

# SPORTS LITIGATION ALERT

April 30, 2026

Vol. 23, Iss. 9

## Cases

### **Dall. Sports Grp., LLC v. DSE Hockey Club, L.P. – ‘A Tale of Two Texas Teams’**

**By John Tyrrell and Kendal Hutchings, of Ricci Tyrrell Johnson & Grey**

**A** contentions litigation and operations conflict between the Dallas Mavericks (“Mavericks”) of the National Basketball Association and the Dallas Stars

(“Stars”) of the National Hockey League received significant clarity from the Texas Business Court’s rulings on April 2, 2026, which decided various competing motions. The conflict stems from the teams’ joint use of the American Airlines Center (“AAC”) through the Mavericks and Stars’ fifty-fifty joint venture company Center Operating Company, LP (“COC”), which contracted with the City of Dallas to operate and use AAC for the teams’ respective home games. While

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the Mavericks appear to have gained control of AAC because of the rulings, what will happen next is still not certain. After the rulings, the Mavericks dismissed related claims for money damages made in the same suit, and a final resolution through settlement may be in the future.

On April 2, 2026, in *Dall. Sports Grp., LLC v. DSE Hockey Club, L.P.*, 2026 Tex. Bus. 15 (1<sup>ST</sup> Division), 2026 TXBC LEXIS 17, Judge Bill Whitehill of the Texas Business Court authored an opinion holding that the Mavericks permissibly redeemed the Stars' fifty percent interest in their joint venture, COC, thereby allowing the Mavericks to gain legal control over COC and the AAC arena.

The Mavericks alleged the Stars violated a Franchise Agreement with the City of Dallas requiring its headquarters to be located within Dallas. Since 1999, the Stars and the Mavericks have shared use of AAC for their respective home games through: (a) the COC Agreement; (b) the Stars' Franchise Agreement with Dallas; (c) the Mavericks Franchise Agreement with Dallas; and (d) the Center GP Agreement<sup>1</sup>. These four contracts, which were executed over a one-year period in 1999, are a part of an arrangement whereby Dallas issued bonds to finance the construction of the arena.

Each of the franchise agreements contains a "Location Commitment" requiring that "... the Owner shall continuously designate the City as *the location* (a) in which the Home Games shall be played, and (b) in

<sup>1</sup> The Center GP agreement establishes the General Partner of COC, also owned fifty-fifty by the teams.

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which the principal corporate and executive offices of the *Team* shall be maintained." (Opinion, p. 6)<sup>2</sup>

With these commitments to the City of Dallas, the COC and Center GP agreements contained Relocation Events clause(s) providing that if a Relocation Event occurs: (i) the partnership and a general partner may redeem the Relocation Partner's/Member's interests in that entity; or (ii) a "Remaining Partner/Member" may cause such redemption. Either way, the redeeming party must pay the redeemed party \$100 for the partnership interest and \$10 for the general partner membership interest. A Relocation Event occurs if, before 2031, a party breaches its Location Commitment to Dallas. (Opinion, p. 7)

Both parties alleged that the other had a Relocation Event(s). The Mavericks argued that the Stars became a Relocation Partner, triggered no later than 2023, when the Stars moved their administrative offices and facilities to Frisco, Texas. The Stars contended that the Mavericks were in breach of its Location Commitment because the Mavericks' principal office address was changed to Las Vegas, NV.

On October 25, 2024, the Mavericks delivered a letter to the Stars stating that a Stars' Relocation Event had occurred and the Mavericks were causing COC and Center GP to redeem the Stars' interests in those entities. The Mavericks tendered \$100 and \$10 in cash, per the agreements. The Stars rejected the Mavericks' purported redemptions. The City of Dallas also sent the Stars an October 3, 2025 letter discussing the Stars' Location Commitment default. (Opinion, p. 8).

The Mavericks brought suit pleading two counts. First, the Mavericks requested a declaratory judgment that (i) they caused a redemption of the Stars' COC and Center GP ownership interests; (ii) the Mavericks became both entities' sole owner; (iii) the Stars' Center GP board members are deemed to have resigned; and (iv) the Mavericks have sole authority to designate their replacements. Second, the Mavericks pled a tortious interference claim asserting that the Stars' refusal to acknowledge the redemptions, and the termination of the Stars' board positions, tortiously interferes with

<sup>2</sup> Opinion page citations refer to the original Opinion and Order on Combined Summary Judgment Motions.

the Mavericks' contractual right to approve necessary arena expenditures<sup>3</sup>. (Opinion, p. 9)

The Stars answered, pled affirmative defenses, and asserted a declaratory judgment counterclaim.

The Texas Business Court found in favor of the Mavericks on essentially all issues. The Court concluded that as a matter of law, the Location Commitments have only one reasonable meaning:

*“Owners” are required to designate and maintain in Dallas the principal corporate and executive offices of their respective “Team,” rather than the “Owner’s” own such offices. Further the evidence conclusively establishes that at all relevant times the Mavericks have complied with this requirement—and the Stars have not. (Opinion, p.4)*

Judge Whitehill ruled that as a matter of unambiguous contract construction, the Stars' failure to designate and maintain their Team's principal and corporate offices in Dallas breached their Location Commitment to Dallas. The Mavericks did not breach their commitment because it maintained the Team office in Dallas, while its Owner's offices were based in Las Vegas.

Among the additional rulings by Judge Whitehall were:

1. The parties must have contemplated and established a method to permit redemptions and avoid a deadlock where the Stars could otherwise effectively block a redemption by refusing to accept it taking place. (Opinion, p. 40)
2. The Maverick's declaratory judgment claim was not barred by a 4-year statute of limitations for breach of contract actions. The Court held that even though the Stars placed their Team offices outside of Dallas for more than 4 years before suit was brought, the declaratory judgment cause of action did not accrue until 2024 when the Stars refused to recognize the asserted redemptions (Opinion, p. 43).
3. The declaratory judgment action was not barred by the “original impossibility doctrine” based on the fact the Stars essentially violated their Location Commitment at all times since they signed

their franchise agreement. The Court found this argument ignores that the Stars could have avoided redemption by moving to Dallas. (Opinion, p. 46).

4. The Mavericks' twenty-plus years of inaction while the Stars' offices were not in Dallas did not amount to a waiver, especially given the existence of nonwaiver clauses in the COC and Center GP

## SPORTS LAW EXPERT

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### Expert Attorney



**David Sunkin**

***Expertise:** Co-Head of the firm's Sports Industry Team; transactional matters that include the sale of controlling and non-controlling ownership interests; venue operating agreements; and media rights, branding and sponsorship deals.*

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<sup>3</sup> The Mavericks dismissed the tortious interference claims shortly after Judge Whitehill's opinion was issued.

agreements. (Opinion, p. 58).

Part of the background of the dispute between the teams is a contention by the Mavericks and City of Dallas that the Stars halted a deal to refurbish AAC. Fans of both sports franchises now wait to see the interrelated futures of AAC, the Mavericks, and the Stars.

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## Federal Court Dismisses Age Discrimination Claims in *Benedict v. Manfred*

By Landis Barber

In late March, a federal judge dismissed an age discrimination lawsuit in *Benedict, et al. v. Manfred, et al.*, a case brought by 35 former Major League Baseball (MLB) scouts against the league and its member clubs. The plaintiffs, ranging in age from 54 to 86, alleged that they were pushed out of their roles between 2019 and 2022 and subsequently denied employment across the league. Specifically, each plaintiff sought new scouting opportunities after termination but failed to secure a position with any club.

Throughout the facts, the complaint discussed the evolution of baseball operations. The plaintiffs argued that Major League Baseball's reliance on analytics, often referred to as "Moneyball," led to replacing older scouts with younger candidates. Traditionally, scouts evaluated players through in-person observation and qualitative assessments. As alleged, over time, teams began shifting toward data-driven evaluations, video analysis, and statistical modeling. According to the plaintiffs, this transition created a preference for younger scouts.

The plaintiffs further alleged that this shift did not occur naturally. Instead, the shift was a result of coordination among Major League Baseball and its clubs, including the use of informal blacklists and league-level directives designed to limit opportunities for older scouts. Specifically, the plaintiffs referred to alleged

lists identifying certain scouts as ineligible for rehire and described communications suggesting that clubs faced pressure to reduce the number of older scouts.

Despite these allegations, the court determined that the plaintiffs' claims failed. The decision turned less on the merits of age discrimination and more on deficiencies in jurisdiction and pleading. At the motion to dismiss stage, the court evaluated whether the complaint contained sufficient factual allegations to state a plausible claim for relief. For multiple reasons, the court concluded that the plaintiffs failed to meet that standard.

The court first addressed personal jurisdiction. The plaintiffs attempted to bring nearly all Major League Baseball clubs into the Southern District of New York by asserting that MLB operated as a centralized authority, arguing that the league's headquarters in New York and its role in coordinating certain league-wide policies created a sufficient connection to the forum. The court was not persuaded, emphasizing that jurisdiction requires a concrete connection between the forum and the specific conduct at issue.

Despite teams playing games in New York or maintaining league affiliations, the plaintiffs could not establish a sufficient nexus to alleged hiring decisions affecting individual scouts. Throughout the league, hiring decisions occurred at the club level, often outside New York, and the complaint did not allege that those decisions took place in or were directed from the forum. Without those connections, the court refused to exercise jurisdiction over many of the defendants.

In addition, the plaintiffs argued that Major League Baseball and the clubs acted as a joint employer, collectively controlling employment across the league, making them jointly responsible for hiring decisions. The court disagreed. After examining whether Major League Baseball exercised direct or immediate control over the scouts' employment, the court determined that the complaint did not support the plaintiffs' allegations. Instead, the league is a system in which individual clubs hire, manage, and pay scouts. Here, while Major League Baseball may influence league-wide policies, such as standardized contracts, arbitration requirements, and general operating rules, those do not equate to control over hiring decisions. Without that, the plaintiffs failed to establish a joint employer relationship.

Even the claims against the New York-based defendants, the Yankees and the Mets, could not survive dismissal. The Yankees offered a nondiscriminatory explanation for their hiring decision and cited budget limitations. The court accepted that explanation as a legitimate business justification and noted that even profitable organizations routinely make allocation decisions based on internal priorities. A decision not to hire based on financial constraints does not, by itself, support an inference of discrimination.

The Mets did not respond to at least one application submitted by a plaintiff. However, the absence of a response, without more, did not establish discriminatory intent. Employers decline or ignore applications for a variety of reasons. Without additional facts, the claim could not proceed.

Most importantly, the plaintiffs failed to connect the alleged hiring decisions to age discrimination. The complaint did not allege that younger candidates replaced the plaintiffs or that decision makers made age-related comments. It also did not provide comparative examples showing that similarly situated younger applicants received more favorable treatment. Without allegations showing that age played a role, the claims failed to satisfy the pleading standards required under the Age Discrimination in Employment Act.

Courts require more than the possibility of discrimination. When drafting pleadings, plaintiffs must allege facts that make discrimination a plausible explanation for the challenged conduct. Here, the court dismissed the claims because the plaintiffs failed to connect hiring trends to unlawful discrimination. An employer may adopt new strategies, even if those changes disproportionately affect older individuals, so long as age is not the reason for the decision.

By giving the plaintiffs an opportunity to amend the complaint, the court left open the possibility that a more detailed complaint could survive beyond a motion to dismiss. However, any amended complaint will need to provide specific, fact-based allegations that connect individual defendants to acts of discrimination, establish a plausible basis for jurisdiction, and demonstrate that age drove each club's decision. Based on the opinion, general allegations about industry trends or league-wide practices will not be sufficient.

