

Federal Court Finds the NCAA in Violation of the Antitrust Laws

MARCH 8, 2019

In a landmark ruling, Judge Claudia Wilken of the Northern District of California held the National Collegiate Athletic Association (NCAA) to be in violation of the antitrust laws and issued an injunction against NCAA limitations on schools providing additional education-related benefits to athletes, like post-graduate scholarships, internships, computers, study abroad programs, and academic awards. This is the second time the NCAA's compensation rules have been held to violate the antitrust laws.

Winston & Strawn Co-Executive Chairman and Sports Law Practice Co-Chair Jeffrey Kessler, the co-lead class counsel, made the following statement after receiving news of the victory:

"This is a big step forward for the athletes and another loss for the oppressive NCAA system. This is the second time the NCAA compensation rules have been held unlawful and it will not be the last. While more needs to be done, this is a turning point in the fight to create a fair system for all."

"One of the most significant new benefits that will now be permitted is that schools will be able to provide thousands of dollars a year in academic incentive payments to students who make progress towards their degrees. This is change which will both reward the athletes economically for the enormous revenues they generate and encourage them in their studies. It is a win-win for improved economic fairness to the athletes and the pursuit of educational values."

The Winston & Strawn team was led by Partners Jeffrey Kessler, David Greenspan, David Feher, and the late Derek Sarafa, and supported by Associates Jeanifer Parsigian, and Adam Dale.

Winston's co-counsel includes Steve Berman and Jeff Friedman of Hagens Berman Sobol Shapiro LLP and Bruce Simon and Benjamin Shifan of Pearson, Simon & Warshaw, LLP.

This decision garnered widespread media attention, including articles in *The New York Times*, *The Wall Street Journal*, *Sports Illustrated*, and *Law360*. In addition, Jeffrey was named "Litigator of the Week" by *The American Lawyer* and Law360 named Jeffrey and the Winston team "Legal Lions."

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