



# NCAA v. Alston SCOTUS Decision

June 21, 2021 – Upheld certain NCAA rules violated Section 1 of the Sherman Antitrust Act

- Limited issue related to NCAA rules limiting “education-related benefits” with huge implications
- NCAA can no longer rely on NCAA v. Board of Regents of the University of Oklahoma (1984) dicta to support antitrust protection
- Judge Kavanaugh concurring opinion suggests all NCAA compensation rules (e.g., scholarship limits) “raise serious questions under antitrust laws”



11.24.2021 | Texas Athletics

## Texas student-athletes set to receive additional financial support

*Beginning with the 2022 spring semester, Longhorn student-athletes can earn supplemental support through the Academic Enhancement Benefits program.*

## Ole Miss Breaks Ground on Post-Alston Ruling 'Extra Benefits'

The Rebels are the first to take advantage of the recent Supreme Court ruling allowing schools to hand down payments for academic achievements.



# Issues

1. Title IX clearly implicated
2. Where will the money come from?
3. What are the trends outside of Power 5?

# NCAA adopts interim name, image and likeness policy

Interim policy goes into effect Thursday



NCAA college athletes will have the opportunity to benefit from their name, image and likeness beginning Thursday. Governance bodies in all three divisions today adopted a uniform interim policy suspending NCAA name, image and likeness rules for all incoming and current student-athletes in all sports.

"This is an important day for college athletes since they all are now able to take advantage of name, image and likeness opportunities," NCAA President Mark Emmert said. "With the variety of state laws adopted across the country, we will continue to work with Congress to develop a solution that will provide clarity on a national level. The current environment – both legal and legislative – prevents us from providing a more permanent solution and the level of detail student-athletes deserve."

The policy provides the following guidance to college athletes, recruits, their families and member schools:

- Individuals can engage in NIL activities that are consistent with the law of the state where the school is located. Colleges and universities may be a resource for state law questions.
- College athletes who attend a school in a state without an NIL law can engage in this type of activity without violating NCAA rules related to name, image and likeness.
- Individuals can use a professional services provider for NIL activities.
- Student-athletes should report NIL activities consistent with state law or school and conference requirements to their school.

## Gary Patterson Admits TCU Could Lose Players With New NIL Rules



By [Pete Mundo](#)

Posted on September 16, 2021



“There’s five SEC schools calling (a given player) and telling him ‘Here’s what we’ll give you if you come here and not stay at TCU,’” Patterson said. “At the end of the day, that’s just real life. If we don’t do anything about it, within a year we lose him. The rules have changed. There’s no wrong anymore.”

## New initiative puts more money in the NIL game for UT athletes



## Texas football's offensive linemen secure NIL deal, will get \$50,000 annually to aid charitable causes

By ESPN.com news services via **ESPN**  
December 6, 2021, 5:19 PM • 2 min read



AUSTIN, Texas -- Every Texas Longhorns offensive lineman on scholarship will get \$50,000 annually for use of their name, image and likeness to support charitable causes, a new nonprofit entity announced Monday.

Horns with Heart said "The Pancake Factory" program would start in August 2022. The organization said it hopes to expand the program to other football position groups and Longhorns athletes in the future. The name comes from the "pancake" blocks linemen sometimes do during play.

# Oregon Ducks running back Travis Dye enters transfer portal, weighing return to UO, per source

Updated: Jan. 14, 2022, 11:07 a.m. | Published: Jan. 14, 2022, 9:35 a.m.



Oregon's Travis Dye celebrates after scoring his second touchdown of the day as the No. 11 Ducks host the Oregon State Beavers in their annual college football rivalry game on Saturday, Nov. 27, 2021, at Autzen Stadium in Eugene. Photo by Serena Morones for The Oregonian/OregonLive Serena Morones for The Oregonian/OregonLive

# Issues

1. Title IX likely not implicated, but . . .
2. Can there be a degree of coordination between U and boosters?
3. What are the trends outside of Power 5?