For practitioners, specificity matters in pleadings. Courts routinely require more than broad allegations

that fail to connect the conduct to the claim, and a complaint must clearly articulate who did what, when, and how those actions resulted in discrimination. If a plaintiff fails to draw those connections, the complaint may be dismissed.

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## No Liability for Post-Game Fan Violence: Court Dismisses Claims Against School District

By Dr. Rachel S. Silverman

A New York court held that a school district was not liable for injuries suffered by a student-athlete and a cheerleader who were attacked after a high school basketball game by unknown spectators and opposing players. Following a varsity basketball game at George W. Hewlett High School (HHS) between HHS and Roosevelt High School (RHS), a group of individuals, described as "strangers," assaulted basketball player James Lawes III and cheerleader Trinita Jones in a school hallway. The injured students sued the district, alleging negligent supervision and inadequate security.

The court's analysis focused on two key issues: duty and foreseeability. *Mirand v City of New York* (1994) established that schools have a duty to adequately supervise the students in their charge and will be held liable for foreseeable injuries related directly to a lack of supervision. However, the court emphasized that although schools owe a duty to supervise their own students, this does not apply to third-party spectators. Since the assailants were non-student spectators at an after-school sporting event, the school had no legal duty to control them. This is supported by *Jerideau v. Huntington Union Free School Dist.* (2005), where the

court held that a school was not liable for stabbings following a football game because the District did not have a duty to supervise nonstudent spectators at the game.

The court also found the incident was not foreseeable. There was no history of violence or prior incidents between the schools, and the attackers were unidentified. The District's Director of Health, Physical Education, and Athletics, David Viegas, testified before trial that prior to that night, he had never been made aware of any prior incidents or altercations between the two schools. Security Aide Thomas Redash testified similarly. Lawes stated that during his prior seasons playing against RHS, there had been no verbal or physical altercations between the team members or the fans. The plaintiffs explained that during the game, there was "belligerent heckling" and "abusive conduct" by unknown spectators and players directed at HHS players. They further argued that there is a general rivalry between the schools, derogatory remarks were exchanged during the game, and the removal of one RHS player from the gym during the game should have provided the District with constructive notice of the assault. The court clarified that general rivalry, heckling, or verbal exchanges during games are insufficient to establish foreseeability (*Pitner v Brentwood UFSD*, 1998). Courts have held that verbal harassment alone does not establish foreseeability (*Sanzo v. Solvay UFSD*, 2002). The court also relied on *Wood v. Watervliet City School District* (2006), which held that foreseeability requires evidence of prior threats or aggressive conduct by the assailant. Similarly, in *Dixon v. William Floyd UFSD* (2016), the court granted summary judgment where a student was assaulted by non-students, and the district lacked notice of any risk.

To prevail on a negligent security claim, plaintiffs must establish a "special duty," meaning a specific assurance of protection made directly to them and relied upon. The "special duty" doctrine originated in *Cuffy v. City of New York* (1987), which established the four-part test for imposing liability on a public entity. Generally, no liability arises from the performance of a governmental function absent a special duty (*Bonner v. City of New York*, 1989). This principle applies equally to school districts (*Bain v. NYC Board of Education*, 2000). The four required elements to prove a "special duty" exists are affirmative promise or action,

knowledge of potential harm, direct contact, and justifiable reliance. An affirmative promise requires that the school made a specific promise or taken action to protect the individual, not simply provided general security. Courts have consistently rejected negligent security claims where no specific promise of protection was made (*Jimenez v. City of New York*, 2002). Knowledge of potential harm means school officials must have known that failing to act could lead to harm to that person. There must have been direct interaction between the school (or employees) and the injured person. Lastly, the injured person must have relied on the school's promise or protection when deciding whether to act or not. All four elements must be present for a valid claim. The court found no evidence of any of the four required elements, and therefore, there was no evidence of a "special duty." The mere presence of security personnel does not create a special duty (*Weisbecker v. West Islip UFSD*, 2013), nor do internal policies or guidelines (*Valdez v. City of New York*, 2011)." In *Manning v. Ardsley UFSD* (1998), the court similarly dismissed claims arising from a post-game assault due to the absence of a special duty.

The court further noted that conclusory allegations, without supporting evidence, are insufficient to defeat summary judgment (*Zuckerman v. City of New York*, 1980). Accordingly, the court granted summary judgment in favor of the school district and dismissed all claims.

### Practical Implications

This case reinforces the importance of understanding both the scope and limits of legal responsibility at athletic events. Although schools cannot guarantee students' safety, administrators should remain proactive in managing crowd behavior, especially during high-risk periods such as post-game. Increased supervision in hallways, exits, parking lots, and other common areas helps reduce the likelihood of similar incidents. Additionally, although internal policies and security protocols may not, on their own, create legal liability, they are essential components of an effective risk management plan. Consistent enforcement of these procedures can help prevent incidents and demonstrate a commitment to safety, which may be important in both legal and practical contexts.

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## Federal Judge Considers Whether a High School Athlete Has a Constitutional Right to Play

By Anna Giambelluca, Esq.

Every year, high school athletic associations across the nation make eligibility decisions that end athletic careers, redirect futures, and are rarely challenged. The long-held assumption is that playing high school sports is a privilege, not a protected right, and therefore can be taken away without explanation. For forty years, the courts agreed with that assumption. Then Zavior Ward, a senior at Hawaii Baptist Academy, was stripped of his eligibility for water polo, denied an exemption, and was never given a reason why. He brought his case to the legal arena, and for the first time in four decades, a federal court actually paused before accepting the status quo.

Ward's claim is grounded in due process. After being ruled ineligible by the Interscholastic League of Honolulu (ILH), he requested an exemption, which was denied without notice, explanation, or opportunity to be heard. In response, Ward argued that ILH deprived him of a meaningful interest without providing the basic procedural protections required by the Constitution itself. What makes this case notable is the question it forces the court to confront: whether a student athlete has a legally protected interest in participating in interscholastic sports.

The Interscholastic League of Honolulu attempted to shut down that question by filing a motion for judgment on the pleadings, arguing that even if everything

Ward was alleging was taken as true, his claim would still fail as a matter of law. Courts have consistently held that participation in athletics is an optional extra-curricular, and therefore is not a constitutionally protected right and outside of the scope of due process protections.

The legal framework underlying this argument starts with a basic principle of law: the Due Process Clause protects against the deprivation of property without adequate process. However, the Constitution does not define property interests, so this comes from state law (statutes, contracts, common law, etc). This is where ILH's argument begins to lose some steam. It relies heavily on older cases that treat athletics as purely extracurricular, something optional that students may participate in but are not entitled to. Under that framework, there is no "property" to protect, and therefore there is no due process violation when the opportunity to participate is taken away.

But that framework assumes something that is no longer accurate. It is outdated.

Ward's argument forces the court to confront a new reality: high school athletics today are not what they were back when these cases were decided. Participation in athletics is no longer just about school involvement or personal development. It is tied directly to scholarship prospects, recruiting exposure, and the potential for financial opportunities. The Court acknowledges this shift, pointing to the broader changes in the sports landscape, including the impact of *NCAA v. Alston* and the rise of NIL rights.

These developments matter because they change what is actually at stake when the participation opportunity is taken. Being declared ineligible is no longer just about missing a season. It can mean losing exposure, scholarship opportunities, and access to potential future earnings. Once that is true, it becomes harder to say that participation in athletics carries no legally protected interest.

The court does not go as far as recognizing the interest outright, but does state that existing case law may not fully account for the modern realities. Instead of treating prior case decisions as controlling, it treats them as outdated or at least incomplete, allowing the court to step back and ask whether the assumptions of those cases still hold true.

The Court looks to *Goss v. Lopez*, where the Supreme Court recognized a property interest in public education. The Court does not state that the right to participate in athletics is the same as the right of education, but rather that property interests can develop over time as society evolves. What was once considered optional can become something the law is required to protect.

That comparison highlights the issue in Ward's case: the law has long treated athletics as expendable, but the role athletics plays in a student's life has evolved in ways that make that classification harder to argue.

Ultimately, the United States District Court for the District of Hawai'i refuses to resolve that question at this stage. It denied ILH's motion for judgment on the pleadings, holding that whether participation in interscholastic athletics constitutes a protected property interest is a material issue that requires further factual development. In other words, the court is not willing to dismiss the claim based solely on outdated assumptions without considering how the landscape is changed.

While this decision is mostly procedural, it is significant. For decades, courts have been willing to accept that athletic participation is a privilege that can be taken away without meaningful explanation. This case suggests that such an approach may no longer be sufficient. Zooming out, this case shows where sports law is heading. Athletes are operating in a system with clear economic value, while the law is still in the process of adjusting to that reality.

If participation in athletics can impact scholarships, future careers, and financial opportunities, it begins to look much more like the type of interest the law typically protects. At the very least, it becomes difficult to justify a system where those opportunities can be taken away without notice, explanation, or opportunity to respond.

But what makes this case more important than it initially appears is what it signals going forward. Even though the court did not recognize a protected property interest outright, it made clear that the question is no longer settled. By refusing to dismiss Ward's claim at such an early stage, the court opened the door for future courts to take a closer look at how participation in athletics actually functions today.

This matters because once a court is willing to consider that a property interest could exist, the analysis

changes. Athletic associations can no longer rely as confidently on the assumption that their decisions are safe from constitutional scrutiny. If participation in athletics is eventually recognized as a protected interest, it would require a baseline level of procedural fairness. This would require clear notice, explanations, and an opportunity to be heard before eligibility is taken away.

More importantly, this case reflects the continuous shift in sports law. As athletics becomes more connected to financial opportunity, the law is being pushed to reconsider how it categorizes participation. The label of "extracurricular" becomes harder to defend when the consequences of losing eligibility extend far beyond the field.

This case does not answer the question, but it makes it clear that it is no longer settled, and that the courts are going to have to take a harder look moving forward.

At some point soon, courts will have to decide whether participation in athletics has become more than a privilege. And when they do, the answer will not come from outdated assumptions, but from the reality of what athletics has transformed into. Ward's case doesn't answer the question, but it forces the courts to finally confront it. And once that happens, it becomes much harder to continue calling something a "privilege" when so much is at stake.

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## **SDSU Settlement Marks First Class-Wide Damages Award for Title IX Athletic Aid Claims**

**F**ifteen former women's student-athletes at San Diego State University have reached a settlement with the school in a Title IX class action lawsuit alleging sex-based discrimination in athletics. Attorneys for the plaintiffs say it is the first agreement of its kind to include class-wide monetary damages for unequal athletic financial aid.

U.S. District Judge Todd W. Robinson of the Southern District of California approved the settlement, which requires the university to pay \$300,000 in damages to the affected athletes and implement a series of reforms to bring its athletic programs into compliance with federal law.

The lawsuit, filed in 2022, alleged that the university violated Title IX by failing to provide equal athletic

financial aid, treatment and benefits to female student-athletes, including members of the women's rowing and track and field teams. Plaintiffs also claimed the school failed to provide equitable opportunities to participate in varsity athletics.

Under the terms of the settlement, San Diego State must hire an independent expert to conduct a gender equity review and develop a plan to address disparities. The agreement also requires the university to provide equal athletic financial aid and treatment for female athletes and to bring its athletic department into full compliance with Title IX by the 2026–27 academic year.

Title IX, enacted in 1972, prohibits discrimination based on sex in federally funded education programs, including athletics. Despite decades of enforcement and litigation, disparities in participation opportunities, financial aid and resources for female athletes continue to be challenged in courts across the country.

The case stands out because it resulted in class-wide damages tied specifically to unequal athletic financial aid, a remedy that has rarely been pursued and, according to the plaintiffs' attorneys, had not previously been awarded in a Title IX athletics case.

