dialogue in the film classic Caddyshack is intended to be prescient to the case dealing with acts of God and lightning striking a golfer on a golf course.

Bishop Bickering, played by Henry Wilcoxon, is depicted in the film as fervently hoping to finish his round of golf at Bushwood Country Club. After sinking an unbelievable putt in the middle of a torrential thunder and lightning storm, he asks his caddie Carl Spackler, played by comedian Bill Murray, "Well, what do you think?" Carl says, "I'd keep playing. I don't think the heavy stuff is going to come down for quite a while." The bishop confidently replies, "You're right. Anyway, the good Lord would never disrupt the best game of my life. I'm infallible, young fella." The good Lord delivers the final punch line in the scene when the bishop is struck by lightning.

The scene reminds readers that art often imitates life. When hit by lightning during the 1975 Western Open, professional golfer Lee Trevino famously thundered, "I should have held up a one-iron. Not even God could hit a one-iron." But don't bet on it, just ask Bishop Bickering.

In order to capture core ideas, the legal discussion has been simplified to minimize complexity. For example, the official case involving Tiger Woods' right of publicity is more than forty pages of single-spaced text. In the book, it is only several pages in length. Consequently, the condensed chapters intentionally lack some of the legal detail available in the official version of the case.

Inside the Rules of Golf
At the end of each hole, there is a section called "Inside the Rules." It explores certain aspects of the Rules of Golf, the official code governing how the game is played. The
United States Golf Association and the Royal and Ancient Golf Club of Saint Andrews interpret, write and revise the Rules of Golf every four years. The Decisions on the Rules of Golf is provided every two years as another authoritative source governing the game.

Many of the cases correlate to the "Rules" or the "Decisions" discussed within the "Inside the Rules" section of each chapter. In the case of Hennessey v. Pyne, for example, the plaintiff sued the defendant because the plaintiff was injured by a golf ball that was hit "out of bounds" (OB) by the defendant. The case provides Minan with the opportunity to review the OB rule of golf. Another example is Zurla v. Hydel, where three golfers were playing together as a group. Most people would describe the group as a "threesome." But, as the reader discovers, the rules define the term "threesome" differently than conventional usage.

In most instances, a significant difference exists between violating the law and not playing the game according to the rules. As most people appreciate, violating the law is apt to have far more serious consequences. The "Inside the Rules" section is designed to highlight certain aspects of how the game should be played.

"It has been fascinating to me to see the variety of legal issues connected to the game," says Minan. But a word of caution is appropriate. The book is designed to entertain and educate. It is not a substitute for legal advice. As lawyers know, the law is dynamic. Its application is affected by the facts, as well as applicable statutes and judicial rulings. The law also may vary among states.

Finally, lawyers often disagree as to what a particular case actually holds or means. These considerations suggest that actual legal problems involving golf should be referred to a lawyer.

Reviewer Howard L. Graham has this to say about the book: "A great read. I thoroughly enjoyed the book. It answers many of the questions I always wondered about the game of golf. The book is written for a general audience, not lawyers, but will provide invaluable stories to repeat at the 19th hole. Few golfers will ever walk onto a golf course again without being reminded of the legalities of the game if they read this book."

"The literary device the author uses to make this book so readable is a collection of nineteen actual legal court cases crafted into nineteen short stories presented in a style that O. Henry would have enjoyed. These cases track the 18 holes typically played in a 'stipulated round' of golf, and a story for the favorite 'hole 19' of all golfers."

Sports writer Tod Leonard reviewed the book for San Diego Union-Tribune and concludes: "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 that they never happen to us." Amen to that.

Two months after the book was published, it went into a second printing. In one survey compiled by the American Bar Association, it was ranked eleventh. Minan has been speaking to lawyers and corporate groups about the book. In early February 2008, for example, he was an invited guest to do book signings at the FBR (Phoenix) Open.
Law doesn't control way ball bounces

TOD LEONARD

Golfer hits car.
Golfer hits house.
Golfer hits another golfer.
Tree hits Golfer.
Golfer brains innocent goose.

Does any of this sound like fun?

If golf is supposed to be this serene and rejuvenating walk in the park, why are there so many bizarre and unsettling things that happen on the course?

Probably because you're putting what is essentially a metal weapon in everyone's hand and guaranteeing them almost certain failure and extreme frustration when they try to hit a little white ball over hundreds of yards.

Throw in tract houses and busy roads just yards from the courses, and nature, human and otherwise, and there's a whole lot worse than can happen than making a triple bogey.

Sometimes, the golf gods aren't the only ones laying judgment. Cops and judges and lawyers have to intervene, and that is to the great fascination of John "Jack" H. Minan.
Minan, 64, is a 30-year professor of law at the University of San Diego and an avid golfer who plays most of his rounds at Admiral Baker and Balboa Park. About eight years ago he began researching court cases involving golf, and though he was waylaid by various career commitments, his 120-page book, "The Little Green Book of Golf Law," is now in print, expected to be in stores later this month.

"This was a small project, but it's kind of taken on a life of its own," Minan said last week.

Minan has been pleasantly surprised by the positive feedback he's received, even before the book is on the shelves. One major golf magazine already has called, and Minan is being asked to speak in front of major corporations.

It really should not be a surprise. 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.

Not all of the stories are about mishaps. One is about Tiger Woods trying to protect the use of his image, another highlights the battle over the copying of famous golf holes at the Tour 18 courses in Texas. There's a story about an out-of-work engineer who got slapped down by the IRS for trying to write off all of his golf, and a golfer who successfully sued a car dealership when he got a hole-in-one and a car -- after the dealer forgot to take down his promotional sign.