# Lack of Clear-Cut NCAA Rules Creates Confusion About NIL

The NCAA has contacted Brigham Young regarding a whole-team NIL deal, even as the rules on players profiting from the use of their name, image and likeness remain unclear.

By [Josh Moody](#) // January 4, 2022



TIM WARNER/CONTRIBUTOR/GETTY IMAGES SPORT

Brigham Young football has signed an all-team NIL deal with a protein bar company.

# Classifying college athletes as employees, NLRB memo sets stage for further NCAA destabilization

The NCAA's power continues to diminish as athletes earn more rights and opportunities



By [Dennis Dodd](#) Sep 29, 2021 at 5:52 pm ET • 6 min read



# UNFAIR LABOR CHARGE AGAINST NCAA MAY OFFER NLRB A NEW TEST CASE

BY DANIEL LIBIT, MICHAEL MCCANN

NOVEMBER 16, 2021 12:00PM



Six years after Northwestern football players were denied union rights by the National Labor Relations Board, a former Minnesota regent believes he's given the agency just what it needs to gut amateurism.

AP/PAUL BEATY

# Johnson v. NCAA (Aug.2021)

## Federal Judge Refuses to Dismiss Action Seeking to Classify Student-Athletes as Employees

Wednesday, September 1, 2021

A case that may signal the continued erosion of the amateur status of college student-athletes will continue as the action in *Ralph “Trey” Johnson et al. v. NCAA* has survived the defendants’ motion to dismiss the complaint.

U.S. District Court Judge John Padova allowed the six student-athlete plaintiffs’ claims against Villanova, Fordham, Sacred Heart, Cornell and Lafayette to proceed as he concluded the schools had failed to show at this stage of the litigation that the student-athletes were not employees. The student-athletes brought their claims as a proposed collective or class action. They seek to be classified as employees pursuant to the Fair Labor Standards Act (FLSA) and state labor laws and be entitled to paid minimum wage.

Judge Padova’s 30-page order discussed familiar arguments made by the plaintiffs’ attorney Paul McDonald in *Berger v. NCAA*, a 2016 case decided by the U.S. Court of Appeals for the Seventh Circuit. In *Berger*, the Seventh Circuit rejected the “employee” argument, concluding the amateur status of college athletes prevented their classification as employees of their individual schools. Judge Padova rejected the schools’ argument that the student-athletes are enrolled as students and do not perform functions of an employee.



A Villanova Wildcats wide receiver catches a pass in a Sept. 9, 2017, game against the Temple Owls.

Photo by Mitchell Leff/Getty Images

## NCAA Hit With Another Lawsuit Seeking Pay for Athlete’s Play (3)

# What Does It Mean If Athletes are Employees?

1. Title IX clearly implicated
2. Where will the money come from?
3. Covered by workers compensation?
4. Entitled to health insurance and other employment benefits?



# Michigan State athletics completes partnership deal with Caesars Sportsbook

 **Matt Charboneau**  
The Detroit News

Published 11:15 a.m. ET Jan. 13, 2022 | Updated 11:39 a.m. ET Jan. 13, 2022

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Michigan State is going all in, and that's not just on the playing field.

On Thursday, the university announced it was partnering with Caesars Sportsbook to become the official and exclusive sports betting and iGaming partner of MSU Athletics.



Spartan leads out the football team. *Special To The Detroit News*



## Big Trouble At Tulane

Allegations about another look-alike player scandal have rocked the off-season world of basketball  
by **DOUGLAS S. LOONEY**  
Special reporting by *Aspen Kenyon*

The he is on the night's game. "I'm looking for a player who looks like a Tulane basketball player to the point of being indistinguishable to the eyes of some fans at the entrance of the gym," said Mike [redacted] from the [redacted] team. "I was looking for a player who looks like a Tulane basketball player to the point of being indistinguishable to the eyes of some fans at the entrance of the gym," said Mike [redacted] from the [redacted] team. "I was looking for a player who looks like a Tulane basketball player to the point of being indistinguishable to the eyes of some fans at the entrance of the gym," said Mike [redacted] from the [redacted] team.