"These women have made history," said Arthur Bryant, lead counsel for the athletes. "This is the first school to pay class-wide damages to female athletes for discriminating against them in violation of Title IX. But it sure won't be the last."

The settlement follows earlier litigation in which the court allowed the case to proceed, rejecting the university's motion for summary judgment. At that stage, the court found that former student-athletes could seek relief for past harm as well as for future discrimination affecting current and prospective athletes.

The plaintiffs were part of a proposed class that included current and former female athletes who alleged they were denied equal benefits and opportunities. The claims stemmed in part from disparities in scholarship funding, which can have significant financial and competitive implications for athletes.

In addition to monetary damages, the settlement's structural provisions are intended to address systemic issues within the university's athletic programs. The required gender equity review and resulting plan are expected to evaluate participation opportunities, scholarship allocations and overall treatment of male and female athletes.

Attorneys for the plaintiffs said the case reflects broader challenges in college athletics as schools navigate financial and competitive pressures.

"At a time when college sports are changing, we hope this settlement sends a message to schools around the country that women are done accepting less than what Title IX requires—equity in all areas," said Lori Bullcock, co-counsel for the athletes. "Schools need to address these inequities now, not after female athletes file suit, and hopefully, paying damages will spur stronger compliance efforts throughout college athletics."

The case underscores the continuing role of litigation in enforcing Title IX more than 50 years after the law's passage. While federal regulators and institutions have developed compliance guidelines, courts remain a key forum for resolving disputes over whether schools are meeting their obligations.

The athletes involved included members of women's rowing and track and field programs, along with other former student-athletes who joined the class action. They alleged that female athletes received less financial aid and fewer benefits than their male counterparts.

Although the settlement resolves the plaintiffs' claims, it does not constitute an admission of wrongdoing by the university. Instead, it establishes a framework for future compliance while providing compensation for past disparities.

The case also highlights ongoing questions about how equity in collegiate athletics is measured, particularly in areas such as scholarship distribution and resource allocation. Under Title IX, schools must provide equitable opportunities and benefits, though they retain flexibility in how they achieve compliance.

Legal observers say the settlement could influence future Title IX litigation, particularly with respect to financial damages. By awarding compensation tied to past inequities in athletic aid, the agreement may encourage similar claims at other institutions.

At the same time, the requirement that San Diego State conduct a comprehensive review and implement corrective measures underscores the importance of institutional reform alongside monetary remedies.

The case will not proceed to trial, but its outcome may have broader implications for colleges and universities facing scrutiny over gender equity in athletics.

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## Articles

### Frank Thomas Challenges Use of Player Identity in Licensed Merchandising

By Kate Ragusa

On March 19, 2026, Hall of Fame first baseman Frank Thomas filed a complaint in the Circuit Court of Cook County, Illinois against Nike, Fanatics, and the Chicago White Sox, alleging the unauthorized use of his name, number, and identity in connection with the sale of team merchandise. The complaint arises out of the White Sox's "City Connect 2.0" uniform line and centers on jerseys bearing "THOMAS" and the number "35," which Thomas claims were designed, marketed, and sold without his consent or any underlying licensing agreement.

Thomas, who played for the White Sox from 1990-2005 and was inducted into the National Baseball Hall of Fame in 2014, alleges that the defendants engaged in a coordinated effort to manufacture and distribute merchandise that capitalized on his identity. According to the complaint, Nike, Fanatics, and the White Sox operated collectively to design, produce, and sell the jerseys at issue, which were made available through online platforms and retail locations, including in-stadium stores. The jerseys prominently feature both Thomas's name and his longtime uniform number, elements the complaint characterizes as uniquely identifying him. The complaint further alleges that these jerseys were displayed in official team retail spaces and marketed alongside White Sox and Nike branding, reinforcing the association between the product and Thomas's career with the organization.

The filing identifies specific instances of the alleged use, including online product listings and in-store displays featuring the jerseys, as well as promotional efforts across digital and commercial channels. It asserts the inclusion of Thomas's name and number was not incidental, but rather a central component of the product's design and market strategy. By pairing those identifiers with official team marks and league-affiliated branding, the complaint alleges that the defendants

created merchandise that traded on Thomas's identity while presenting the product as part of an authorized team-issued line.

The claims are brought under the Illinois Right of Publicity Act, which provides individuals with the exclusive right to control the commercial use of their identity. The statute broadly defines identity to include name and likeness, and other attributes that serve to identify a particular individual. Thomas's complaint relies on this principle, alleging that the combination of his name and number, particularly in the context of White Sox branding, unmistakably points to him and functions as a commercial use of his identity.

Central to the complaint is the allegation that no contract existed authorizing this use. Thomas asserts that, at all relevant times, he retained control over the commercial exploitation of his identity and that the defendants proceeded without obtaining consent or providing compensation. The complaint also emphasizes that Thomas's identity carries independent economic value, referencing his career achievements and longstanding association with the White Sox, as well as his trademarked "Big Hurt" moniker. It further alleges that the defendants profited from these activities through revenue, royalties, increased marketability, and increased goodwill, while Thomas received no compensation.

In addition to the statutory claim, Thomas asserts unjust enrichment, arguing that the defendants retained benefits obtained through the unauthorized use of his identity in a manner that would be inequitable to allow. The complaint alleges that the defendants knowingly accepted and retained those benefits despite the absence of any licensing agreement, and that such retention violates principles of equity and fair dealing. The complaint further seeks a range of remedies, including compensatory damages, disgorgement of profits, punitive damages, and attorneys' fees. It also names a number of additional entities, including retailers and licensing intermediaries, as respondents in discovery, suggesting that the scope of the alleged conduct may extend across the broader distribution chain and involve additional parties.

The complaint does not challenge the use of team marks or branding generally, rather focusing on the inclusion of specific identifiers that, in combination, allegedly function as a direct reference to Thomas himself. The extent to which those identifiers are treated as part of team-controlled intellectual property, as opposed to an individual's protected identity, will likely shape the analysis going forward in the proceeding.

The case remains at the pleading stage, and the defendants have yet to respond to the allegations. As filed, the complaint asserts that the use of Thomas's name and number in connection with the sale of merchandise constitutes a commercial use of his identity under the Illinois Right of Publicity Act and was undertaken without his consent.

*Ragusa is concluding her 2L year at Tulane Law School in New Orleans. This past year, she served as the Chief Marketing Officer for the Tulane Sports Law Society and a Junior Managing Editor for the Sports Lawyer Monthly Newsletter. Ragusa is spending her second summer as a Summer Associate with Sidley Austin in the Houston office, and this coming fall, she will be a co-Senior Managing Editor of the newsletter.*

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## IOC Decision to Ban Transgender Raises Profound Ethical, Scientific, and Political Questions

By Professor Robert J Romano, St John's University, Senior Writer

The recent decision by the International Olympic Committee (IOC) to ban all transgender women from competing in female sporting events denotes a significant, albeit controversial policy shift.<sup>4</sup> Its new policy entitled *Policy on the Protection of the Female (Women's) Category in Olympic Sport and Guiding Considerations for International Federations and Sports Governing Bodies* has been presented as a way to preserve both fairness and safety in women's sport, but in reality it highlights the tensions between science, human rights, and politics, especially as we inch

closer to LA 2028 where the Trump administration has vilified and scapegoated transgender athletes for political purposes.

The current policy, however, needs to be examined through the lens of the IOC's troubled history when attempting to regulate sex and gender in sport. During the late 1960s, the IOC first introduced mandatory sex verification tests for female athletes (note - not for male athletes), using crude biological markers such as Barr body testing, a method that looks for an inactive second X chromosome. The Barr system along with other similar systems methods were widely criticized as scientifically flawed and discriminatory, producing false positives and disproportionately targeting women who did not conform to the Western "norms" of femininity.

Myron Genel, M.D., a pediatric endocrinologist at the Yale School of Medicine and co-author of a commentary on gender testing published in *The Journal of the American Medical Association* stated that "[T]hese tests fail to exclude all potential impostors, are discriminatory against women with disorders of sexual development, and may have shattering consequences for athletes who 'fail' a test."<sup>5</sup> The only thing good about the Barr method was that it eliminated the need for the subjective and highly controversial "nude parades" that were previously used when determining female athletic eligibility.

By the late 1990s, the IOC abandoned blanket sex testing in favor of suspicion-based evaluations, but in 2003 the IOC implemented "The Stockholm Consensus", a policy wherein athletes must undergo sex reassignment surgery in order to be eligible for competition maintaining that "Surgical anatomical changes must be completed, including external genitalia changes and gonadectomy."<sup>6</sup>

A significant change occurred in 2015, when the IOC adopted more inclusive guidelines for transgender athletes. Rather than requiring surgery or legal gender recognition, transgender women could compete in the female category if their testosterone levels remained below a specified threshold for a period of 12 months. This policy was interpreted as aligning sport with evolving human rights norms, emphasizing

4 <https://www.olympics.com/ioc/news/international-olympic-committee-announces-new-policy-on-the-protection-of-the-female-women-s-category-in-olympic-sport>

5 <https://medicine.yale.edu/news-article/decision-to-abolish-gender-testing-at-sydney-olympics-supported-by-yale-physician/>

6 <https://www.transathlete.com/olympics>

participation and inclusion over rigid biological definitions.

The IOC modified its policy again in 2021, issuing a non-binding framework centered on principles such as non-discrimination, bodily autonomy, and the “no presumption of advantage.” More importantly, this framework delegated decision-making to individual sports federations, acknowledging the complexity and variability of different athletic disciplines. The IOC’s 2026 policy marks a decisive break from this trajectory. Under the new rules, eligibility for women’s events is restricted to “biological females,” determined through a one-time genetic screening for the SRY gene (SRY Test), a marker typically associated with the Y chromosome.

The policy reads that “Eligibility for the female category is to be determined in the first instance by SRY gene screening to detect the absence or presence of the SRY gene. Athletes who screen negative for the SRY gene permanently satisfy this policy’s eligibility criteria for competition in the female category. Unless there is a reason to believe that a negative reading is in error, this will be a *once-in-a-lifetime test*.” (Yes, you read that correctly). This effectively excludes transgender women and possibly additional athletes with differences of sex development (DSD) from competing in the female category at the Olympic level.

Those who support banning transgender athletes argue that individuals who have achieved male puberty and then transition retain physiological advantages such as bone density, muscle mass, and cardiovascular capacity that cannot be fully mitigated by hormone therapy. Others, however, contend that the scientific evidence is far from settled, with most studies suggesting that hormone suppression significantly reduces these advantages.

The IOC’s reliance on genetic testing has drawn particularly sharp criticism. The SRY gene test, previously abandoned due to concerns over reliability and fairness, is now being reintroduced as a central criterion for eligibility. Experts warn that such testing risks both false positives and the exclusion of athletes whose biological variations do not fit binary categories. In fact, the scientist who discovered the SRY gene test says it should not be used in such a fashion. Andrew Sinclair, the deputy director of the Murdoch Children’s Research Institute in Melbourne, discovered the SRY

gene in the 1990s and has continued to work on gonad development for the past 30-plus years. Professor Sinclair has publicly stated that “The SRY gene alone should not determine who can compete in women’s sport and that this policy is based on the overly simplistic idea that the presence of the SRY gene alone is equivalent to being male. Male sex is much more complex, involving multiple genes other than SRY in developmental pathways as well as hormones.”<sup>7</sup>

Moreover, critics of the IOC’s new position argue that the policy conflates sex, gender identity, and athletic performance in overly simplistic ways. Sport is already shaped by a wide range of biological inequalities, height, lung capacity, and genetic predispositions, yet only certain variations are regulated. This raises a fundamental question: why are some natural advantages tolerated while others are deemed unfair? Human rights organizations have gone further, describing the policy as discriminatory and are concerned that it is a violation of privacy, bodily autonomy, and dignity, particularly given the history of the IOC’s gender policing in women’s sport.

