

CLIENT SUCCESS



Winston Secures Unanimous Supreme Court Victory for College Players in Their Antitrust Challenge to NCAA Amateurism Rules

JUNE 21, 2021

Winston scored an historic, *Sports Illustrated*-branded “groundbreaking and disruptive” victory against the NCAA and its most-significant sports conferences when the U.S. Supreme Court unanimously held that the NCAA’s restrictions on education-related benefits for student athletes violate U.S. antitrust laws. With co-counsel, Winston litigators represented classes of current and former Division I college basketball and FBS football student players from the beginning in this litigation challenging the legality of NCAA members’ horizontal restraints on athlete compensation, as reflected in rules that the NCAA has historically defended in the name of “amateurism.” The Supreme Court’s decision upholds our May 2019 trial win—that many opined would forever change the college sports landscape—and subsequent May 2020 Ninth Circuit victory, when a three-judge panel unanimously held that “NCAA limits on education-related benefits do not play by the Sherman Act’s rules.” The NCAA asked the Supreme Court to interpret its 1984 decision in *NCAA v. Board of Regents* in a way that would make amateurism-based rules exempt from scrutiny under the antitrust laws. In its decision, the Court squarely rejected that position, making clear that agreements among the NCAA and its members are subject to the antitrust laws’ rule of reason.

In his concurring opinion, Justice Kavanaugh wrote: “Nowhere else in America can businesses get away with agreeing not to pay their workers a fair market rate on the theory that their product is defined by not paying their workers a fair market rate.” “And under ordinary principles of antitrust law, it is not evident why college sports should be any different. The NCAA is not above the law.” The decision, widely reported by media outlets such as the *WSJ*, *NYT*, *BBC*, *LA Times*, *Washington Times*, and major broadcast networks has already paved the way for future antitrust challenges to the NCAA’s restraints, including two cases filed by Winston lawyers—*House v. NCAA* and *Hubbard v. NCAA*.

Winston Co-Executive Chairman and Sports Law Practice Chair Emeritus **Jeffrey Kessler**, who argued the case before the Supreme Court, was named The American Lawyer’s Litigator of the Week following the decision. **Linda Coberly** was counsel of record in the Supreme Court and led the briefing. Our position garnered the support of dozens of law professors and other amici, as well as the U.S. government, represented by Acting Solicitor General Elizabeth Prelogar.

IMPACT

The Supreme Court’s decision established that the NCAA and its member conferences and schools are subject to, and must comply with, U.S. antitrust laws. To quote Justice Kavanaugh’s concurring opinion, “The NCAA is not above the law.” It has been hailed by many industry participants and commentators as what Sportico referred to as **“one of the most significant sports law decisions in U.S. history.”** Within days of the decision, the NCAA concluded that it would suspend indefinitely most of its “name, image, and likeness (NIL) rules” that prohibited college athletes from receiving compensation from brands and other third parties. The successor *House* litigation, among other things, is challenging NCAA restraints on conferences paying athletes for their broadcast NILs and the entire economics of college athletics is being transformed to benefit the athletes as the courts digest and apply the historic *Alston* ruling.

(*Alston v. NCAA; In re: National Collegiate Athletic Ass’n Athletic Grant-In-Aid Cap Antitrust Litigation*) (Case No. 4:14-md-02541, U.S. District Court for the Northern District of California; Case Nos. 19-15566 and 19-15662, U.S. Court of Appeals for the Ninth Circuit; Case Nos. 20-512 and 20-520, U.S. Supreme Court))
3 Min Read

Related Locations

[Chicago](#)[New York](#)[San Francisco](#)

Related Topics

[Sports](#)[Supreme Court](#)[NCAA](#)

Related Capabilities

[Appellate & Critical Motions](#)[Class Actions & Group Litigation](#)[Antitrust/Competition](#)[Sports](#)

Related Professionals



[Jeffrey Kessler](#)



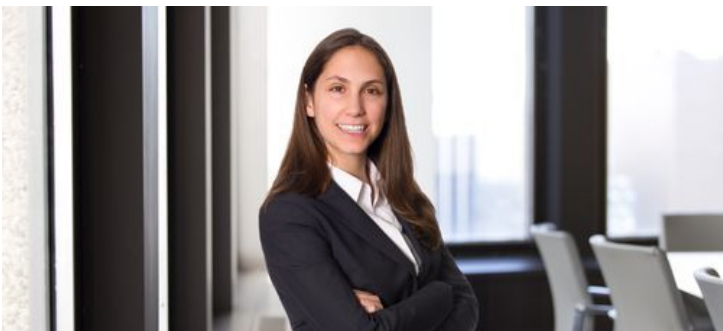
Linda Coberly



David Feher



Dave Greenspan



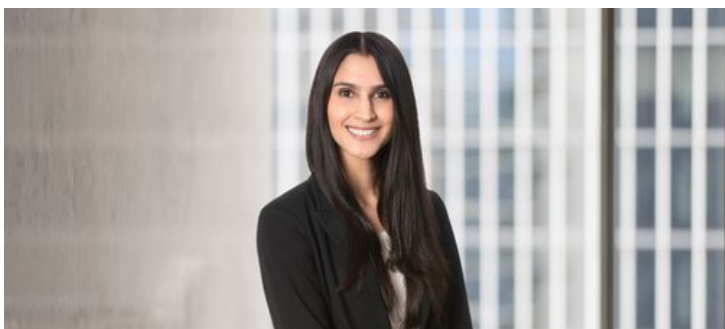
Jeanifer Parsigian



Adam I. Dale



Scott Sherman



Neha Vyas