

A league of his own: Why Kessler got the call to close out Live Nation

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When the Department of Justice settled its monopoly case against Live Nation, a coalition of states still deep in the fight needed a closer. Calling the bullpen of antitrust lawyers, they wanted a showman who could put the game to bed.

Enter Jeffrey Kessler.

Over a generation, the co-executive chair of Winston & Strawn has moulded one of the most formidable antitrust practices in history around the business of sports, tackling transformative cases that have echoed far beyond the courts, tracks and fields.

Delivering legal Hail Marys and sensational corporate knockouts to household names, he was the natural choice for 35 states as they contest a high-stakes monopoly battle.

Speaking to GCR via phone as the states' arguments in the Live Nation trial wound to a close in New York, Kessler said his involvement came as rumours of a [DOJ settlement](#) began to spread days into proceedings.

A successful interview with the committee of attorneys general eager to continue litigating followed, with the likes of California, Texas, Tennessee and Kessler's home state of New York eager to tap the deep bench of expert trial lawyers at Winston.

Crashing the highest-profile antitrust jury trial, perhaps ever, with no less than the fate of the live music industry as table stakes, the assembled unit asked Kessler how long they had to get up to speed.

"I told them we would get at least 10 days if we could. We ended up with eight days. So, close enough, but it was insane," Kessler said. "We only really got that amount of time because we convinced the judge. We filed first the motion for a mistrial, but then the judge gave us the week off, and then we just decided that we were ready to go for it."

Having taken control, Kessler said he intends to see the case through, confirming he would be the lead lawyer for remedies should the contest require extra innings.

This sporting life

Few would bet against a team renowned for producing upsets, having cemented Winston & Strawn's reputation as a major league antitrust practice and propelling the firm to record revenue and profit numbers in recent years.

Last year, the firm hit \$1.27 billion in gross revenue on the back of 7% growth, with the litigation practice generating around half a billion dollars annually.

Kessler is quick to praise the people around him who have made it happen.

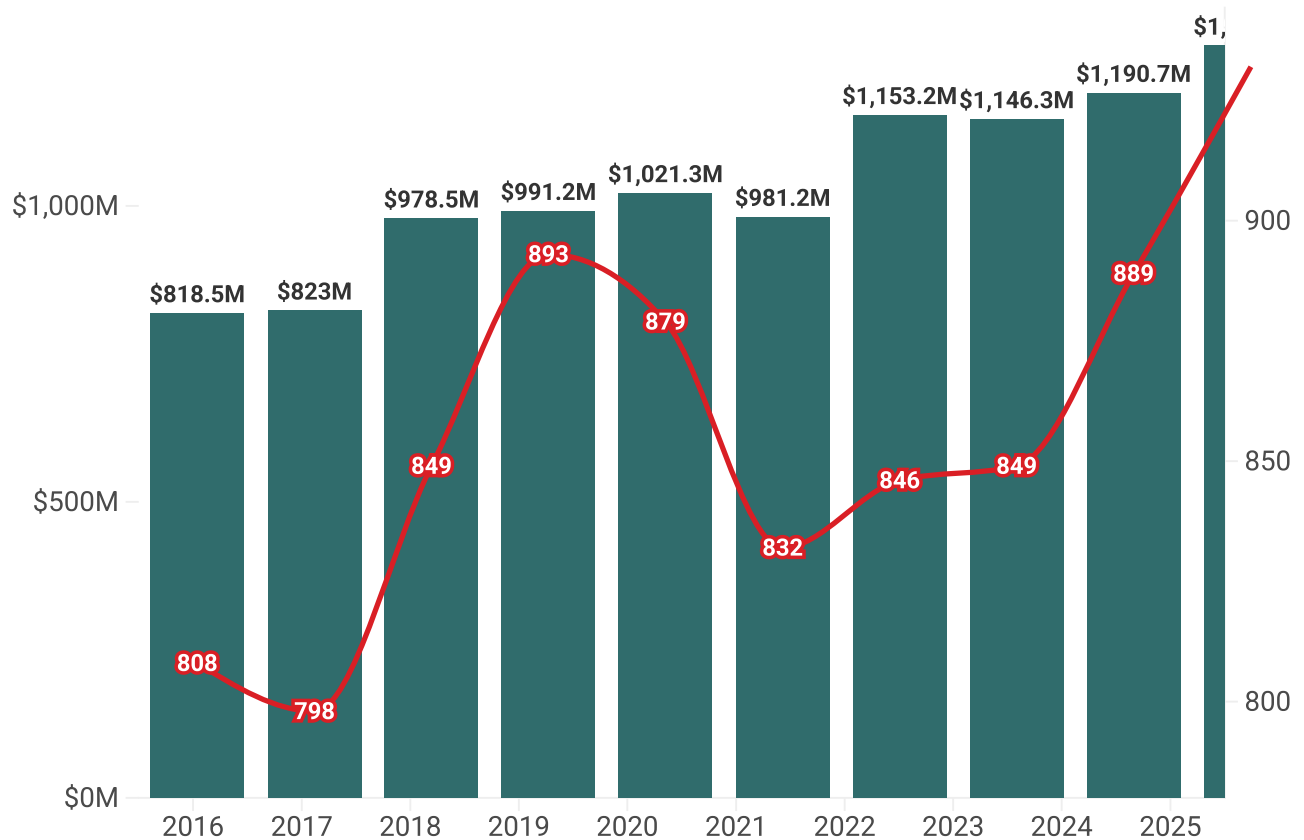
"In the sports world, I have someone like David Greenspan who could frankly come into any case at any time. He's why I can jump into a case like this. And as I jump in...he's doing arguments and hearings and things elsewhere," Kessler said.