The IOC’s 2026 ban on transgender participation in women’s events is not an isolated policy shift but the latest chapter in a century-long struggle over gender, science, and fairness in sport. While the organization frames its decision as evidence-based and necessary, the move raises profound ethical, scientific, and political questions. Ultimately, the controversy reflects a deeper dilemma that sport has yet to resolve how to balance the ideal of fair competition with the equally important principles of inclusion and human rights. The IOC’s answer, at least for now, tilts decisively toward Trumpism and exclusion.

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## Seahawks’ Goins Talks About How Working in Corporate America Shaped His Legal Career in Professional Sports

After a career spanning top organizations from Major League Soccer to Disney and now the Seattle Seahawks, Ed Goins has a concise perspective about

<sup>7</sup> <https://www.abc.net.au/news/2026-03-31/scientist-says-ioc-shouldnt-use-sry-test-transgender-athletes/106514954>

what it means to practice law at the highest levels of sports and business.

In this interview, he reflects on the path that led him to the NFL, the realities of working in a fast-paced, high-visibility environment, and the evolving scope of legal and business affairs within a professional sports franchise.

He also discusses leadership, decision-making under pressure, and the skills young lawyers need to succeed in the competitive field of sports law.

**Question:** You've built a career that spans major organizations – from Disney to the NFL. What initially drew you to law, and how did you ultimately find your way into sports law?

**Answer:** Honestly, it was a process of elimination. I knew early on I wanted to be a professional – part of some profession. Medicine was off the table the moment I realized I nearly faint at the sight of blood. Finance never appealed to me. Law felt right: it rewarded the ability to think clearly, argue persuasively, and solve problems under pressure. So I went to Berkeley Law, joined Baker & Hostetler in Los Angeles, and started building.

The sports piece came later, but in my mind, it was always the destination. I remember telling friends in law school that one day I wanted to work in professional football. That wasn't a detailed plan – it was more of a north star. From Baker, I moved in-house at Major League Soccer, which gave me my first real taste of league-level legal work, then Mattel, Ticketmaster, and the 49ers. Each stop added a layer. When the opportunity with the Seahawks came in 2014, I was working in the tech/mobile arm of Disney and doing well, but the Seahawks position felt like the culmination of everything I'd been building toward, so I had to take it.

**Q:** Having worked across entertainment, tech, and sports, what were the biggest adjustments when you moved into the NFL environment, particularly with the Seahawks?

**A:** Coming out of Disney, the biggest adjustment was pace. Multinational corporations are like glaciers – they're formed over years, appear as one massive,



Ed Goins

impenetrable block, and their problems are often masked until it's too late. In sports, everything is exposed. Your imperfections are debated publicly every weekend. A legal issue that surfaces late on a Thursday may need a considered, defensible answer by Friday afternoon. That requires a different kind of intellectual agility.

What I found at the Seahawks specifically was an organization that takes a genuinely hands-on approach to its fans and partners, and that carries into how we do our legal work. We don't operate strictly off templates. Every

material matter gets real attention from a range of minds: operations, finance, sales, analytics, legal, HR, etc. That culture shapes how we operate. The expectation isn't just legal correctness – it's strategic judgment that reflects the full range of stakeholder interests, delivered quickly and with a clear point of view.

**Q:** How would you describe the real scope of your role overseeing legal and business affairs for the organization?

**A:** The most common misconception is that I spend my days negotiating player contracts. I don't—that's the GM's world. My portfolio spans commercial transactions, sponsorships, marketing and data privacy, NFL policies and regulations, litigation, stadium operations and renovations, labor and employment, government affairs, compliance, risk management, cross-functional workflows, and governance – often all at once.

On any given day, I may move between a sponsorship agreement, a state legislative matter, a workers' compensation issue, and a governance question before noon. The scope is genuinely broad, and that breadth is one of the things I find most engaging. Fortunately, I have a great team of legal professionals who make the job much more manageable.

**Q:** Sports organizations operate in a highly visible and fast-paced environment. How do you approach providing legal guidance when decisions need to be made quickly and under public scrutiny?

**A:** Speed and rigor aren't mutually exclusive, but you have to do the work in advance. Most of the frameworks I rely on in fast-moving situations were built

during quieter moments: understanding risk tolerance, knowing when to use outside counsel, and building strong relationships so there's minimal translation needed when things move quickly.

When a situation is truly novel and time is limited, I try to isolate the core legal issue, provide a clear answer with appropriate caveats, and ensure decision-makers understand what they're accepting or avoiding. Public scrutiny actually helps in that it forces clarity. In sports, a non-answer is itself a position, and usually not a good one unless done intentionally.

**Q:** In addition to your legal responsibilities, you've been involved in government relations and supporting players' engagement with social issues. How has that aspect of your role evolved?

**A:** Significantly. When I first took on government affairs, it was largely transactional—stadium permitting, regulatory matters, and interactions with legislators. It has since become more integrated. Leading up to the FIFA World Cup 2026, which Lumen Field will host, we've been engaged in ongoing discussions with FIFA, state and local leaders, and the host committee.

On the social engagement side, I've worked with players and leadership to facilitate dialogue with elected officials, law enforcement, and community leaders. Players who take the time to understand the issues can become effective advocates, not just symbolic voices, but active participants. My role has been to open doors and ensure those engagements are meaningful.

**Q:** Your role involves working closely with ownership, executives, players, and external partners. What leadership principles have been most important in building trust?

Consistency and candor. Stakeholders need to know that what you tell them is reliable and not dependent on the audience. I aim to provide the same honest assessment regardless of who is in the room.

I also respect the expertise others bring. I work with people who understand operations, fans, business, and government in ways I don't. The best legal counsel starts with listening.

**Q:** For young lawyers interested in sports law, what skills or experiences are most critical, and what misconceptions should they avoid?

**A:** Two things.

First, develop real legal skills before pursuing sports. This is still a legal profession, and the most successful lawyers bring a defined specialty – commercial transactions, labor, intellectual property, real estate—not just passion for sports.

Second, understand what the job actually is. It's not player contracts and draft day. It's workers' comp claims late at night, lease negotiations, regulatory compliance, and disputes, along with occasional high-profile moments. If that full picture appeals to you, you're a good fit. If you're in it for proximity to star athletes, that will become clear quickly to you and everyone around you.

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## **SUNY Cortland Professor Genevieve Birren Explores U.S. Government-WADA Dispute and Its Impact on the 2034 Winter Olympics**

**By Drew Schott**

In April 2024, *The New York Times* and German broadcaster ARD reported that 23 swimmers from the People's Republic of China tested positive for a banned substance, trimetazidine (TMZ), seven months before the Summer Olympics held in Tokyo, Japan in 2021. Thirteen of these athletes ended up competing in the Olympic Games after they were cleared of any wrongdoing by the China Anti-Doping Agency (CHINADA), who claimed that small trace amounts of TMZ were found in the kitchen of a team hotel in a case of accidental contamination. The International Testing Agency raised concerns with the World Anti-Doping Agency (WADA), but after an investigation, WADA found there was no basis to challenge CHINADA's findings.

Yet one month after *The New York Times* and ARD's findings, the United States House Select Committee on Strategic Competition Between the United States and the Chinese Communist Party wrote letters to the International Olympic Committee (IOC) and the Department of Justice urging scrutiny of WADA for its handling of the case involving the Chinese Olympic swimmers. American gold medalist swimmers Michael Phelps and Allison Schmitt then testified before Congress in June 2024 about whether WADA was successfully addressing doping

concerns. Eventually, the Federal Bureau of Investigation (FBI) opened an investigation on July 4, 2024 into whether WADA adequately examined doping allegations against the Chinese swimmers.

The FBI's subpoena to WADA raised concerns from the Association of Summer Olympic International Federations, who claimed the law enforcement agency threatened the authority of the Canadian-based WADA. These developments marked the beginning of a sequence of events that has placed the United States (U.S.) at risk of losing the 2034 Winter Olympics and Paralympics in Salt Lake City, Utah.

"The Salt Lake City contract... has the following clause, which has existed in no other agreement before this one for hosting an Olympic Games: 'If, in any other way, the supreme authority of the World Anti-Doping Agency in the fight against doping is not fully respected or if the application of the World Anti-Doping Code is hindered or undermined, it is grounds to terminate the contract,'" said Dr. Genevieve Birren, a Professor in the Sport Management Department at SUNY Cortland. "This is the clause that might come back around, depending on what future actions Congress takes. If the United States doesn't follow the code or if the United States jeopardizes WADA or challenges WADA in a way the IOC finds unacceptable, they have grounds to terminate the contract for the 2034 Winter Games in Salt Lake City."

Birren explored the timeline of events and current state of affairs between the U.S. government and WADA in her lecture, "Will Congress Cause Salt Lake City to Lose the 2034 Winter Olympics?" at the Sport and Recreation Law Association Conference in New Orleans, Louisiana.

After the U.S. withheld its \$3.6 million dues to WADA for 2024, it lost its seats on the agency's Executive Committee and Foundation Board. The Restoring Confidence in the World Anti-Doping Agency Act of 2025 (The Act) was eventually proposed and calls for WADA to implement certain governance reforms and seek fair representation of the U.S. on its Executive Committee and Foundation Board. According to Birren, The Act "would demand that this non-American, non-governmental private entity put representatives of our government... always on their governing board." WADA opposed The Act by claiming the U.S. attempted to insert "bias" into the organization by threatening to stop payments, as well as undermine its values and principles as an international regulatory body.

The U.S. – which previously paid the most dues of any country – eventually declined to pay \$3.7 million in dues to WADA for 2025. Additionally, The Consolidated Appropriations Act signed in February blocked funding to WADA until anti-doping experts and independent auditors demonstrated that WADA's Executive Committee and Foundation Board were operating within their duties. Yet Witold Bańka, the President of WADA, opposed the United States' viewpoint.

"In an interview, he said, 'We're already audited,'" Birren said. "'We're an extensively audited organization and the auditing that has been done by independent bodies should meet the United States' criteria'... He also stressed that most of the money the United States hasn't paid has been made up through other public sources. So, the United States pulled their money thinking that would be leverage and WADA has basically gotten that money back from others."

With less than a decade until the Olympic Games return to Salt Lake City, Birren questioned whether its contract could end prematurely if the U.S. passes The Act. According to her, "there is no incentive" for WADA to abide by the U.S.' demands. Despite the legislation being supported by the United States Anti-Doping Agency, Birren believes the U.S. "is running out of leverage" as WADA's normal operations are not being impacted. She added that the U.S. "overplayed its hand and played the entire hand immediately."

"The United States may simply not be awarded future events moving forward," Birren said.

Whether that development occurs or not hinges on whether The Act is passed.

"If they don't pass the law, the United States is good," Birren said. "Honestly, I don't think that the U.S. is going to because I don't know what they gain from it. It's simply posturing at this point for them to pass the law. But if the U.S. does, I can't promise you that Salt Lake City is going to host an Olympic Games in 2034 because I think the IOC would have to pull it."

Events, Will Congress Cause Salt Lake City to Lose the 2034 Winter Olympics, (February 25, 2026), <https://www.srlaconference.org/program-schedule/>.

*Drew Schott is a J.D. Candidate at Tulane University Law School. He is also a current Staff Writer for The Sports Lawyer Monthly.*

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## Survey Yields Ten Ways Sports Litigation Alert Can Be Used in the Classroom, as a Complement or In Place of a Textbook

Sports law presents a built-in teaching challenge. The field itself evolves quickly—courts are almost constantly addressing questions about athlete rights, institutional liability, gender equity, labor relations, and league authority. Yet the primary teaching tool in many classrooms remains the textbook, which is effectively frozen in time at the moment it is published.

