



Jeffrey Kessler

Partner
Co-Executive Chairman & Co-Chair, Antitrust/Competition Practice

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Co-Executive Chairman of Winston & Strawn, Jeffrey is one of the world’s leading antitrust, sports law, and trial lawyers. He has served as lead counsel in some of the most complex antitrust, sports, and intellectual property litigations in the country, including major jury trials, and has represented a number of U.S. and international companies in criminal and civil investigations in the antitrust, sports law, trade, and Foreign Corrupt Practices Act (FCPA) areas.

Jeffrey co-chairs Winston’s global Antitrust/Competition Practice and is the former co-chair of the firm’s Sports Law Practice. Law360 recently named both practices as a “Practice Group of the Year” for their respective categories. He focuses his practice on all aspects of antitrust/competition, sports law, complex commercial litigation, intellectual property (IP), and government criminal and civil investigations. He has served as lead counsel in some of the most complex antitrust, sports law, and IP law cases in the country, including major jury trials, and has represented many U.S. and international companies in criminal and civil investigations in the antitrust, trade, and Foreign Corrupt Practices Act (FCPA) areas. He successfully defended Matsushita and JVC against claims of a worldwide conspiracy in the landmark U.S. Supreme Court case *Zenith v. Matsushita* and is regarded universally as a leading commentator on international antitrust law. He has also been the lead counsel for important cases involving frontier issues of IP law and lead counsel in numerous government criminal and civil investigations. He is a member of the firm’s Videogame, Gaming, and Esports Group, which provides comprehensive legal solutions to companies in the sector.

Jeffrey is also one of the United States' most prominent lawyers regularly engaged in high-profile sports litigation. He has litigated some of the most famous sports-antitrust cases in history, including the landmark college players-brought *Alston v. NCAA* case, in which, following Jeffrey's oral argument, the U.S. Supreme Court unanimously affirmed his and co-counsel's earlier "groundbreaking and disruptive" trial victory against the NCAA in this antitrust challenge to its no-compensation rules; *McNeil v. The NFL*, the watershed antitrust jury trial that led to the establishment of free agency in the National Football League (NFL); and *Brady v. NFL*, which led to the end of the 2011 NFL lockout. Jeffrey's sports sector clients have included the NFL Players Association (NFLPA), the National Basketball Players Association (NBPA), the Arena Football League Players Association, the National Hockey League Players Association, the Major League Baseball Players Association, the National Invitation Tournament (NIT), Wasserman Media Group, SCP Worldwide, MVP Sports, the U.S. Women's National [Soccer] Team (USWNT), the NFL Coaches Association, the Women's Tennis Benefit Association, Endeavor, Super Slam Ltd., Activision Blizzard, Adidas, Klutch Sports, and Players, Inc. Jeffrey has represented various classes of Division 1 college basketball and football players; other college athletes; elite swimmers; NBA, NFL, AFL, and MLS players; the North American Soccer League (NASL); the U.S. Football League; the Overwatch and Call of Duty Esports leagues; the Professional Bull Riders; Relevent Sports Agency, and the Cities of San Diego and Oakland, as well as Alameda County, in various sports law disputes. He negotiated the current free agency/salary cap systems in the NFL and NBA, and successfully represented Latrell Sprewell in his controversial suspension arbitration. In the area of NFL discipline, he represented the NFLPA on behalf of Ray Rice, Tom Brady (in "Deflategate"), Ezekiel Elliott, Adrian Peterson, and the "Bountygate" players. He represented pro bono Oscar Pistorius, the double-amputee athlete, in his successful arbitration to obtain the right to compete against non-disabled athletes around the world. Recently, he achieved a landmark equal pay class action settlement for the members of the USWNT.

This impressive experience led Law360 to name Jeffrey as an MVP for Sports and Betting for five consecutive years (2018–2022). In March 2022 at the *Benchmark Litigation East Coast Awards*, Jeffrey was honored as the Antitrust Litigator of the Year, and the firm was recognized for its work on *NCAA v. Alston*, one of the National Impact Cases of the Year. Jeffrey is also part of the group recognized with GCR's 2022 "Litigation of the Year: Cartel Prosecution" award.

Key Matters

Some of the experience represented below may have been handled at a previous firm.

