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COURT OF FANTASY BASEBALL – COMMISSIONER APPEALS

BALCO ORANGE JUICE Petitioner, - against - COMMISSIONER of the JEFFERSON LEAGUE Respondent	:	Index No. 00173 Date: October 2, 2005 League Type: Mixed/Keeper Dispute: Votes/Keeper Rules **COMMISSIONER'S PLAN TO VOTE ON WHETHER TO RESTART A KEEPER LEAGUE FROM SCRATCH IS <u>OVERTURNED</u>**

Petitioner BALCO ORANGE JUICE brings this claim in the COURT OF FANTASY BASEBALL, COMMISSIONER APPEALS DIVISION, seeking to prevent the Commissioner of the Jefferson League from holding a vote to determine whether the league should draft from scratch, without keepers, in 2006. BALCO ORANGE JUICE brings this claim based on the argument that it relied on the league Constitution's references to the league as a "keeper league" in planning his 2005 strategy, and that if the league were to start from scratch in 2006, he would be denied the benefit of his trades for players worthy of keeping. The COMMISSIONER, however, argues that Jefferson League Rule 3(a) allows "the Commissioner to call a vote on *any* issue." (emphasis added). Therefore, the Commissioner contends such a vote "is advocated by the Democratic process."

Where a league constitution grants a commissioner broad authority to adjudicate disputes or to call for a league vote on changing rules, the commissioner's decision should be upheld as long as this decision is neither arbitrary nor capricious. Such conclusion is a broadly recognized principle that appears even in United States court decisions involving the decisions made by real commissioners in real, professional sports leagues.

According to dictionary.com, the word capricious is defined as "subject to, led by, or indicative of caprice or whim; erratic." Based on this standard, the Commissioner of the Jefferson League's Conduct is highly "capricious." Rule 1(a) of the Jefferson League Rule Book states "[t]he Jefferson League is and always will be a keeper league." Based on this language, voting to not allow keepers would amount to voting on whether to enforce the league's most basic rule. This is not acceptable. A vote at this time is erratic based on longstanding league principles. Furthermore, to even hold such a vote would prove as a tremendous injustice to teams including the BALCO ORANGE JUICE that particularly relied on assurances that the league was a "keeper league" while planning a strategy.

As a general rule, the "Democratic process" advocates voting on league issues. However, a vote may *never* occur to deprive a team of "property" of which one team rightfully owns. BALCO ORANGE JUICE rightfully owns the rights to the contracts of the players that he traded for, as well as the right to keep these players under contract as keepers in 2006. Such right is implied in the very first rule of the league Constitution, and such right may never be lost via a vote. Therefore, I issue an absolute judgment in favor of BALCO ORANGE JUICE. No vote shall occur on this issue, and the Jefferson League shall remain a keeper league in 2006 and beyond.

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