

# SUPREME COURT OF FANTASY JUDGMENT

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## **Didn't Hit Submit v. Commissioner of the League**

### ON PETITION FOR WRIT OF CERTIORARI FROM A FANTASY FOOTBALL LEAGUE

Decided January 8, 2010  
Cite as 1 F.J. 23 (Jan. 2010)

#### **Factual Background**

During the final week of this fantasy football league's season, a team owner (hereinafter referred to as Didn't Hit Submit ("DHS")) made transactions and changes to his starting lineup prior to the weekly 1:00 PM deadline enforced by the league's Commissioner. Based on the infrastructure of the league's host website, the process for making lineup and roster changes requires manually switching players in and out, and then subsequently clicking "submit" on the following screen. DHS mistakenly failed to click "submit" on the following screen after he was finished making lineup changes.

DHS realized his mistake at approximately 1:40 PM, forty minutes after the set deadline when lineups are locked. DHS contacted the league's Commissioner to inform him about this oversight and requested that the Commissioner utilize his authority to override the league website and insert DHS's intended players into his lineup. Despite acknowledging that he understood and agreed with DHS's intent, the Commissioner rejected this request and told DHS "Sorry, you're out of luck even though the mistake was just a technicality."

As a result of the Commissioner's refusal to remedy DHS's mistake, DHS lost his game during the final week of the season. Had DHS's intended players been inserted into his starting lineup, he would have been victorious and finished in 3<sup>rd</sup> place overall netting \$453.00. Other placements in the final standings were affected as well due to the outcome of DHS's game. Had DHS won and finished in 3<sup>rd</sup> place, the Commissioner would not have finished in 6<sup>th</sup> place and won \$131.00. However, because DHS lost, the standings changed and the Commissioner did in fact finish in 6<sup>th</sup> place winning the aforementioned prize of \$131.00. Additionally, the 3<sup>rd</sup>, 4<sup>th</sup> and 5<sup>th</sup> place teams all would have had different finishing positions which affected the amount of money they were awarded.

# SUPREME COURT OF FANTASY JUDGMENT

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## **Procedural History**

During the season, circumstances such as this happened on several occasions where teams would neglect to click “submit” after making lineup and roster changes. When this occurred, the Commissioner would correct the mistakes. At the mid-point of the 2009 NFL season, the Commissioner stopped making these corrections. According to the appellant, the Commissioner became annoyed with these happenings and declared:

“Even though it’s a minor bookkeeping effort for me, I will not do this anymore. If you fail to click the right button, even though your intent is obvious, you will lose the points.”

At the time the Commissioner amended the rule, DHS challenged it vigorously. Despite his protests, DHS did not quit the league nor was he offered a refund from the Commissioner for his buy-in fee. DHS argued that this decision goes against the ethics of fair play and that all of his hard work and time invested in the league was merely reduced to a missed mouse click. The Commissioner argued that “a rule’s a rule” and would not compromise.

## **Issues Presented**

- (1) Did the Commissioner have the right to amend the rule regarding the correction of lineup submissions in the middle of the season?
- (2) Was it proper for the Commissioner to make his decision regarding DHS despite having a financial interest in the outcome?
- (3) Should the Commissioner’s decision be overturned and change the landscape of the final standings for the league?

## **Decision**

- I. DID THE COMMISSIONER HAVE THE RIGHT TO AMEND THE RULE REGARDING THE CORRECTIONS OF LINEUP SUBMISSIONS IN THE MIDDLE OF THE SEASON?

When analyzing any issues that stem from rules created and enforced by a league commissioner, the first question this Court addresses is whether there was a league Constitution in affect for the season. Unfortunately for the subject fantasy football league, no Constitution was in place to govern the league.

In the event that no Constitution exists, it is fair to assume that the league’s commissioner has the ultimate say in how the league operates outside of the specific parameters and boundaries established by the league’s host website. Fantasy sports league commissioners have the unenviable task of managing, administering, and ruling on various issues that may arise during the course of a fantasy sports season. When no document is in place to help govern decisions

# SUPREME COURT OF FANTASY JUDGMENT

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that need to be made, it is quite difficult to hold parties accountable without violating rules of evidence and admitting hearsay statements into this Court. Because there is no other basis for the rules set forth in this fantasy football league, the statements provided by the appellant must be taken at face value and will be admissible for purposes of evidentiary statements.

Without a league Constitution, the Commissioner is essentially free to create and change rules as he pleases unless there is some sort of agreement in place where each league member votes on rule changes or decisions. That does not appear to be the case here. When the league members make payments for their buy-in fees in leagues that are not governed by a Constitution or other set of written rules, they are essentially acquiescing to the Commissioner's power and authority to set and modify rules without a dissenting vote. When DHS challenged the Commissioner's decision to stop permitting late lineup submissions at mid-season, he did not threaten to quit the league, nor did he ask for a refund of his buy-in. He continued to participate in the league, and, despite his vocal dissent, he implicitly accepted the Commissioner's decision.

When the Commissioner made the in-season decision to stop allowing team owners' mistakes and oversights to be corrected, he vowed that this would be effective from this point on. While the Commissioner had previously corrected teams' mistakes and permitted late lineup submissions, he was doing so as a matter of good will and understanding despite the league rule that lineups are locked by 1:00 PM on game days. The Commissioner had the right to decide, in the best interests of the league, to compensate for people's innocent mistakes when the intent was obvious. This sort of action is commendable. However, the Commissioner also had the right to stop doing so.