- *Jenkins v. NCAA* and *Alston v. NCAA, et al.* – Successfully represented classes of Division 1 college football and basketball players in a landmark antitrust case and successful trial, culminating in a verdict that struck down anticompetitive NCAA rules barring player compensation. Both the Ninth Circuit and Supreme Court later affirmed the trial win, with the Supreme Court issuing a heralded, unanimous decision, after Jeffrey presented oral argument to the Court on the players' behalf. *The American Lawyer (Am Law)* recognized both the trial and Supreme Court wins with its highly coveted "Litigator of the Week" (LOTW) honor. Jeffrey is currently representing college players in the *House* litigation against the NCAA, asserting antitrust claims against NCAA restrictions on athlete compensation for rights to their names, images, and likenesses.
- *Zenith v. Matsushita Electric Industrial Co., Ltd.* – Successfully defended Matsushita in a landmark antitrust conspiracy case, in which the Supreme Court established new summary judgment standards
- *McNeil v. NFL* – Won jury verdict for NFL players striking down free agency restrictions under the antitrust laws, a victory which led to the *Reggie White* class action that resulted in a settlement establishing the free agency/salary cap system in the NFL
- *Thales Avionics, Inc. v. Matsushita Avionics Systems Corp.* – Won summary judgment for Matsushita against monopolization charges in the avionics industry
- *U.S. Women's National Team Equal Pay Litigation* – Achieved a groundbreaking, widely reported, and globally acclaimed equal pay class action settlement for the USWNT players in their equal pay and working conditions litigation against the United States Soccer Federation (USSF)

- *Panasonic Corp. of North America* class action defense – Represented Panasonic in its defense of various nationwide consumer class actions in New Jersey and California courts
- *NFL Discipline Cases*– Represented the NFLPA for Tom Brady (in “Deflategate”), Ray Rice, the “Bountygate” players, Ezekiel Elliott, Adrian Peterson, and others in challenging NFL discipline
- *JVC Americas Corp.* class action defense – Represented JVC in national consumer class action defense
- *MDL proceedings* – Has represented and continues to represent Panasonic, Sanyo, NTN, Nippon Seiki, Corning, and other major companies in complex MDL class actions
- *Axcess Global v. Matsushita Electric Industrial Co., Ltd.* – Successfully defended Matsushita in a nine-week jury trial involving claims of breach of contract and fraud, in which the plaintiffs sought US\$750 million and the jury awarded a complete defense verdict
- *NBA Player Class Actions* – Successfully represented various classes of NBA players in different antitrust actions, leading to the current free agency/salary cap system in the NBA and the end of the 2011 NBA lockout
- *DVD Copy Control Association v. Bunner* – Successfully obtained preliminary injunction for DVD Copy Control Association in watershed case challenging theft and distribution of DVD trade secrets over the internet
- *Brady v. NFL* – Successfully represented a class of NFL players in an antitrust action that led to the end of the 2011 NFL lockout
- *Players Inc. v. Gridiron and Athletes First* – Successfully prosecuted two frontier IP litigations challenging the group use of NFL player images on websites
- *J.F. Feesers v. Serv-A-Portion* – Successfully represented plaintiff in major Robinson-Patman Act litigation
- *City of Oakland and Alameda County v. Oakland Raiders* – Obtained summary judgment on behalf of the City of Oakland and Alameda County requiring Raiders to honor the team’s stadium lease and remain in Oakland
- *Minolta and Matsushita State Attorneys General Antitrust Litigation* – Successfully settled separate multi-state antitrust actions alleging resale price maintenance
- *Samsung v. Panasonic* – Represented Panasonic and the SD-3C patent pool against antitrust claims challenging industry standard-setting and patent pool licensing provisions
- *Sprewell v. NBA* – Successfully represented Latrell Sprewell and the NBPA in arbitration reducing controversial suspension and reversing guaranteed contract termination
- *Rowe v. Creative Artists Agency* – Obtained summary judgment for CAA in defense of alleged conspiracy case
- *Metropolitan Intercollegiate Basketball Association v. NCAA* –Successfully represented the NIT in antitrust litigation and jury trial against the NCAA, leading to settlement that protected the future of the NIT
- *Telesat Cablevision, Inc. v. The Nashville Network* – Successfully defended the Nashville Network and Westinghouse Broadcasting against antitrust claims by cable company
- *NBA and NFL arbitrations* – Represented the players associations in numerous arbitrations involving player free agency rights, circumvention claims, collusion claims, salary caps, and various other collective bargaining agreement issues
- *North America Soccer League v. NFL*– Successfully represented original NASL in an antitrust case striking down NFL ownership rules
- *Matsushita Electronics Corp. v. Loral Corp.* – Successfully represented Matsushita in obtaining summary judgment to establish a license defense against patent infringement claims
- *Guidry v. AFL* – Successfully represented class of AFL players in an antitrust case that established free agency in the AFL
- *Belichick v. NFL* – Represented NFL Head Coach Bill Belichick in litigation relating to changing teams from the Jets to the Patriots

