

Jeffrey Kessler Discusses Landmark Lawsuit on *60 Minutes Sports*

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Winston & Strawn Antitrust/Competition Practice Chair Jeffrey Kessler appeared on the January 5, 2016, episode of *60 Minutes Sports* to discuss *Jenkins v. NCAA*, the landmark antitrust suit filed against the NCAA and its five power conferences by a group of current and former college athletes seeking to strike down unlawful compensation restraints imposed by the NCAA on Division I men's basketball and football programs. Mr. Kessler serves as co-lead attorney in the suit, widely considered "the most formidable challenge to the NCAA's fundamental concept of amateurism it has ever faced."

"I've been looking at the NCAA issues for two decades," said Mr. Kessler, who also co-chairs the firm's Sports Law Practice. "The money just keeps getting bigger and bigger, and it's gotten to the point that I think any fair-minded observer looks at this and says, 'this system has got to change.'"

Mr. Kessler noted that the lawsuit does not seek to require the NCAA to pay athletes a certain amount, but instead seeks to allow the schools and conferences to compensate athletes if they so desire. He also explained that the Division I schools are economic competitors that have established a fixed price through the NCAA rules for compensating athletes through set scholarship amounts, effectively forming a cartel.

"The price is, 'you can have a scholarship, defined as a full cost of attendance, and that's it,'" he explained in the interview.

When asked why he believes that the case is winnable despite numerous unsuccessful court challenges over the years, Mr. Kessler described how the Division I basketball and football financial model has evolved so that it is now more transparent that these institutions are engaged in an enormous business which must be subject to antitrust rules.

"When your coach is being paid ten times what the president of the university is being paid, people look at that and say, 'shouldn't these athletes ... get something out of this? This is their shot to get some payback for the revenues that they are creating,'" he said.

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