But the best stories involve the frailties of golfers and those around them.

Minan is quick to point out that he's not trying to give out legal advice, but to entertain.

Lots of damage

A golf ball is hard enough to break stuff and injure people, and some of the most entertaining things happen when the pill collides with something.

At Dallas Athletic Country Club, Minan reports, three families bought homes adjacent to the sixth hole, and Edward Malouf’s Oldsmobile Cutlass, Harry Hollander's Porsche and C.M. Presley's Ford Mustang were getting hammered with dents by wayward shots.

The course had a policy of sending the offending golfers to the house if they could be
found, but often they scurried away like rats, and so the trio sued the golf course, claiming the golf balls were trespassing.

The court ruled against them, noting that the balls didn't have much of a say in where they landed.

In Rhode Island, the property line of Eileen Hennessey's condo was only 14 feet from the edge of the 14th fairway of Louisquisset Golf Club. She claimed balls peppered her home at least 10 times a day. But one September day, she got beaned in the head while out smelling her flowers. The culprit: the club's assistant pro, Michael Pyne.

Imagine Pyne's embarrassment when she sued him for assault and battery. Rhode Island's Supreme Court rejected her claim, but Minan concludes, "I'm reasonably confident that she never took golf lessons from Michael."

Friends, unfortunately, sometimes nail friends with their ball, and that's what happened to Gerald Zuria in Florida. He was walking back to his cart when his buddy and neophyte golfer, Victor Hydel, finally caught a shot flush and drilled Zuria in the head, which injured him, but not seriously.

Zuria sued Hydel for golfing negligence, but Hydel countered that injury is common and foreseeable on the course, and that he didn't mean to hit his (now-ex) friend.

The case got bogged down in legal wranglings, but Minan cites other rulings that have basically determined that as long as you're not intentionally trying to hit somebody or playing recklessly, you're probably off the hook. And oh by the way, yelling "Fore!" can always help your case.

Out on a limb

Minan cites several San Diego incidents, and a favorite is a 1996 case involving Oaks North, the executive course in Rancho Bernardo.

Stanley Kurash was playing the ninth hole on the North Course near the driving range when he heard a loud "crack!" He thought it was a ball coming from the range, but then he heard a second crack, and a tree limb 12 inches in diameter came crashing down on him.

Kurash was trapped under the limb, and his playing partner had to extricate him. He suffered a broken nose and rib, and while the 74-year-old sued J.C. Resorts, claiming it had been negligent in not trimming the tree, Kurash's wife, Naomi, also sued, claiming her hus-
band had lost sexual function because of the accident.

J.C. Resorts argued that it kept the branches thick in order to protect golfers from errant balls, and as for Stanley’s sex life, it was suggested that maybe Stanley, given his age, had been suffering sexual dysfunction before he got clobbered.

The Kurashes won. Stanley got $55,000 for his injuries, and Naomi received $5,000 for loss of consortium.

Temper, temper

In fits of anger, there are club breakers and club throwers, but when Terry Pupus had a meltdown on a Maui course in 1997, he sadly went to the extreme.

Miffed by his tee shot on the 16th hole, Pupus attacked a Nene goose, the state bird of Hawaii. He beat it to death, said a witness, by taking several "Jose Canseco-style" swings with his Big Bertha driver.

Pupus was arrested, charged with cruelty to an animal, and convicted. He was fined $4,000, given a year of probation, and though the court didn't demand all his golf clubs, it did take away the murder weapon, his driver.

And for those who pound a few beers or cocktails at the 19th hole, Minan offers a cautionary tale.

Iowa golfer Walter Olson gulped down at least 12 beers at the local club, and when he stumbled out to the parking lot to leave, he couldn't find his clubs. He confronted a pro shop employee, Edward Dolan, who said he didn't know where the clubs were.

An irate Olson attacked Dolan, pulled his coat over his head and punched him enough to injure him.

Then -- d'oh! -- Olson realized he’d already put his clubs in the trunk, before his 12 beers.

Unfortunately, justice wasn't served in this one. A jury awarded Dolan $70,000, but Olson filed bankruptcy. And when Dolan eventually sued Olson's insurance company, State Farm, the Iowa Supreme Court ruled that it couldn’t side with the plaintiff because the lower courts had not determined that Olson's attack was intentional, because he was so drunk. State Farm's policy precluded it paying damages suffered when the act was intentional.
"We are not inclined," the court said, "to create a situation where the more drunk an insured can prove himself to be, the more likely he will have insurance coverage."

---- INDEX REFERENCES ---

COMPANY: STATE FARM; STATE FARM LIFE AND ACCIDENT ASSURANCE CO

NEWS SUBJECT: (Legal (1LE33))

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OTHER INDEXING: (DALLAS ATHLETIC COUNTRY CLUB; HYDEL; IOWA SUPREME COURT; IRS; LOUISQUISSET GOLF CLUB; MAUI; NENE; STATE FARM; SUPREME COURT; ZURIA) (Baker; C.M. Presley; Cops; Dolan; Edward Dolan; Edward Malouf; Harry Hollander; Imagine Pyne; J.C. Resorts; Jack" H. Minan .Minan; Kurash; Minan; Naomi; Olson; Pupus; Stanley; Stanley Kurash; Terry Pupus; Victor Hydel; Virtually; Walter Olson)

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