- *Matsushita v. Mediatek* – Lead Counsel for Matsushita in major patent litigation
- *Hygrade Milk and Cream Co. v. DiGiorgio* – Successfully defended company in Robinson-Patman Act litigation
- *City of Oakland v. Oakland A's* – Successfully represented the city in franchise valuation arbitration with the Oakland A's baseball team
- *Honeywell v. Victor Company of Japan Ltd.* – Successfully defended JVC against claims of willful patent infringement
- *NFLPA v. NFL* – Successfully represented NFLPA in challenge to provisions of the NFL TV contracts used to fund the NFL 2011 Lockout
- *Ovalar Makine Ticaret Ve Sanayi, A.S. v. Applied Industrial Materials Corp.* – Successfully vacated arbitration award in landmark Second Circuit decision on the standards for determining arbitrator bias
- *Cinram v. Matsushita*– Obtained summary judgment in defense of antitrust claim against the DVD6C patent pool
- *Global Cartel Defense*– Represented major international companies in more than a dozen global cartel investigations, including in the United States, Canada, the EU, Brazil, Mexico, Korea, Japan, Australia, New Zealand, UK, and China
- *Oscar Pistorius v. IAAF* – Won landmark arbitration for Oscar Pistorius, the double-amputee runner, enabling him to compete against non-disabled athletes and to realize his dream of competing in the Olympics
- *North American Soccer League v. USSF* – Represented the new NASL in antitrust litigation against the USSF
- *Successfully represented college athletes at Stanford University and Robert Morris University to restore their varsity sports teams*
- *Continental vs. Avanci* – Successfully defended Avanci in antitrust litigation against its patent licensing platform, and preserved the win on appeal to the Fifth Circuit
- *William Morris Endeavor v. Writers Guild of America* – Represented WME in major antitrust litigation against WGA
- Representing class of elite swimmers in antitrust litigation against Fédération Internationale De Natation (FINA)
- Representing MLBPA in various litigations and grievances
- Representing Relevant Sports Agency in antitrust litigation against the USSF and FIFA
- Representing leading sports agencies, including Endeavor, MVP Sports, Wasserman, and Klutch in litigations and arbitrations over agent movement

Recent Experience

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Successful Resolution...

Recognitions

Jeffrey has been recognized by *Am Law* as its “Litigator of the Week” (LOTW) in March 2019 and by *The National Law Journal* as a “Litigation Trailblazer” for his historic trial victory on behalf of classes of college football and basketball players in antitrust litigation against the NCAA, striking down the NCAA’s anticompetitive compensation restraints and, again, as its LOTW in June 2021 after he argued the appeal before the Supreme Court and secured a unanimous affirmation of the trial win. Jeffrey also was honored with the LOTW recognition in March 2018 when he defeated plaintiffs’ second attempt to obtain class certification in a major antitrust action against Panasonic and in September 2015 for his team’s victory on behalf of Tom Brady and the NFLPA in the so-called “Deflategate” matter. Jeffrey led the team of lawyers named in February 2022 as LOTW runners-up for their representation of current and former members of the USWNT (soccer) in their landmark settlement of the equal pay portion of their lawsuit seeking to equalize pay and working conditions between the men’s and women’s U.S. national soccer teams as well as the team honored with LOTW recognition in March 2022 for their important Fifth Circuit antitrust win for client Avanci—a joint licensing platform for standard essential patents for the 2G, 3G, and 4G wireless standards.

In December 2021, *Sports Business Journal (SBJ)* named Jeffrey to its 2021 list of “The Most Influential People in Sports Business.” Earlier, in October 2021 and on its 75th anniversary, *SBJ* recognized Jeffrey as an individual who helped grow the NBA into the global powerhouse it is today, placing him on its list of “Power Players: Outside Counsel.”

Jeffrey’s honors include being named an “Acritas Star,” a recognition for lawyers who have been independently nominated for exceptional work in private practice, named as a “2020 Trailblazer” by *New York Law Journal*, and named as a December 2015 “Litigation Trailblazer” by *The National Law Journal* as one of 50 attorneys who have helped make a difference in the fight for justice. Jeffrey received the John Jay Award from Columbia College for distinguished professional achievement in 2016.

