

Winston & Strawn Scores for NFL Players in Saints' "Bounty" Case

DECEMBER 11, 2012

On December 11, 2012 – in a case that made headlines throughout the nation – Winston & Strawn scored an historic victory for the NFL Players Association and NFL players Scott Fujita, Anthony Hargrove, Will Smith and Jonathan Vilma.

NFL Commissioner Roger Goodell had suspended each of the four players for their alleged roles in a “pay-for-performance/bounty” program created and run by defensive coaches for the New Orleans Saints. Specifically, Commissioner Goodell issued an arbitration decision in July in which he concluded that the Saints so-called “bounty” program had improperly incentivized injuring NFL players and that the four players’ respective roles in this program warranted severe suspensions.

A team of Winston & Strawn attorneys launched a multi-prong attack on Commissioner Goodell’s arbitration decision, arguing that it was the result of a flawed and unfair process, the suspensions were not justified, the Commissioner has exceeded his authority in imposing the discipline, and the Commissioner had shown himself to be “evidently partial” and therefore was not legally fit to serve as the arbitrator. Ultimately, the Winston & Strawn team succeeded on every one of these points. Through a series of victories before an arbitration appeals panel and before the U.S. District Court in New Orleans, the Winston & Strawn team prevented the suspensions from being put in place during the current NFL season and eventually forced Commissioner Goodell to step down in favor of former NFL Commissioner Paul Tagliabue, who would assume the role of arbitrator.

The arbitration proceedings before Mr. Tagliabue culminated in a recent four-day hearing in which the Winston & Strawn team and the players had their first meaningful opportunity to confront the evidence against them. On December 11, one week after the hearing concluded, Mr. Tagliabue issued a final decision vacating all player discipline – a complete victory for the NFL Players Association and the players. In short, Mr. Tagliabue found that the players had been unfairly singled out, their punishments were unjustified, and it was Saints coaches and management who bore the responsibility for any wrongdoing. Mr. Tagliabue’s decision has been reported everywhere from ESPN to *The New York Times* and has received national acclaim as an improbable and stunning win. The matter will serve as an important precedent affirming NFL players’ rights to due process and consistent disciplinary treatment.

The case was handled by New York-based partners Jeffrey Kessler, David Feher, and David Greenspan, together with associate Jon Amoon.

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