WINSTON & STRAWN
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CLIENT SUCCESS

Winston Achieves Arbitration Victory for the NFLPA Contesting the NFL's Disciplinary Recommendation for Cleveland Browns Quarterback DeShaun Watson

AUGUST 1, 2022

Winston serves as regular outside counsel for the National Football League Players Association (NFLPA). In that role, we are sometimes called upon to represent the union in defending the rights of NFL players in disciplinary arbitrations under the NFL-NFLPA Collective Bargaining Agreement (CBA). In August 2022, we successfully represented the NFLPA in a widely followed arbitration challenging the discipline recommended by the NFL for Cleveland Browns quarterback Deshaun Watson, who had been accused of sexual misconduct during various massage sessions. The NFL's recommended discipline—an indefinite suspension of no less than a full NFL season of 17 games—was unprecedented.

After a week-long arbitration trial provided for under the CBA, on August 1, 2022, <u>Judge Sue Robinson rejected the NFL's proposed discipline and imposed a six-game suspension</u>, which, as Winston argued, was the result required to achieve fair and consistent treatment, as required by the CBA. The NFL appealed. Ultimately, we negotiated a resolution satisfactory to the union and Watson—an 11-game suspension, which was substantially less onerous than the indefinite suspension of at least 17 games sought by the NFL.

IMPACT

The CBA principle of fair and consistent treatment in player discipline is important to protect the rights of all NFLPA players. The NFLPA fought the proposed discipline of Deshaun Watson to preserve that principle in the first disciplinary arbitration under the new 2020 CBA. By achieving a victory on this issue, we not only achieved a much fairer result for Watson but obtained an important precedent under the new CBA that will protect the rights of all NFL players.

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