

Jeffrey Kessler Discusses Penn State Sanctions with *Deadspin*

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Winston & Strawn partner [Jeffrey Kessler](#), based in the New York office, was quoted in the *Deadspin* article “How Penn State Could Have Fought The NCAA And Won,” published July 26, 2012.

When Penn State’s president accepted the NCAA’s punishment, which included scholarship cuts, probation, bowl bans, vacated wins, and an unprecedented \$60 million fine, he saw no other viable option for the team. However, Mr. Kessler said that if Penn State had sued the NCAA on antitrust grounds, they would have had a reasonable case to beat most of the sanctions. The NCAA’s power to hand down punishments in these unique circumstances is unclear and past cases have been contradictory, making Penn State’s case imperfect; however, they could have made the case that the sanctions created an unfair restraint on economic competition.

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