This creates a gap between how sports law is taught and how it is actually experienced in practice. By the time a case appears in a textbook, the legal and business landscape surrounding it may have already shifted. For students preparing to enter the industry, that lag can make it difficult to connect doctrine to the realities they will face.

*Sports Litigation Alert* (SLA) was designed, at least in part, to address that disconnect. Published biweekly, it tracks current litigation across professional, collegiate, and amateur sports through case summaries, legal analysis, Q&As, and an archive that stretches back years.

A recent survey of SLA subscriber-educators finds it showing up in syllabi at institutions across the country, in ways that have expanded well beyond reading and discussion. Some professors have stopped assigning a textbook altogether and made SLA the primary course material. Other professors assign SLA as supplemental material or as personal reading material for students to stay aware of sports law updates to prepare themselves for future careers.

### Why It Works

Respondents were asked what they find most valuable about SLA and the answers consistently pointed to one thing: its timeliness

“The world of sports is ever changing,” **Professor Taren Moore** of East Carolina University wrote. “Our textbook provides precedent and case law for several policies and rules that are in place. SLA provides students with the opportunity to see how these policies/rules are handled in the current landscape.”

As another professor simply put: “Real-time, real-world examples of what’s happening in sports [law].”

This focus on real-time application is not new. Prior work on sport law pedagogy has emphasized the importance of moving students beyond simply understanding doctrine and toward applying it in practical settings. As one professor explained, tools like SLA allow students to engage with “real life, timely application of legal theories” and develop the ability to think on their feet when working through unresolved disputes.

In practice, that shift often shows up in how academics structure their classrooms. Professors describe incorporating mock trials, group-based case analysis, and exercises that require students to take positions on active disputes—forcing them to apply legal principles as they would in practice rather than simply identifying them in hindsight.

The case summaries themselves drew consistent praise—described as “excellent with good depth”—and several respondents noted that SLA adds context to classroom topics in ways a textbook cannot.

Accessibility also emerged as a key advantage. **Professor Rachel Silverman** from the University of Nebraska Kearney noted that “undergraduate students find the case summaries easy to read and understand,” particularly compared to traditional casebooks. SLA effectively does the translation work, allowing instructors to spend less time decoding legal language and more time developing legal reasoning.

**Adjunct Professor Carla Varriale-Barker** of Columbia University writes, “The Alert is a valuable practice and educational tool, I depend on it to be kept abreast of developments across the country. As a sports law professor. It is the perfect tool to engage your students,” she said. “It is written in a way that undergraduate and graduate students can understand it, while at the same time delivering enough substance that I think it is a resource for lawyers.”

Ten Ways Professors Are Using SLA in the Classroom

The survey asked respondents to describe how they incorporate SLA into their courses. Their responses reflect a range of approaches, but all share a common goal: connecting legal concepts to real-world current application.

1. Textbook Replacement – Some instructors, like Professor Elizabeth Galloway of Stetson, assign SLA in place of a traditional textbook. The subject matter quarterly publications and accessible format with the archive make it viable as a stand-alone resource, particularly at the undergraduate level. Professor Galloway shared her syllabus [here](#).
2. Supplemental Reading – The most common approach. Casebooks provide foundational doctrine; SLA provides what has happened since. Students read current issues alongside traditional assignments, connecting doctrine to live developments. Former Professor Linda Sharp states, “although a great sport law text is an important aspect, the law is so dynamic that we need a reliable source for timely updates with cases and analysis. SLA provides those updates.” Professor Galloway also makes reading assignments, which she graciously shared an example of [here](#).
3. Mock Trials – Professor Steve McKelvey of the University of Massachusetts uses SLA to structure in-class mock trials where students argue current sports law disputes. Teams represent plaintiffs and defendants, submit legal briefs using SLA and its archives, and present arguments and rebuttals before the class. The exercise builds legal research, writing, and oral advocacy skills while requiring students to apply doctrine to active, unresolved cases. (*See full exercise description here: [Pedagogy in Sport Law Classes: Using Sports Litigation Alert Effectively and Creatively](#)*)
4. Class Discussion Driver – Instructors, including Professor Topher Davis of University of La Verne, assign recent cases or articles and use them to anchor in-class discussion, often tying directly to course topics.
5. Polling Exercise – Professor Gary Chester of Montclair State University wrote, “I reference cases and take a student poll on what the outcome should be.” Presenting the facts of a real case and asking students to predict the outcome allows them to apply legal doctrine in real time.
6. Current Events – Several professors structure dedicated current-event conversations around SLA content, either in small groups or full-class settings, encouraging engagement with ongoing disputes.
7. Research Papers and Case Comparisons – SLA’s archive allows students to track how similar legal issues evolve across multiple cases, making it especially useful for written assignments. As Professor Brian Crow of Slippery Rock University explained, “Students, generally in groups of two, must research a broad legal topic area, putting it into historical perspective, showing current examples of its application, and projecting how they will be able to use this knowledge in their careers. I encourage them to use the SLA archives as a resource and a starting point, although many (to their regret) choose to conduct Google or other Internet searches first.”
8. Take Home Assignments – Some professors use SLA as the basis for structured take-home assignments that require students to engage more deeply with recent cases and articles. Professor Ted Curtis of Lynn University has students select recent SLA court-decision articles across different segments of the sports industry and evaluate both the legal holding and its broader fairness, governance, and justice implications. Dr. Silverman of the University Nebraska -Kearney takes a similar approach. “In the assignments, students must find an SLA article related to a case we talked about recently involving negligence, Title IX, etc. They summarize that case, then find a similar case on SLA and compare the outcomes of the cases. They discuss what was similar and different in each of these cases and the court’s decision.” Dr. Silverman provided her syllabus [here](#) and assignment example [here](#).
9. Final Project Resource – Professor Anthony Giacobbe assigns a final project requiring students to analyze a pending sports law dispute. “SLA is a great source for helping them select and learn about the case.”
10. **Career Development Tool** – Several professors frame SLA not as just coursework, but as a professional habit. **Giacobbe** stated, “I advise stu-

dents that they need to be on top of sports news for their careers and that [SLA] is a fantastic publication that gives them more in-depth information than they will get from other sources.”

### What the Numbers Show

When asked how they integrate SLA, professors most frequently selected class discussion prompts and combined in-class and homework assignments. Supplemental reading and research-based uses were also widely cited.

In terms of content, case summaries, Q&As, and quarterly publications were the most commonly assigned components, while a significant number of instructors also incorporated the archive for deeper research.

The variation reflects how instructors are tailoring SLA to their course goals—some emphasizing immediacy, others leveraging its historical depth. One respondent teaching an asynchronous online course noted that students “enjoy finding an article that interests them each month and then responding to their peers,” suggesting the material resonates beyond required assignments.

### Where Things Stand

The professors in this survey are preparing students for a sports industry actively being reshaped by litigation. NIL cases are redefining the economics of college athletics. Courts are grappling with whether student-athletes should be classified as employees. State gambling laws continue to shift.

A traditional casebook cannot keep pace with those developments in real time.

Instructors who have built SLA into their courses are giving students something a textbook cannot: exposure to the law as it is actively developing. As one respondent put it, SLA is “very timely” and “adds more context to topics we cover in class.” In a field where many of the biggest questions are still being worked out, that kind of context matters.

Instructors can explore taking a subscription to the Alert by visiting <https://sportslitigationalert.com/subscriptions/>

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## Legal Issues in NIL – A Conversation with Dan Cohen of Barnes & Thornburg

*What follows is a conversation with Dan Cohen, a partner at Barnes and Thornburg, who leads the firm’s NIL discipline.*

**Question: How has your firm adapted its sports law practice to address the rapid evolution of NIL regulations and enforcement at both the state and NCAA levels?**

**Answer:** Fortunately, when college athletics entered the NIL era a few years ago, we already had a nationwide college athletics practice, focusing on athletics economics and proactively representing university athletics departments in Title IX compliance matters. So, as the industry began pivoting towards NIL opportunities a few years ago, we were uniquely positioned to understand what equitable publicity entailed—promoting collegiate athletes into the marketplace for them to receive visibility, and potentially payments, for their NIL.

Today, we are proud to advise many universities on legal and equitable aspects of their *House* and NIL programs. Over the past year, we’ve built entire, comprehensive, legally compliant *House* implementation structures for over two dozen athletics departments. We have consulted for many others at the highest level on aspects of their *House* implementation. As a national firm, we were able to assess the many legal risks presented by these new structures—antitrust, employment, international law, Title IX, tax, and of course, intellectual property. As a result, we’re confident that our NIL contracts and roster management structures can better protect universities from legal risks across a number of different areas of the law.

**Q: What are the most common legal risks or pitfalls you see for universities, collectives, or athletes in NIL deals today, and how do you help clients mitigate them?**



Dan Cohen

**A:** Many new arrivals to this space miss the significant employment and Title IX legal risks that schools can create under their *House* programs. Our approach is thoughtful and industry-based. We understand that our clients are not professional teams. Pro models, while informative, ultimately will fail for universities with broad-based athletics programs, particularly public universities, that are subject to differing laws and obligations than for-profit, single-sport pro teams. Athletic departments' Title IX obligations are at the university level, and they do not exempt individual teams. Similarly, it is highly unlikely that the employment ramifications of collective bargaining would stop at football and basketball, and so that pathway may lead to employment (and paying minimum wage) for every walk-on across every team. One of the common pitfalls we see is too much focus on an individual team, which could overlook important, department-wide impacts that may flow from isolated, team-based decisions. The legal approach should consider the entire athletics enterprise.

Even the term “revenue sharing” leads away from the institutional brand promotion tenets of the *House* settlement and leads closer to an employment model. Schools should have detailed valuation models—tied to institutional visibility and licensing value, not just revenue—to support and justify their institutional NIL payment structures.

**Q: How is your firm advising clients on the intersection of NIL with emerging issues like employment status, revenue sharing, and antitrust concerns?**

**A:** Cautiously and informedly, with a full-service approach. While we're prohibited from revealing how we advise specific clients, we are proud that our approach has traction, as we have been trusted to advise university athletics departments across 37 states and Washington D.C., including major research institutions in 29 of those states. We're active with drafting institutional and third-party NIL contracts (and re-drafting them as agents' demands change with each new transfer portal), drafting NIL policies for athletics departments, advising universities on their *House* programs, and representing universities in NIL litigation. We work alongside ADs, GCs, athletics administrators, and university administrators to implement legal and equitable aspects of their *House* and NIL programs.

**Q: What differentiates your firm's NIL practice from others in the market, particularly in terms of services, client base, or approach to compliance and deal structuring?**

**A:** Our deep experience in intercollegiate athletics, focus on client service, and belief in the industry's underlying goal of empowerment through education—on and off the field, track, or court—help us understand how to creatively but staunchly protect the intercollegiate model as it rapidly evolves. We have been deeply invested in intercollegiate athletics for decades and understand there is an entire ecosystem beyond today's NIL headlines.

And we love to cheer for our clients. We are proud to represent the schools that accounted for 38 national championship teams in 2024-2025 across Divisions I, II, and III.