Jeffrey received the Legal Aid Society New York’s 2019 Pro Bono Publico Award, honoring his outstanding and sustained achievements in pro bono services. And he received the Servant of Justice Award from the Legal Aid Society in 2019.

Jeffrey has been recognized by numerous publications, including *The Legal 500 US*, *Chambers USA*, *Best Lawyers in America* (the Top 100 Lawyers in New York), *Elite Trial Lawyers*, and *The Best Lawyers in America*®, for his antitrust, commercial litigation and sports law practices. *The Legal 500 US* has recognized him in Antitrust: Civil Litigation/Class Actions – Defense, Dispute Resolution: International Litigation, and Sports Law. *The Legal 500 US* honored Jeffrey in its Hall of Fame (2020–2023) for Industry Focus: Sport (“Jeffrey Kessler is the most knowledgeable and effective lawyer in America when it comes to antitrust law in sports. He is also extremely responsive and communicative. He goes above and beyond when he takes a case.”). *Best Lawyers*® named him “Lawyer of the Year” for Sports Law in 2021 and 2017 and “Lawyer of the Year” for Antitrust Litigation in 2020. *Chambers USA* 2018–2023 ranked him among the nation’s leading lawyers in Antitrust, Cartel, and Sports Law. *Benchmark Litigation US* has placed him on its “Top 100 Trial Lawyers” list (2017–2024), honored him as the “Antitrust Litigator of the Year” at the 2022 Litigation East Coast Awards, and identified him repeatedly as a “National General Commercial Litigation Star” and “New York Litigation Star” and as one of America’s Top 100 High Stakes Litigators (2017). Jeffrey has been recognized by *Guide to the World’s Leading Antitrust Lawyers*, *Chambers Global*, *Law360* (2015 and 2018-2022 “Sports MVP”), *The National Law Journal*’s “Elite Lawyers and Winning Litigators,” *Who’s Who Legal* (Sports, Competition, and Commercial Litigation numerous times), *Lawdragon*’s “500 Leading Lawyers in America” (2020 “500 Hall of Fame” inductee), *Lawdragon*’s “500 Leading Litigators in America,” and the 2019 “*Lawdragon 500: The Legends.*” He has been repeatedly listed in *Super Lawyers*, including as the “Top Rated Antitrust Litigation Attorney” and one of the “Top 100 Lawyers in New York.” Jeffrey also has been named as one of “The 50 Most Influential People in the Sports Business” by *Sports Business Journal*. In 2024, *Forbes* ranked Jeffrey among the “Top 200 Lawyers in America.”

Jeffrey has also been recognized as one of “The CFB Hot 25 Rankings: The Most Influential (behind-the-scenes) People in the Sport” for his work in *NCAA v. Alston* (2023).

In addition to his practices being named by Law360 as a Practice Group of the Year for Antitrust/Competition and Sports Law in 2021, the firm's Sports Law Practice has been recognized by *U.S. News – Best Law Firms* as “Law Firm of the Year” for Sports Law for 2012–2013, 2018–2022, and the firm's Antitrust/Competition Practice was named “2015 Team of the Year” in cartel defense by *The Legal 500 US*.

Jeffrey was honored by the Auschwitz Jewish Center Foundation (AJCF) at their annual Gala in New York on June 1, 2023, and awarded the AJCF Advocacy Award for his profound, impactful work to effect meaningful change for all. Jeffrey's outstanding contributions serve as the paradigmatic example of fighting hatred, for everyone, especially given his remarkable efforts to stand up for those who aren't able to stand up for themselves.

Activities

Jeffrey is a Lecturer-in-Law at Columbia Law School, where he has taught a course on complex litigation. He has written and lectured extensively on a wide variety of antitrust, sports law, and related topics. Jeffrey has published multiple editions of *International Trade and U.S. Antitrust Law*, a treatise on antitrust and trade law issues in a global economy. He also was co-editor-in-chief of *State Antitrust Practice and Statutes*, published by the ABA Antitrust Law Section. He was a member of the Council and was formerly co-chairman of the Publications Committee and chairman of the International Antitrust Law Committee of the Antitrust Section of the American Bar Association (ABA). He was also a member of the ABA's NAFTA Tri-National Committee and an Adjunct Professor of Law at Fordham Law School. He was a founding member of the Board of Advisors of the Georgetown University Study of Private Antitrust Litigation. Jeffrey is a member of the Board of the Center for Family Representation, chair of the Board of Advisors of the Legal Aid Society, a member of the Board of Visitors at Columbia Law School, and a fellow of the International Academy of Trial Lawyers.

