You Decide

10.1 Norby Walters is a sports agent who signed contracts with fifty-eight college football players, naming him as their representative in negotiating contracts with pro football teams. He offered cars and money to players who would sign with him. Walters was to receive a percentage of the players' income if they were drafted and signed with a team. The National Collegiate Athletic Association (NCAA) rules stipulate that a student who signs a contract with an agent is a professional, ineligible to play on collegiate teams. Walters, to avoid jeopardizing his clients' careers, dated the player contracts following the end of the player's eligibility and locked the contracts in a safe. He promised to lie to the universities about the date that the contracts had been signed in response to any inquiries. Walters consulted with lawyers who concluded that his plan would violate the NCAA rules, although it was not in violation of any laws.

Only two of the fifty-eight players signed by Walters fulfilled their understanding with Walters and allowed him to negotiate with the teams that drafted them; the other players kept the cars and the money and signed with other agents. Walters threatened several players with physical retaliation unless they repaid Walters's firm for the money and cars that they had been provided during their years in college. A seventy-five-page indictment against Walters included a mail fraud count. The fraud involved causing the universities to fund the scholarship of athletes who, unknown to the schools, had become ineligible as a result of having signed contracts with Walters to represent them. The fraud made use of the mail because each university required athletes to verify their eligibility to play and then sent copies of the eligibility forms by mail to the intercollegiate athletic conference with which the school was affiliated (e.g., the Big Ten).

Would you convict Walters of mail fraud? See *United States v. Walters*, 997 F.2d 1219 (7th Cir. 1993).

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