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## Legal Issues in NIL – A Conversation with Brian Kappel of Lightfoot

*What follows is a conversation with [Brian Kappel of Lightfoot](#), who leads the firm's NIL discipline.*

**Question: How has your firm adapted its sports law practice to address the rapid evolution of NIL regulations and enforcement at both the state and NCAA levels?**

**Answer:** Lightfoot has long been at the forefront of massive shifts in the collegiate sports universe. With respect to NIL, our first step was helping institutions identify likely modifications (formal and informal) to the NCAA's regulations based on our extensive knowledge of the industry and the competing incentives among the various stakeholders, our experience



**Brian Kappel**

with the NCAA's historical enforcement patterns, and information from the outside actors seeking to enact transformative changes. We then focused on assisting universities and athletics departments in quickly adjusting to those changes as they occurred (or even before).

This kind of foresight and practical, goal-oriented approach is what Lightfoot has always brought to the table as part of our practice advising athletics departments on NCAA and regulatory compliance. So, we haven't adapted the core of our practice to meet these new times. That said, like everyone else, we've felt an increasing need to be quick, decisive, and innovative in how we counsel institutions in responding to changes. Our advice has also adapted to the rapidly changing NIL world, first by helping institutions and other parties understand what were initially a set of unclear guardrails for what they could and could not permissibly do under the operative bylaws and authoritative NCAA guidance, and, more recently, by assisting universities and their internal and external organizations in developing creative methods to maximize revenue generation and distribution amongst their student-athletes.

The emphasis on NIL has also given us new opportunities to grow our practice. As a litigation-first firm, we have extensive experience arbitrating claims under all sorts of circumstances. Accordingly, we've been preparing to assist our clients in the event the Collegiate Sports Commission denies or reduces an NIL agreement, identifying market rate experts, social media comparators, and other helpful evidentiary benchmarks. We have also monitored — and where necessary assisted — in eligibility cases challenging different aspects of the NCAA's waiver regime.

Finally, NCAA enforcement itself has changed significantly in this new age of NIL. Although our approach to infractions cases remains the same, we see far more tampering and gambling cases now in addition to the usual CARA and coaching limits cases. Impermissible benefits and inducement cases have predictably waned as direct payments to student-athletes were legalized. This part of our practice remains strong despite an initial reduction in enforcement efforts following NIL adoption, and we anticipate significantly more work as penalties in the tampering sphere ramp up.

**Q: What are the most common legal risks or pitfalls you see for universities, collectives, or athletes in NIL deals today, and how do you help clients mitigate them?**

**A:** With so many questions unanswered about how the NCAA and CSC will enforce their rules, how penalties will be imposed, and what those penalties may be, legal risks and pitfalls abound. We are particularly focused on financial overexposure on the part of all stakeholders in the industry. This includes institutions, associated rights holders, and collectives who promise more than they can deliver, either due to fundraising underperformance or the threat of CSC intervention in their agreements with student-athletes. It also includes student-athletes who, for whatever reason, fail to understand or appreciate their financial commitments to parties (like institutions or third-party rights holders) in the event that the student-athlete wants to break a contract or transfer to a different institution. Mitigating these risks is a matter of strategic planning and foresight. On the institutional side, financial forecasting is crucial — this requires careful and consistent budgeting, communication (internal and external), and follow-up with the applicable stakeholders. Lightfoot can help institutions develop strategies for accomplishing these essential tasks. In addition, we assist institutions and associated entities in developing important contractual protections to ensure that the agreements reached serve institutional goals to the greatest extent possible.

**Q: How is your firm advising clients on the intersection of NIL with emerging issues like employment status, revenue sharing, and antitrust concerns?**

**A:** The implementation of the *House* settlement has merged a lot of NIL and revenue sharing issues. We are working with institutions on creative ways of maximizing the impact of revenue sharing alongside third-party or related entity NIL agreements. This includes innovative contract ideas as well as helping to identify outside entities available to supplement institutional revenue sharing payments. We can also help universities in deciding how best to allocate their revenue share within the existing cap set by the settlement terms.

With respect to employment status and antitrust concerns, we continue to monitor the landscape with an eye toward a proactive response to new

developments. Clients generally seem inclined to resist employment status for student-athletes at this time due to the myriad unknowns of how such a decision would impact college sports globally. With respect to antitrust law, there are certainly claims that would support the goals of our institutional and individual clients, and we are prepared to provide analysis and guidance on how those claims can be used to our clients' benefit.

**Q: What differentiates your firm's NIL practice from others in the market, particularly in terms of services, client base, or approach to compliance and deal structuring?**

**A;** Lightfoot's litigation foundation means that all of our college sports attorneys are well versed and experienced in civil litigation and arbitration, and we put those skills to use in our NCAA practice. In short, we bring a tradition of zealous advocacy that other firms lack. At Lightfoot, there is no need to teach trial attorneys how the NCAA operates — we already know. And instead of NCAA practitioners facing a courtroom or an arbitration panel for the first time, Lightfoot attorneys can boast ample experience in both. We provide a unique, one-stop experience for clients who want or need that kind of assistance. But Lightfoot's approach to NCAA compliance and enforcement is also practical. We pride ourselves on maintaining positive and productive relationships with individuals at all stages in college sports governance, the better to assist institutions and other clients in avoiding conflict unless absolutely necessary. Our flexibility is a key attribute, as is our ability to back up our words with courtroom action if it comes to it.

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## Minor League Baseball Player Compensation: Legal and Economic Challenges

By Sebastian Duarte, Santa Clara University School of Law

Major League Baseball (MLB) is among the “big four” sports in the United States, recently reaching an all-time high in revenue with \$12.1 billion for the 2023-2024 season. CBS Sports, MLB Reports Record \$12.1 Billion in Revenues for 2024 Season

(Mar. 15, 2024), <https://www.cbssports.com/mlb/news/mlb-reports-record-12-1-billion-in-revenues>. In recent offseasons, MLB has seen record-setting contracts for generational players, such as Juan Soto's 15-year, \$765 million deal with the New York Mets and Shohei Ohtani's 10-year, \$700 million contract with the Los Angeles Dodgers. Spotrac, *MLB Player Salaries & Contract Rankings* (2024), <https://www.spotrac.com/mlb/rankings> (last visited Sept. 5, 2025).

While these stars secured their payday, the average MLB player makes around \$5 million per year. ESPN, *Study: MLB Average Salary Tops \$5 Million for First Time* (2023), [https://www.espn.com/mlb/story/\\_/id/44502095/study-mlb-average-salary-tops-5-million-first](https://www.espn.com/mlb/story/_/id/44502095/study-mlb-average-salary-tops-5-million-first). In contrast, players in Minor League Baseball (MiLB), the developmental system of the MLB, earn a fraction of that amount. Depending on their placement within the minor leagues, the average MiLB player earns between \$20,000 and \$37,000 per year, far less than the MLB average. Baseball America, *How Much Are Minor League Baseball Players Paid in 2024?* (2024), <https://www.baseballamerica.com/stories/how-much-are-minor-league-baseball-players-paid-in-2024/>. Given the extreme disparity between major and minor league earnings and the financial hardship faced by minor leaguers, should MLB raise the salaries for these players to ensure fair compensation, adequate labor protections, and safe living conditions?

### Analysis:

Minor League Baseball has long been recognized as providing extremely low wages and challenging living conditions for its players. Historically, many earned as little as \$3,480 per year, making it difficult to cover even basic expenses; during the offseason, players were also unpaid. *Id.* Nearly 90% of professional baseball draftees spend their careers in the minor leagues, working extremely hard in hopes of being called up to the major leagues. SABR, *The Chances of a Drafted Baseball Player Making the Major Leagues: A Quantitative Study* (2023), <https://sabr.org/journal/article/the-chances-of-a-drafted-baseball-player-making-the-major-leagues/>. Studies indicate that only about 17% of drafted players ever reach the major leagues, leaving the majority to navigate the rigorous minor league system for years without sufficient

financial reward. *Id.* Top prospects occasionally benefit from large signing bonuses, like 2024 first overall pick Travis Bazzana, who received nearly \$9 million. MLB, *2024 Draft Signings and Bonus Tracker* (2024), <https://www.mlb.com/news/2024-draft-signings-and-bonus-tracker>. However, these instances represent the exception rather than the rule. For most players, financial instability is compounded by long hours, grueling travel schedules, and limited benefits.

Congress addressed MiLB wages directly in the Save America's Pastime Act (SAPA), which amended the Fair Labor Standards Act (FLSA) in 2018. Emily R. Savicki, *The Save America's Pastime Act and the Legal Status of Minor League Baseball Players*, 90 U. Colo. L. Rev. 959 (2019), <https://scholar.law.colorado.edu/lawreview/vol90/iss4/3/>. The law required that minor league players be paid a minimum weekly wage of 40 hours times the federal minimum wage. *Id.* However, SAPA also exempted MiLB players from federal overtime protections, removing the ability to be paid beyond 40 hours a week. *Id.* Given that minor leaguers often work 60 to 70 hours per week, including practices, games, training sessions, and travel, this exemption leaves them uncompensated for a significant portion of their labor. See *Senne v. Kansas City Royals Baseball Corp.*, 591 F. Supp. 3d 453 (N.D. Cal. 2022).

Courts recognized this reality in *Senne*, where players successfully argued that they should be classified as employees under wage and hour laws. *Id.* Despite this classification, SAPA's carve-out continues to shield MLB from paying MiLB players overtime, perpetuating low overall compensation. The United States average annual income for a full-time worker in 2025 was about \$62,000, reflecting a 4.6% increase from 2024. Demand Sage, *Average U.S. Income* (2025), <https://www.demandsage.com/average-us-income/>. In comparison, minor league baseball players are earning about \$30,000 less per year while working more hours. While there is potential for these MiLB players to earn higher income by making it to the MLB and signing a multi-million dollar contract, both the low percentage of minor leaguers who make it and the difficult living conditions support the need for higher wages during minor league careers.

In response to growing criticism, MLB introduced reforms in 2022 that required major league clubs to provide housing for their affiliate minor league players.

Baseball America, *Leases No More: MLB Teams Now Responsible for Minor League Housing* (2022), <https://www.baseballamerica.com/stories/leases-no-more-mlb-teams-now-responsible-for-minor-league-housing/>. MLB and the Minor League Baseball Players Association negotiated a collective bargaining agreement (CBA) that significantly raised minimum salaries, in some cases doubling previous amounts. *Id.* However, the CBA also included many of SAPA's limitations, including the lack of overtime protections. Moreover, during the offseason, players are only paid \$255 per week, with no pay at all during the "dead period" between December and January. See Baseball America, *How Much Are Minor League Baseball Players Paid in 2024?* (2024).

Another issue that exacerbates MiLB wage concerns is MLB's practice of service time manipulation. Under league rules, a player must accumulate 172 days on the major league roster to qualify for one full year of service. See Cronkite News, *Service Time Manipulation Debate Rages as MLB Teams Hold Off on Bringing Up Top Prospects* (May 17, 2021), <https://cronkitenews.azpbs.org/2021/05/17/service-time-manipulation-debate-rages-as-mlb-teams-hold-off-on-bringing-up-top-prospects/>. However, clubs often hold prospects in the minors for at least 16 days during the MLB season, thereby preventing them from reaching a full year of service. This practice allows clubs to delay a player's free agency eligibility by one year, which in turn delays the player's ability to sign a larger deal. The tactic is widely criticized as a labor rights issue, as it artificially suppresses wages for talented players who have earned a spot in the majors. As a whole, MiLB players should be paid more due to the insufficient payment they currently receive for their work.

### **Recommendations:**

To address these inequities, MLB should establish a higher minimum salary for MiLB players. By setting a wage floor that reflects both the cost of living and the commitment required by minor leaguers, MLB could mitigate the extreme disparities between major and minor league earnings. Additionally, the CBA should be amended to penalize clubs that manipulate service time. Players should have access to a grievance mechanism allowing them to challenge suspected

manipulation before a neutral panel, and findings of service time manipulation should carry fines exceeding the financial benefit of delaying a player's free agency. Such measures would eliminate the economic incentive for clubs to artificially suppress compensation.

