

## Jeffrey Kessler Quoted by *Law360* on NBA Bird Rights Ruling

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Winston & Strawn partner [Jeffrey Kessler](#), based in the firm's New York office, was quoted in the *Law360* article, "NBA Players Keep 'Bird Rights' in Waiver Trades: Arbitrator," published June 25, 2012. The article discussed arbitrator [Kenneth W. Dam's ruling](#) that NBA players retain their Bird rights when they change teams through the waiver process, as opposed to an outright trade.

Bird rights, granted to players who have spent three straight seasons without signing as a free agent, are valuable because they allow teams to exceed their salary cap when they re-sign Bird free agents. The NBA argued that the language of the collective bargaining agreement implies that Bird rights do not travel with players claimed under the waiver system. However, Dam said that if the CBA had intended to exclude waiver deals, they would have explicitly stated so.

The NBA Players Association is represented by Winston & Strawn partners [Jeffrey Kessler](#) and [David Feher](#). The decision protected players affected by "trades under the waiver system," Mr. Kessler said, including the New York Knicks' Jeremy Lin and three other prospective free agents.

"The decision especially benefits a player like Jeremy Lin whose abilities blossom after the time he moves through a trade under waivers," Mr. Kessler said Monday.

The NBA appealed, but Dam's decision was upheld and the players' Bird rights preserved.

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David Feher



Jeffrey Kessler