**HUSCH BLACKWELL**

# Contract Negotiation

ESPN

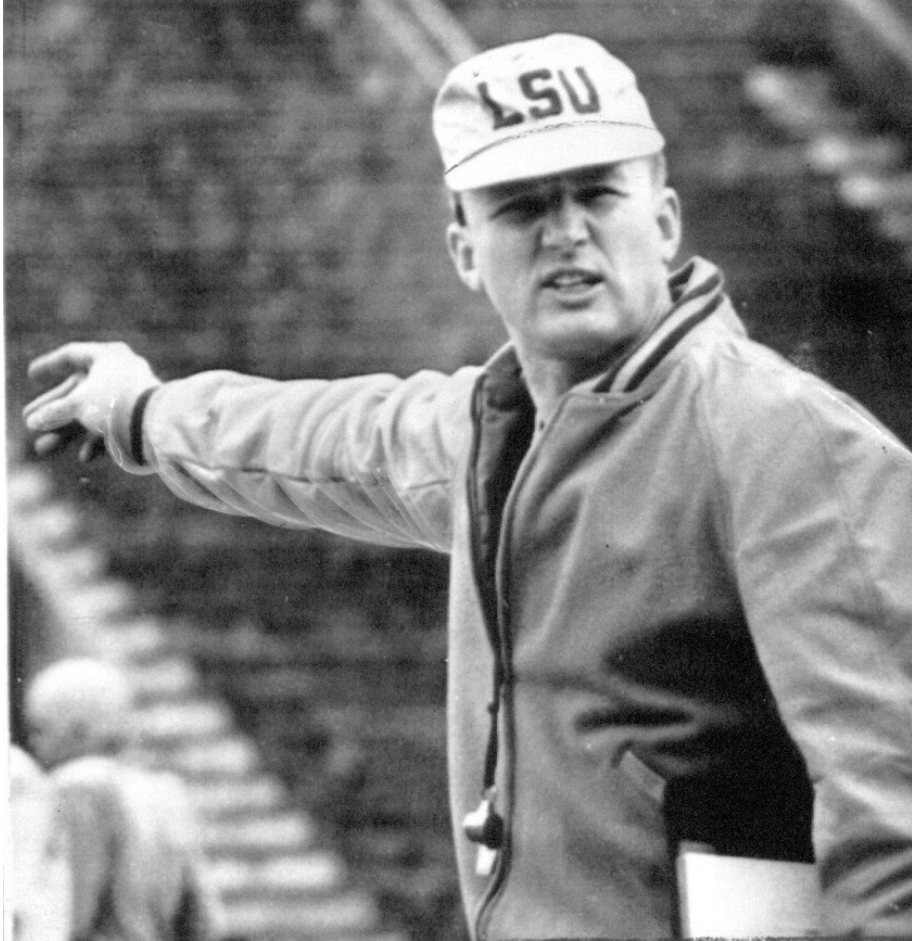
## THE BOOM OF DEAD MONEY IN COLLEGE SPORTS



- According to an ESPN analysis of financial records of athletics departments at public universities, FBS programs spent more than \$533.6 million in dead money in an 11-year period from Jan. 1, 2010, to Jan. 31, 2021.
- Remarkably, the dead money total is actually much more than that. The financial records did not include payments for many of the coaches who were fired during or after the 2020 football and 2020-21 basketball seasons. In football alone, FBS schools committed another \$107.6 million in severance pay before mitigation to fired coaches and their staffs in 2020.



# Paul Dietzel



- 1958 National Championship
- 5-year contract for \$16,500 per season, \$2,500 pay raise

# 1. Lincoln Riley salary (estimated): \$10-plus million (USC)



Kirby Lee-USA TODAY Sports