"It's not like I was sitting here waiting for work, right? But I have the ability to do that because I know that a David Greenspan, or an Adam Dale, can come in. And then I have great partners like Eva Cole, the co-chair of our antitrust practice. And Josh Hafenbrack and Jeanifer Parsigian, who also did NASCAR with me."

Winston & Strawn

The BigLaw firm's litigation practice has powered revenue to new heights

Head count Revenue



Source: [Law.com Compass](#)



In 2024, Kessler's team was tapped by basketball icon Michael Jordan, co-owner of 23XI Racing, to take on the racing series along with Front Row Motorsports, who alleged that NASCAR illegally controlled race venues, equipment and ultimately the teams.

Kessler said the lawsuit against the largest US motorsport organisation involved the most "egregiously anticompetitive" conduct of any case he has ever worked on, as NASCAR swallowed up rival tracks and forced teams to go through the "charade" of negotiations with a bully.

The deal led to a settlement last year that granted permanent membership to 23XI and Front Row.

A brutal court fight reminiscent of the Detroit Pistons' Bad Boys playoff battles with Jordan's Chicago Bulls included the reveal of internal communications from NASCAR commissioner Steve Phelps, labelling one rival a "redneck" among other derogatory names.

“We ended up settling in the middle of a jury trial, but we got a settlement that is totally instructional,” he said. “NASCAR works with permanent charters for the team within other improvements, where they used to basically be just kind of independent contractors, where they were renting, owning and they couldn’t really develop their businesses. That was a very important case.”

The art of swinging for the fences

“Get on the bus or get run over by it,” Kessler warned the racing series in the opening days of the trial, relishing the opportunity to fight as the underdog.

It is a familiar refrain to the institutions facing off against Kessler’s team in court, and underlines why the state coalition trusted them to take the baton in a very public, highly charged and combative case.

“They have a lot of good lawyers involved, but not, you know, like a really experienced lead trial lawyer for a huge antitrust case like this,” Kessler said. “Fortunately, I’m a pretty quick study, as is a lot of my team. The legal stuff is not hard for us, because this is what we do.”

On the back of NASCAR, the legal principles at the centre of Live Nation weren’t the problem; the challenge was to master the facts, Kessler said.

“There’s only a handful of firms, we think, who can combine the really terrific jury trial skills and the deep knowledge of antitrust law,” he said. “We’re one of those firms. I think that is what attracted the states, Michael Jordan and everyone else. I got a really deep bench of partners who work with me. In a big case like this, you know, we need lots of examiners.”

Kessler’s team worked “incredibly long days, seven days a week”, to remodel the Live Nation witness list and reshape the case alongside the state enforcers.

“I think the first thing you have to think about is how to make it understandable, how to put it in terms that the jury can understand. Simply, how to reduce it,” he said. “Antitrust plaintiffs always have a tendency to overtry their case. They have too many claims, too many theories, too many markets, too much complex information. We really bring it down to the core elements. We cut a lot of witnesses.”

With the arguments in place and the scene set, the lead lawyer is handed the ball.

“I trust juries. I think they get it right if you present the evidence and tell a story that they can appreciate and understand,” Kessler said. “A really good trial lawyer is a really good storyteller.”

Known as a ferocious cross-examiner, Kessler is a force of nature in the courtroom.

“You have to be who you are. Because if you’re not, the jury will see through it. I bring that passion to bear before juries. I think for the most part, because they know it’s genuine and

authentic, the jurors appreciate that and respect it. That they may not always agree with me, but I think they appreciate that.”

He admits sometimes that fire has put him on the wrong side of judges.

“So I have a certain personality and style. I should interrupt judges less, but I do that,” Kessler said mid-question about his courtroom demeanor. “I tried to be better at that over the years, but I'm passionate about my clients and their cases. I will do it as long as I love it, can physically do it, and my clients want me. I have no endpoint other than those things stopping me.”

