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COMMISSIONER WINSTON CHUNG	:	Date: May 13, 2008
	:	League Type: 10-TEAM MIXED, HEAD-
Petitioner,	:	TO-HEAD
	:	Dispute: PROPOSED RULE CHANGE
- against -	:	Judge: MARC EDELMAN
	:	
NO NONSENSE FANTASY BASEBALL LEAGUE	:	PROPOSAL TO CHANGE LEAGUE
	:	RULES AND CAP NUMBER OF FREE
Respondents	:	AGENT MOVES MID-SEASON IS
	:	<u>OVERTURNED</u>
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Commissioner WINSTON CHUNG brings this claim in the COURT OF FANTASY BASEBALL seeking an injunction allowing him to implement a proposed rule change to limit the number of free agent moves per week at seven, effective May 2008. This court rules that while it might make sense for the NO NONSENSE FANTASY BASEBALL LEAGUE to pass exactly this type of rule at season's end, Commissioner Chung *may not* pass any rule during the season that changes the reasonable expectations of teams at the time of their draft. Therefore, this proposed rule change must fail.

THE FACTS

The NO NONSENSE FANTASY BASEBALL LEAGUE is a 10 team Head-to-Head league hosted on Yahoo! Fantasy Sports, which applies Yahoo! default rules. Winston Chung is the league commissioner.

At the time of the league draft, according to Yahoo! default rules, teams were allowed to make unlimited free agent moves. A few weeks into the season, however, certain team owners began to complain about one fantasy team owner that was making far more picks than any other team—rotating pitchers in-and-out on a daily basis (“streaming”). In response to this strategy, Commissioner Chung took a league vote to change the default rules and cap weekly free agent picks, effective at some point during the season. The league voted 7-to-6 to cap free agent moves. One owner, however, objected, contending that “You simply DON’T change the rules after the game has started.”

ANALYSIS

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 the commissioner’s decision is neither arbitrary nor capricious. (*Balco Orange Juice v. Commissioner of the Jefferson League*, Index No. 00173, Oct. 2, 2005). However, in a league that lacks a formal constitution, as is the case here, a commissioner is no more powerful than an ordinary owner. (*Hermann’s Head v. Commissioner of the Yale Football League*, No. 00257, Sept. 1, 2006). With that in mind, the

Commissioner's proposed change to a rule should only be upheld if it is fair and reasonable to all parties. (*Hermann's Head v. Commissioner of the Yale Football League*, No. 00257, Sept. 1, 2006).

This court has addressed almost the exact same issue presented here in a previous case available on our website, *Hermann's Head v. Commissioner of the Yale Football League*. There, this court found that a league commissioner may not change the weekly roster size in a fantasy football league after the league draft because certain teams "might have drafted differently had the Commissioner's proposed rule change occurred prior to the draft." (*Hermann's Head v. Commissioner of the Yale Football League*, No. 00257, Sept. 1, 2006).

The same exact logic as applied in *Hermann's Head* also applies here. A team owner expecting to have the option to make unlimited free agent picks and stream pitchers might have drafted a team that was heavy in hitting and light in pitching, with the intention to accumulate pitching points through streaming. Therefore, to take away the right to stream not only negates any advantage that this owner may have developed based on fair strategizing, but it also places that owner at a disadvantage compared to teams that overlooked this opportunity initially and opted for a more balanced roster.

Had this owner known at the time of the draft that he might lose the right to stream midseason, he may have drafted differently. In addition, because the league rules were readily available to all owners, all teams in the league had the equal opportunity to adapt a streaming strategy at the draft, as well as request a rule change at the draft that would have prevented streaming altogether. Indeed, the fact that only one team owner saw an opportunity created by the league's imperfect rules does not mean that his advantage should be stripped away. This is true the same way that a team owner who diligently scouted a number of unheralded rookies and built a dominant team that way should not be disgorged of his over-performing talent during the season.

As a general rule, the "Democratic process" advocates voting on team issues. (*Balco Orange Juice v. Commissioner of the Jefferson League*, Index No. 00173, Oct. 2, 2005). However, a vote may never occur to deprive a team of an advantage that a team rightfully owns. (*Balco Orange Juice v. Commissioner of the Jefferson League*, Index No. 00173, Oct. 2, 2005). Pursuant to the Yahoo! default rules that all team owners accepted when entering the league, all teams in the NO NONSENSE FANTASY LEAGUE possess the right to unlimited free agent moves for the duration of this season. Because that is the rightful expectation of each team, it would be unfair and impermissible to now alter that expectation.

CONCLUSION

For the foregoing reasons, the NO NONSENSE FANTASY LEAGUE's attempt to curb the number of free agent transactions during the season, as a matter of fantasy baseball law, must fail. The court, however, strongly suggests that the league revisit this rule before the 2009 league draft.