

## David Greenspan Discusses Antitrust Laws and the NCAA

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Winston & Strawn partner David Greenspan spoke on the panel “Amateur In Name Only? The Intersection Between Antitrust Law and College Athletics” at the New York State Bar Association’s [Antitrust Law Section Annual Meeting](#) on January 29, 2015. The panel was covered in the January 29 *Global Competition Review* article “College Sports Fully Subject to Antitrust Law, Says Panel.”

The panel of antitrust professors and practitioners agreed that college sports should be considered “big business,” but opinions differed on whether the National Collegiate Athletic Association’s (NCAA) student-athlete restrictions are necessary and beneficial or a by-product of an “illegal cartel” exploiting young athletes.

“We don’t allege that college athletes get no benefit from attending college on a scholarship, but we certainly don’t feel like the bargain is a fair one,” said Mr. Greenspan, who represents a class of former student-athletes in *Jenkins v. NCAA*, a class action lawsuit challenging the NCAA’s cap on compensation. “What *Jenkins* challenges is that compensation for college athletes is drawn at the line the NCAA mandates for everyone; in any other context, we call that price fixing. There is zero competition on economic terms between colleges and universities to recruit athletes; that’s the issue – the absence of competition for their services.”

Mr. Greenspan also pointed out the inconsistency of the NCAA’s restrictions on college athletes in comparison to other students with scholarships and argued that the NCAA’s amateurism rules do not actually serve the NCAA’s purported objectives.

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Dave Greenspan