Third time's the charm

The grandson of immigrants, Kessler was the first of his generation to go to college. He did so during profound and radical social change.

From the Civil Rights and Equal Rights movements to the Vietnam War, the young Kessler initially wanted to explore politics as a way to change the world before landing at Columbia Law School.

“I had no knowledge at all that I would do antitrust when I was in law school. Antitrust was my third choice, but that's what I got. And I found the cases to fit into exactly what I was thinking, interesting cases that have the ability to change whole industries, of making progress, of creating, and moving things for the better.”

As a summer associate at [Weil Gotshal & Manges](#), Kessler met his mentor, Ira M Millstein, one of the most powerful and influential lawyers on Wall Street. The biggest antitrust practices at the time were housed in the capital, but Millstein had created a powerhouse operation in the Big Apple, where Kessler was loath to leave, having grown up in Brooklyn.

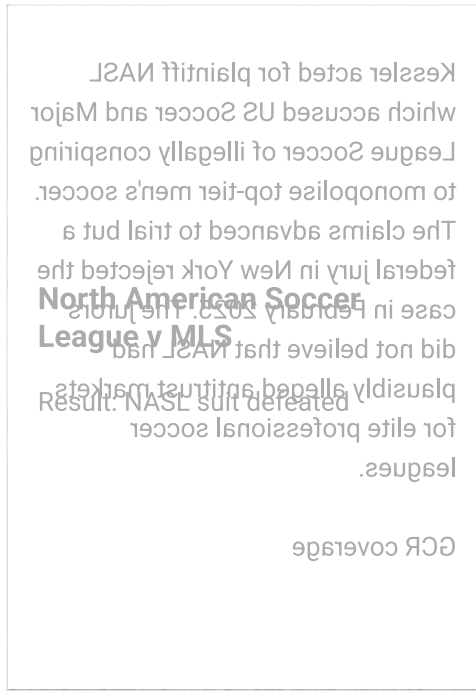
“It was fantastic. Ira was an amazing lawyer, an amazing person, a larger-than-life personality and he shaped a lot of my traits,” Kessler said. “I talk to my younger generation partners and it's like in sports, they call it a coaching tree, right? I come from the original Millstein coaching tree, and all of them, even if they never met Ira, are impacted by him as branches.”

At Weil, Kessler's determination to use antitrust as a vehicle to help athletes secure fairer terms carried through the next three decades at what later became Dewey & LeBoeuf and then Winston & Strawn.

Kessler's most iconic battles

Hover over the cards for more on some of sport's biggest antitrust cases

Sport Motorsports American football Basketball College sports Soccer



Source: GCR archives, Shutterstock, court filings



Full court press

Of several which upended US sports, he picked out [*Bridgeman v NBA*](#) in 1987, and [*McNeil v NFL*](#) in 1992, both of which granted US basketball and football players greater freedom to switch teams and secure more lucrative contracts.

Other major wins included successfully litigating on behalf of double amputee Oscar Pistorius to compete in the Beijing Olympics and making further inroads for athletes in other sports.

Kessler also fought US Soccer on behalf of the North American Soccer League, which [**failed**](#) to convince a New York federal jury last year that it had illegally restrained competition for top-flight men's soccer.

"If I had to pick the most impactful things that I've done, one would be the college sports litigation; the *House* case, which I [**argued**](#) in the Supreme Court," Kessler said.

In helping college athletes secure a landmark antitrust settlement from the NCAA, Kessler's team unlocked billions for those who competed before they were allowed to earn money from their name, image and likeness.

“It’s hard for people outside the US to understand this, but college sports as a business in the US is bigger than all of our sports except for the NFL,” he said. “It has more revenue than basketball or hockey and baseball. Yet the athletes were basically subject to a cartel that paid them zero, and that's now totally transformed.”

Of all the victories, he cites the fight for equal pay for the US women’s national soccer team as the one he is most proud of, which in 2022 secured a \$24 million settlement for current and future players and guaranteed equivalent payments for the men’s and women’s teams.

The legal arguments were based on US civil rights laws and the Equal Pay Act, which achieved the collective bargaining agreement.

“I want to emphasise, in all these cases, the results we achieved were because of incredible, brave athletes who stood up,” he said.

As a young man, Kessler’s heroes were athletes who transcended their sport in the fight for equality, like Muhammad Ali and Kareem Abdul-Jabbar. Their spirit now shapes his work in the courtroom, where he is fighting to give everyday music lovers a puncher’s chance against the world’s largest live entertainment company.

“My practice in sports is beyond antitrust. We try to use antitrust to really reshape all industries,” he said. “And now, I’ll see if we can change the world of live entertainment and ticketing too.”

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