Offseason pay guarantees should also be increased, and compensation should be established for the December-January "dead period." These measures would provide better financial stability for players and reduce the need for supplemental employment outside of baseball. This also benefits the organizations, as players can commit more time to their craft rather than earning income. Congress should reevaluate SAPA's overtime exemption, extending protections to minor leaguers who routinely work 60 to 70 hours per week. Finally, the implementation of alternative career programs would help minor leaguers prepare for life after baseball, which becomes a reality for most of these players. Providing both education and professional development resources to minor leaguers ensures that those who do not reach their goal of making it to the major leagues are equipped with skills to secure stable employment. See Baseball America, *Minors Have Gotten Younger (and Older) After Re-Organization* (2023), <https://www.baseballamerica.com/stories/minors-have-gotten-younger-and-older-after-re-organization/>. While this recommendation primarily targets post-minor league life, it is worth including because of the high percentage of players who do not make it to play in the big league. Alternative career opportunities should be introduced to these players. Id.

### Conclusion:

Although Major League Baseball has made progress in improving conditions for minor league players through housing guarantees and increased salaries, there are still significant legal and economic issues that remain. The Save America's Pastime Act continues to deny players overtime pay, leaving many uncompensated for substantial hours of labor that exceed national averages. The CBA has raised wages but failed to address offseason pay gaps, which intensifies the difficult living conditions. Service time manipulation artificially delays the fair market and strips minor leaguers of well-earned time and benefits from being on the major league roster. Moreover, as the key players in the system that feeds talent into the MLB, these players

deserve to be paid for the grueling effort they exert in their pursuit of making it to the major leagues. Until reforms address these systemic inequities, the pay disparity faced by minor league baseball players will continue to undermine the integrity of baseball's developmental system.

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## Students File Lawsuit After Shooting at New Jersey Football Game

A lawsuit has been filed in New Jersey Superior Court in Passaic County on behalf of two minors who were seriously injured in a shooting at a school-sponsored football game at Passaic County Technical-Vocational School in 2024.

The complaint, filed by a law firm representing the students and their guardians, alleges the shooting occurred Aug. 30, 2024, on school grounds during a game attended by students, families and members of the public. According to the filing, the two minors were bystanders when an altercation escalated and a former student opened fire, striking both and causing severe injuries.

The lawsuit names the Passaic County Technical-Vocational School Board of Education, along with several administrators and staff members, as defendants. It alleges that school officials failed to properly supervise attendees, prevent a foreseeable threat from entering the event and implement adequate safety measures.

According to the complaint, the alleged shooter had previously been expelled but was able to access the event without sufficient screening or intervention. The filing further claims that school personnel had opportunities to identify and remove the individual before the shooting but failed to act.

“At its core, this case is about preventable harm and a failure to protect children in an environment where they should have been safe,” said Guillermo Gonzalez, an attorney for the plaintiffs. “These two children were innocent bystanders attending a school-sponsored event and, instead of enjoying a community gathering, suffered life-altering injuries.”

Gonzalez said the case centers on alleged lapses in supervision and safety protocols.

“Schools have a fundamental obligation to ensure the safety of students and attendees on their grounds,” he said. “When that duty is neglected, and children are the ones who pay the price, accountability is necessary.”

The lawsuit seeks damages for negligence, violations of the New Jersey Tort Claims Act, and alleged violations of constitutional rights. A jury trial has been requested.

Both students suffered gunshot wounds and continue to experience physical and emotional trauma, according to the complaint.

The case also raises broader concerns about school safety, crowd control and security procedures at public school events, particularly those held outside regular school hours but on school property.

No response from the school district or the named defendants was immediately available.

The case has been assigned number PAS-L-001259-26.

## Confronting our Nation’s Rising Addiction: a Review of the *Sports Betting Boom | Out of Bounds* Documentary by Vice

By Ian Gonzales

The documentary *The Sports Betting Boom/Out of Bounds* mobilizes public opinion more firmly against the dangers of sports betting, with the noble goal of protecting bettors through greater legislation and regulation. It believes that effective cooperation between sportsbooks, sporting teams, elected officials, and law enforcement is the best way to conquer this societal issue gradually. Testimonial stories of individuals who’ve had their lives and finances ruined by sports betting activities are highlighted. The specific strategies employed by companies to attract and addict customers are also explained.

Recently, FanDuel’s parlay feature has gained notable traction. The parlay feature allows bettors to make a single wager that links together all 16 weekly NFL Games. A nearly infinite number of options could be combined into a single bet. This structure intentionally plays right into customers’ impulse and adrenaline systems. The *goal* of the sportsbook designers and executives is to retain as many customers as possible through addictive marketing and features, while ensuring that customers collectively lose enough money to turn out an enormous profit for them. When engaging in parlays, customers often describe getting a rush of excitement and a detachment from reality, thus making them less capable of practical reasoning.

Meanwhile, FanDuel bought out a smaller company called *SimpleBet* in 2020, with the main objective of capitalizing on the microbetting feature. Microbetting allows players to wager during games about whether the next pass will be successful or not. Microbets are *far* more addictive than pregame bets and are designed to be so with the help of experts focused on maximizing company profits. In October 2025, the FBI arrested NBA Player Terry Rozier in connection with a wider investigation into sports gambling through microbetting. This occurred following Rozier’s exit from a game after nine minutes due to an alleged foot injury. Later, the placing of 30 microbets in one day regarding Rozier’s assists, points, and rebounds by a bettor

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online alerted Draft Kings, FanDuel, and other major sportsbooks. A clear message was sent to fans, athletes, and others highly involved in such online betting practices: this highly addictive practice could yield legitimate consequences, and all must exercise strong caution when engaging in it.

Documenting the stories of ordinary young fans and bettors is also crucial in pushing for better legislation and regulations. By explaining the thought processes of the innocent who haven't *yet* had their lives ruined, but are fully addicted enough to, a strong emotional and practical appeal can be made. In turn, congress could pass more preventative legislation. A good example of such young, ordinary bettors would be Mike, Landon, and Austin from the documentary. They describe the addictive thought of having a successful six-leg parlay hit as "just you and the fight now. It's nothing else around you. It's just the most adrenaline filled thing that you can think of." This quote adequately depicts what it feels like for bettors to be caught up in the psychological betting frenzy. Additionally, these three friends mention how they've grown to realize just how insidious the major sportsbooks companies are, through practices of closely analyzing personal data and then using software and AI to automatically tailor specific advertisements to individual customers. The algorithms are becoming capable of knowing a given customer on an eerily personal level. Just simply pulling away and disengaging would be exceedingly difficult for most.

Some industry leaders and writers who have customers' best interests at heart are actually appreciative of widespread betting legalization. This is due to legislation approving software and human and monitoring systems designed to collect important data from sportsbooks and subsequently contact law enforcement and sporting leagues. David Hill from *Rolling Stone* magazine believes that behaviors like Roziers' have always existed and always will. However, the industry now has the means and authorization to investigate it more thoroughly. Likewise, Jeremy Kudon, President of the Sports Betting Alliance, argues that "the system worked. The operators identified unusual activity around certain wagers. They notified the league, they notified the authorities. This is what we want. If we had this in 1919, we might not have had the Blackstock Scandal." When the 1992 general Federal prohibition

on sports betting was still in place, such monitoring systems didn't yet exist, thus more easily encouraging underground betting activities.

The widespread legalization of sports betting practices has allowed for congressional representatives and committees to take a larger role in advocating for addiction treatment. For example, the addiction treatment and recovery caucus, headed by representative Paul Tonko, pushes for policies that tackle sports betting addiction. Through marketing, for example, Tonko and other caucus members derive inspiration from decades-old advertisements pushing for restrictions on nicotine products. They understand that a sharp decrease in the advertising of sportsbooks, betting games, and betting accessories could have a significantly positive impact on younger generations by limiting the extent to which they're exposed to such concepts from a very early age. Through AI, technologies can be built to study the psychological patterns and neuron impulses associated closely with gambling. Doing so will begin to produce more concrete explanations for the sports gambling behaviors that are taking over younger generations of fans.

Additionally, the United States' sporting industries and legislative bodies would do well to learn from recent policies being implemented in the United Kingdom. The U.K. has been implementing stricter limits on online slot games to prevent gambling related harm, and subsequent legislation has correctly identified young men between the ages of 18 and 24 as the most vulnerable demographic group. For example, a measure taking effect between 2025 and 2026 limits young adults to £2 per spin in addictive betting games. Additionally, the U.K. has also enacted deposit limit laws, obliging online sportsbook operators to prompt customers to set financial limits before depositing. If similar laws could actually pass in the United States, social and financial improvements of real significance could begin to take place.

While the widespread legalization of sports betting across the country has had some social benefits, journalist Jemele Hill is certain that the consequences will get worse in the short term. She predicts that one or more of three possible scenarios will turn public opinion firmly against the sports betting industry. First, a dramatic spike in addictions and gambler suicides on a national level could dramatically change public

opinion. Second a scenario in which an enraged gambler could try to assassinate a player could arise. Lastly, a situation where a respected player or championship game is exposed for having been rigged in advance could change everything. Industry leaders and writers believe that one of these three dramatic scenarios might be what's needed for more aggressive legislation against sportsbooks to actually pass. In the aftermath of any of these three events, Hill believes that the extremely addictive nature of sports betting will no longer be able to be effectively hidden. While nearly everyone at least subconsciously recognizes this issue already, it will be much harder to downplay, following such a dramatic scenario. However, in the meantime, she urges that it falls upon everyone to be aware and raise awareness of the massive risks associated with the freedom and burden of sports gambling.

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## Breaking Into Sports Law — Don't Overthink It

By Jason Lee, Santa Clara University School of Law (Class of 2027)

Watching Jerry Maguire gave me a glimpse of a side of sports I had never seen before. The agents, the deals, the relationships, and everything happening behind the scenes that you never get to see while watching a sports game on TV. Back when I was in undergrad, one of the only places I could find real insight on how to break into that world was Darren Heitner's *The Sports Law Blog*, where he wrote about how law school was the path he took to becoming a sports lawyer and agent. That resonated with me, and going to law school felt like the path that could realistically open those same doors for me too. But finding other sports lawyers who were accessible as a resource wasn't easy. There wasn't a clear blueprint and no one place where you could go and hear from people who had done it. Events like the 3rd Annual Santa Clara Sports Law Conference this past March are what I wish had existed back when I was trying to learn more about this space. A room full of professionals who have carved out a career in sports law and are willing to share how they got there. The first panel, "Sports Lawyers Leading the Game",

addressed the question that all law students were keen to learn, "how do you get into sports law?"

The panel was moderated by Richard Brand, Managing Partner and Head of the Sports Practice Group at ArentFox Schiff, and featured Woodie Dixon, Chief Legal Officer of Golden State Group, Sapna Pandya, EVP and General Counsel of Red Bull, Marissa John, Vice President and General Counsel of the Seattle Seahawks, and Lauren Strackbine, SVP and General Counsel of Sharks Sports and Entertainment.

Brand kicked things off by joking that his current role as managing partner is literally the only job he has ever had since graduating, making him maybe not the most useful person to give job hunting advice. The humor made the room feel light and broke the ice for what followed. Because what came next was not a polished panel of people telling you to follow your passion and that everything will work out. It was something much more honest than that.

