

Jeffrey Kessler Discusses the North American Soccer League's Interest in Competing with Major League Soccer

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Jeffrey Kessler, Chair of Winston & Strawn's Antitrust/Competition Practice and Co-Chair of the Sports Law Practice, was featured in the *USA Today* article "[Tom Brady's Lawyer Could Sue U.S. Soccer if Talks Don't Work Out](#)" published on September 4, 2015. The article discusses Mr. Kessler's representation of the North American Soccer League in its communication with the United States Soccer Federation (USSF) concerning its interest in becoming a Division I league.

According to the article, the NASL, the nation's second largest professional soccer league by attendance and currently a Division II league, has applied to become a Division I league to compete with Major League Soccer (MLS), the nation's largest and oldest professional soccer league.

"The United States Soccer Federation has assumed the role of setting standards for what is necessary to be considered a Division I league," Mr. Kessler said. "The problem is that the standards have been manipulated in such a way as to prevent any other league from competing with Major League Soccer."

The article states that NASL applied for Division I status in May, but quickly faced obstacles due in significant part to new proposed requirements that USSF issued in June. Under the proposed new rules, for example, a league would need 16 teams to be certified as a Division I League, up from the previous requirement of 12 teams. NASL currently has plans to expand to 13 teams by next year, but the USSF knew it could not get to 16 teams so quickly.

The USSF has also proposed a new requirement that most teams in a Division I league must be located in markets with at least 2 million people, up from the old requirement of 1 million people.

"The only reason for that requirement is to protect Major League Soccer," Mr. Kessler said. "If you put yourself as the gate keeper to competition, then you have to be fair. And you can't create requirements that only protect the existing competitor."

The timing of the proposed new rules – one month after NASL applied for Division I status – prompted Mr. Kessler to send a letter on behalf of NASL accusing USSF of purposefully raising the bar in an effort to protect MLS from competition.

Mr. Kessler said USSF has financial incentive to keep MLS on top, including deals that earned USSF millions, according to its audited financial statements.

“There’s a lot of reasons why USSF benefits from having just one league,” Mr. Kessler said. “Every time we get close to scoring, they move the field back. It’s not right. It’s not legal.”

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