This Court acknowledges the implicit unfairness and inequity towards teams that did not reap the benefit of the Commissioner's prior generosity, but rather faced the consequences of the Commissioner's newfound steadfastness. DHS voiced objection and dissent towards the Commissioner's about-face on this issue at the midway point of the season. This Court has no knowledge of any other team in the league voicing similar objections. Had multiple teams expressed concerns or disagreement with the Commissioner's decision, then there may have been enough influence to convince the Commissioner to keep the status quo. When it is broken down to its simplest terms, the fact is that the league's host website automatically locked lineups at 1:00 PM, thus not permitting any changes to be made by individual teams. The Commissioner has the authority and access to override the league's host site and make changes to teams' lineups retroactively after they have been locked. The Commissioner was under no obligation to allow teams to correct their own mistakes, but he did so at his own choosing. The Commissioner's decision to stop doing this was also well within his authority. Additionally, regardless of the circumstances, technicalities and propensity for human error, it is every fantasy league team's own personal responsibility to submit its lineup correctly. However, for future reference, it is always best to NOT drastically change things in mid-season unless an issue of first impression arises that requires a deviation from precedent.

# SUPREME COURT OF FANTASY JUDGMENT

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## II. WAS IT PROPER FOR THE COMMISSIONER TO MAKE HIS DECISION REGARDING DHS DESPITE HAVING A FINANCIAL INTEREST IN THE OUTCOME?

The Court recognizes that this issue goes right to the core of a fantasy league's integrity. The Commissioner, while responsible for organizing, running and maintaining the league, also has a responsibility to manage his own team and seek success just like everyone else. In circumstances when the Commissioner must make a decision that either involves, impacts or affects his own team, the rest of league takes notice and heavily scrutinizes the entire process.

This is a prime example of why fantasy leagues need Constitutions to govern them. When a situation such as this arises, there should be certain modes of operation in place that describe how to handle it. Unfortunately, no Constitution exists in this league. As a result, the Commissioner was faced with a decision that had to be made timely and definitively. He did just that. However, he failed to see the bigger picture and recognize the perception the rest of the league could potentially have of him. It is this Court's opinion that it was appropriate for the Commissioner to make this decision, but he may have sacrificed his and his league's integrity by doing so.

Without a Constitution, the Commissioner must rely on precedent, common sense, and the best interests of the league when making critical decisions such as this. Since there were no safeguards or methods in place to handle an issue that involved the league's Commissioner, he was faced with a situation that required imminent resolution. So, due to his mid-season proclamation that he would no longer correct innocent mistakes for lineup submissions, he established precedence and followed his own rules. As explained in Issue I. above, the Commissioner had the right to correct innocent mistakes, just as he had a right to stop doing so. Since he clearly established that he would no longer permit such a thing, he merely followed his own precedent and did not allow such a correction for DHS during the final week of the season.

It has to be assumed that the Commissioner was aware of the potential implications of DHS's game and his own final placement in the standings and monetary awards. It could be argued that the Commissioner was motivated to not correct DHS's mistake because it would financially benefit the Commissioner. In fact, this is likely what DHS and other league members assume. Whether that is true or not is a moot point. With no Constitution in place or any other formal method of protesting outside of everyone quitting the league and requesting refunds, there was no other way for the situation to be handled in such an expeditious manner. Perhaps the league could have sought an opinion from Fantasy Judgment on the date of the occurrence and ran concurrent games until a final decision had been reached. But that is neither here nor there. The Commissioner was left with no alternatives other than to make his decision. If the rest of the league strongly opposed this decision due to the Commissioner's fiduciary breach, they could have taken a stand and demanded refunds. Such action would be the only way to truly impact the Commissioner's thought process and decision-making. But that didn't happen. The Commissioner, in his role as sole authority for the governance of the league, appropriately made

# SUPREME COURT OF FANTASY JUDGMENT

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a decision regardless of his team’s personal involvement. Whether other league members agreed with the decision is one thing – but there was no other choice but for the Commission to actually make the decision himself.

### III. SHOULD THE COMMISSIONER’S DECISION BE OVERTURNED AND CHANGE THE LANDSCAPE OF THE FINAL STANDINGS FOR THE LEAGUE?

For the reasons stated above, the Commissioner was within his right to stop correcting lineup and roster mistakes. He also was within his right to make a decision on the issue even though his own team would be affected by that very decision. Despite all of this, there are several inherent problems with the way the Commissioner handled this situation. The decision itself, and the fact he made it himself, have proven to be quite unpopular amongst the league members. That is certainly understandable because fantasy sports participants are competitive and want to win while expecting their league to be run fairly, equitably, and with integrity.

This Court has previously held that game results, standings, and prize money should never be modified, overturned or changed unless there was an obvious scoring mistake by a stat server or proof of teams cheating or colluding. Here, neither of those circumstances exists. The Commissioner cannot be accused of cheating or committing fraud of any sort. He had nothing to do with DHS forgetting to click “submit.” He only became aware of the issue 40 minutes after lineups had locked and decided he wouldn’t correct it based on his mid-season proclamation. Whether you agree with the Commissioner’s decision or not, there is no basis to take such drastic measures and rewrite history. Therefore, the Commissioner’s decision is upheld and the league’s standings and payouts should not be changed.

In conclusion, the Commissioner’s decision stands and it was appropriate and necessary for him to make the actual decision in the best interests of the league.

*IT IS SO ORDERED.*

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