Each panelist laid out a path that looked nothing like what they had planned. Dixon went from two law firms to getting a master's in sports management mid-career, to the NFL league office, to GC of the Kansas City Chiefs, and eventually to Golden State Group. Pandya landed at Red Bull because a more senior colleague passed on the opportunity and suggested she take the interview instead. John started in real estate law, moved to Amazon, and somehow ended up as general counsel of the Seattle Seahawks. Strackbine started in healthcare law of all places, and found her way to the Jacksonville Jaguars, then to the Sharks.

The takeaway was that there is no single road into sports law. Whatever you're doing right now, whether it is healthcare, real estate, family law, or something that feels completely unrelated, it is probably more relevant than you think. Brand made the point that almost everyone is surprised to hear that real estate experience leads to sports, but when you actually think about it, what is a sports stadium if not a massive piece of real estate?

The panel kept concluding to the same idea. To just become a really good lawyer first. Not a sports lawyer. Just a good lawyer. Dixon put it simply, basically telling the room to stop obsessing over the destination and focus on being excellent at whatever is in front of you, because the opportunities that end

up defining your career are often ones you never saw coming.

The panel also got into a topic that I had never thought to think about myself. We spend so much time obsessing over how to break into sports law that we rarely stop to think about the question that comes right after it, “how do you actually become valuable once you’re in?” Strackbine talked about how she has spent years shifting the legal department at the Sharks toward something more like a strategic partner. That meant sitting in on business meetings, walking around the office, and making sure people felt comfortable coming to the legal team early rather than after the fact. John said something similar about the Seahawks, noting that changing the reputation of legal from a blocker to a collaborator has made her team more effective than anything else she has done in the role. And then Dixon said something that I keep coming back to. Do not be a post office. If all you are doing is receiving information and passing it along, you are replaceable. But if you are actually thinking, adding context, understanding the business, and bringing something to the table that nobody else can, that is when you become someone people genuinely need.

This was my second time at the Santa Clara Sports Law Conference, and I’m so grateful for what Sports Law Professor Leonard Lun has put together here at Santa Clara Law. What started as a vision years ago has grown into one of the most valuable sports law events in the country. It pulls in students from law schools all across California and practitioners from all over the nation, and somehow it manages to feel like a community rather than just a conference. Back when I was first trying to find my way into this world, something like this wasn’t easy to find, and I’m fortunate I finally got here. And if you are a law student trying to break into sports law, someone considering law school with this path in mind, or a lawyer looking to make the transition into this industry, this is the kind of opportunity you have to experience firsthand. I’m thankful for all the attorneys that attended the conference sharing their perspectives, stories, and guidance, and am looking forward to the conversations that next year will bring.

## Seasoned Sports Lawyer Teresa Johnson Joins WilmerHale as Sports & Gaming Co-Chair and Partner in the Transactional Department



**Theresa Johnson**

WilmerHale has added veteran corporate and sports lawyer Teresa “Terry” Johnson as a partner in its San Francisco office and co-chair of its Sports & Gaming Practice, the firm announced.

Johnson will lead the practice alongside Michelle Nicole Diamond and Drew Dulberg. She brings more than 30 years of experience advising professional sports organizations, companies, boards and high-net-worth individuals on securities transactions, corporate governance, capital markets and complex business deals.

Managing Partner Anjan Sahni said Johnson’s arrival strengthens the firm’s capabilities as demand grows for sophisticated legal counsel in the sports sector and beyond.

Johnson has represented professional sports organizations, including teams in the National Football League and the Women’s National Basketball Association. Her work includes advising teams, owners and investors on ownership structures, governance, league matters, financings and mergers and acquisitions. She also counsels clients on investment structures, including minority and majority stakes, and helps navigate league rules, approvals and compliance requirements.

In addition to her sports practice, Johnson advises closely held businesses and high-net-worth clients on capital markets transactions, ownership transitions and broader strategic matters.

Diamond said Johnson’s experience enhances the firm’s ability to advise sports clients on a full range

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of corporate issues, from day-to-day governance to complex transactions.

Johnson said she was drawn to the firm's sports and gaming platform and its broader transactional practice.

"I look forward to contributing to the continued growth of our corporate and sports and gaming practices and supporting clients as they navigate increasingly complex markets," she said.

The move comes as WilmerHale continues to expand its transactional capabilities on the West Coast, particularly in San Francisco, where the firm expects increased growth-stage financing activity and a potential uptick in initial public offerings.

Before joining WilmerHale, Johnson was a partner and co-head of the capital markets practice at an Am-Law 100 firm. She has also practiced in London and across the United States.

Johnson has held leadership roles in the legal community, including serving as president of the Bar Association of San Francisco and the Justice & Diversity Center. She is also active in the Legal Alliance for Reproductive Rights and frequently speaks and writes on environmental, social and governance issues and transactional law.

She earned her law degree from Stanford Law School, where she served on the Stanford Law Review, and received her undergraduate degree, cum laude, from Harvard University.

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## Perkins Coie Adds Sports Lawyer Chad Colton to Roster

**P**erkins Coie has announced that Chad Colton has joined its Commercial Litigation practice as a partner in Portland and Seattle, further strengthening the firm's sports law offering.

Bringing two decades of experience, Colton represents clients in high-stakes commercial matters such as partnership, shareholder, breach of contract, IP, and licensing disputes. He also frequently serves as lead trial counsel for bet-the-company cases, often joining to advise and advocate for clients in the middle of litigation or immediately before trial.

Having taken dozens of cases to trial across the country, Colton navigates litigation matters for clients in a variety of industries, with a particular focus on sports and entertainment disputes. Recently, he served as a lead trial counsel in several high-profile jury trials in the Pacific Northwest in matters seeking billions of dollars in damages. Colton handles commercial disputes in the healthcare, hospitality, retail, and manufacturing industries and has represented major companies in a wide range of issues from trade secrets to breach of contract and fraud. Prior to joining Perkins Coie, Colton was a shareholder at a Portland litigation boutique.

His notable sports-related litigation includes:

- **Odell Beckham Jr. vs. Nike (Lead Counsel):** Colton successfully defended NFL star Odell Beckham Jr. in a high-profile royalties-turned-breach-of-contract lawsuit brought by Nike. Nike claimed Beckham owed them \$7 million to \$15 million for customizing his gloves and disclosing confidential contract terms. The jury awarded no damages to either party, a result considered a major victory for Beckham, who was facing potential liabilities of up to \$15 million.
- **Sportswear Endorsement Disputes:** He has extensive experience representing or opposing A-list celebrities and major sports brands in disputes involving licensing, trade secrets, and endorsement contract breaches.

"Chad is a seasoned trial lawyer with an excellent reputation among judges and peers in the Pacific Northwest," said Shari Brandt and Julia Markley, co-chairs of the Litigation practice. "He immediately enhances our national litigation bench with his extensive lead counsel experience and strong track record across a range of commercial disputes. He also brings a deep commitment to mentoring younger lawyers and sharing practical insights that will strengthen our trial teams and client service."

Colton earned his Bachelor of Arts from Brigham Young University and his Juris Doctorate degree from Lewis & Clark Law School.

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## Brian J. Bluth Joins Little League® Team as Deputy General Counsel

Little League® International has announced Brian J. Bluth as its new Deputy General Counsel. “I have had the privilege of knowing Brian Bluth as an attorney for more than 20 years, having worked both with him and across the table from him on various cases,” said Joy Reynolds McCoy, Little League Senior Vice President and Chief Legal Officer. “Throughout that time, he has consistently demonstrated exceptional professionalism, integrity, and insight. Brian is one of the most highly respected attorneys in Lycoming County and is recognized across Pennsylvania as a skilled professional.” In his role as Deputy General Counsel, Bluth will report to the Chief Legal Officer and assist with the legal affairs of the entire organization, and will also be responsible for working on various contracts, assisting with litigation, providing legal compliance, and limiting risk exposure.

Before joining Little League, Bluth honed his abilities while working for Williamsport-based McCormick Law Firm, overseeing medical malpractice defense litigation on behalf of Pennsylvania hospitals, health systems, physicians, and nurses. Additionally, Bluth defended complex civil cases on behalf of insurance carriers, manufacturers, corporations, non-profits, municipal entities, and institutions of higher education. Since 2013, he has been a Solicitor to Lycoming County Prison, working in areas including Constitutional law and civil rights defense. He has served as President of both the Lycoming Law Association and the Middle District Chapter of the Federal Bar Association. As part of its pro bono mediation program, Bluth is a certified mediator for the Middle District federal court. Bluth also brings more than five years of experience as an Adjunct Instructor at the University of St. Francis, Lycoming College, and Pennsylvania College of Technology.

Bluth graduated from Carnegie Mellon University in 1998 with a Bachelor of Science in biology, concentration in genetics, and in 2001, he graduated cum laude from the University of Pittsburgh School

of Law with a J.D. and an Advanced Certificate in health law.

## Gafoor, Lucentem Recognized by Legal 500 Among Canada’s Top Sports Law Firms

Layth Gafoor, founder of Lucentem Sports & Entertainment Law, has been named a Top Lawyer in Sports & Entertainment Law by Legal 500, while his firm earned recognition as one of Canada’s Leading Law Firms in the category.

The distinction places Lucentem among just eight firms nationwide to receive the honor, and notably, the only firm on the list dedicated exclusively to sports and entertainment law. The rankings are based on independent market research and client feedback, underscoring both the firm’s subject-matter expertise and its reputation among clients. Gafoor, a sports and entertainment executive and general counsel at hxouse, has built a career at the intersection of law, business and culture. In addition to leading Lucentem, he serves as an adjunct law professor and recently completed his term as president of the Sports Lawyers Association, reflecting a broader commitment to advancing the profession.

In announcing the recognition, Gafoor credited the firm’s focused approach and client relationships as key drivers of its success. “This distinction reflects the strength of our work and the high degree of client satisfaction we strive to deliver,” he said. “Being the only firm in this group that practices exclusively in sports and entertainment law is a testament to our team’s passion and specialized expertise.”

Lucentem advises clients across the sports and entertainment industries on a range of legal and business matters, positioning itself as a boutique firm with a targeted, industry-specific practice.

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## News Briefs

### **Toledo Law Graduate Named School's Associate Athletic Director of Compliance**

The University of Toledo has announced the appointment of Lauren Best-Hovermale as Associate Athletic Director of Compliance. Best-Hovermale, a 2021 UToledo College of Law graduate, joins the Rockets following five years of service in the athletics compliance office at Bowling Green State University. Best-Hovermale also served as an athletics compliance extern at Toledo in 2020-21. Best-Hovermale joined the Bowling Green compliance office in May 2021 as an intern, was promoted to assistant director in November 2021 and was again promoted to director of compliance in October of 2024. Best-Hovermale, a licensed attorney in the state of Ohio, is a 2021 cum laude graduate of University of Toledo College of Law, where she was on the Dean's List and was a full-tuition merit scholarship recipient.

### **Sycamores Welcome Sports Lawyer Kirby Smith as NCAA Compliance Assistant Director**

Indiana State University has announced the hiring of Kirby Smith as the Sycamores' new NCAA Compliance Assistant Director. Smith joins the Sycamores by way of stints at Ohio Dominican, Eastern Kentucky, Southern Illinois, and Eastern Illinois. Most recently, she served as the Director of Compliance at Ohio Dominican University over the 2025-26 athletic year. Prior to her time at Ohio Dominican, she spent three years as the Assistant Athletic Director for Compliance at Eastern Kentucky University. She worked to oversee compliance of the NCAA, Atlantic Sun Conference, and ECU's policies and procedures. Smith graduated with her Juris Doctorate from the Southern Illinois University School of Law in 2022. She earned her Bachelor of Arts in Sociology with a Criminal Justice emphasis and a minor in Forensic Studies from McKendree University in 2019. While pursuing her law degree, she served as a Compliance Intern at both Eastern Illinois and Southern Illinois.