Credentials

EDUCATION

Jeffrey received a J.D. from Columbia Law School in 1977, where he was a Kent Scholar and on the board of editors for the *Columbia Law Review*. He received a B.A., *summa cum laude*, from Columbia University in 1975.

ADMISSIONS

- New York

Related Insights & News

- Featured, [The Closer Podcast](#), Brazen, June 16, 2023
- Speaker, “The Supreme Court in 2022,” NYSBA Antitrust Law Section Annual Meeting, January 18, 2023
- Speaker, “Baseball Antitrust Exemption,” ABA Antitrust Law Section Webinar, October 14, 2022
- Speaker, “Navigating Per Se and Rule of Reason,” 2022 ABA Antitrust Law Spring Meeting, April 6, 2022
- Speaker, [“Discussion of NCAA Antitrust Case and Transgender Athletes’ Rights,”](#) Sport Resolutions, December 7, 2021
- Speaker, [2021 Golden State Antitrust and Unfair Competition Law Institute](#), November 18, 2021

- Speaker, "[A Conversation with Jeffrey Kessler](#)," Seton Hall University, November 3, 2021
- Speaker, "[Alston v. NCAA: A Reckoning for the Big Business of College Sports](#)," Celesq® webinar, September 14, 2021
- Featured, CNN Films and HBO Max special broadcast of LFG, a documentary about the U.S. Women's National Team (USWNT) for soccer and their fight for equal pay, September 6, 2021
- Speaker, "[College Athletics in the Supreme Court Spotlight: Alston v. NCAA](#)," Association of Business Trial Lawyers, July 14, 2021
- Moderator, "[Mitigating Risks in U.S. Transactions: CFIUS and Merger Review Tips for Japanese Companies](#)," Winston & Strawn Webinar, June 28, 2021
- Featured, "[Litigator of the Week: Jeffrey Kessler Takes the Fight to Get NCAA Athletes Compensated from the Trial Court to the High Court](#)," *The American Lawyer*, June 25, 2021
- Featured, "[Vice Versa: College Sports, Inc.](#)," Vice TV documentary, June 9, 2021
- Pocket Part Update to "Parties" Chapter of Commercial Litigation in New York State Courts Treatise, 5th edition (2021)
- Co-author, "[Compliance Challenges for Foreign Investment in the U.S.](#)," *Asia Business Law Journal's Japan Outbound Investment Guide*, 2021 and 2022
- Co-author, "[The NIL in Amateurism's Coffin: How the NCAA's Policy Reversal Shows Once Again That Compensating Student-Athletes Won't Hurt College Sports](#)," *Journal of Sports and Entertainment Law* (August 2020)
- Featured, [Balance of Power Podcast](#), Bloomberg Radio, June 29, 2020
- Featured, "[Brown University Athletes Who Lost Their Sports May Have Their Day in Court](#)," *Sports Illustrated*, June 22, 2020
- Featured, "[NCAA Athlete Case Part of Social Justice Push, Atty Says](#)," Law360, June 2, 2020
- Featured, "[Litigator of the Week: Winston's Jeffrey Kessler Scores for College Athletes](#)," *The American Lawyer*, March 15, 2019
- Co-author, *International Trade and U.S. Antitrust Law*, 2nd Edition, 2006 (updates through 2019)
- Speaker, "Antitrust Litigation Against the Compensation Restrictions of the NCAA for Division I Football and Basketball Players," 21st Annual Fordham Sports Law Symposium, March 24, 2017
- Speaker, "Designing Antitrust Compliance in a Silicon Valley Culture," 28th Annual All Hands Meeting Hub, November 17, 2016
- Speaker, "NCAA Change and Challenges: A Landscape in Flux," 2015 Jeffrey S. Moorad Sports Law Journal Symposium, April 20, 2015
- Speaker, "Antitrust Theories in Sports Law Cases," Mecklenburg County Bar High-Profile Sports Litigation CLE Program, January 21, 2015
- Co-Chair, IBC Legal's 2013 Advanced U.S. Antitrust Conference, November 7, 2013
- Speaker, "At the Table with the Player's Union," Bloomberg Sports Business Summit, September 10, 2013
- "After Further Review: How the Eighth Circuit's Misinterpretation of the Norris-LaGuardia Act Fumbled the District Court's Ruling in *Brady v. NFL*," *1 Berkeley J. Ent. & Sports L.*, 2012
- "The Supreme Court's Decision in *Dagher*: Canary in a Coal Mine or Antitrust Business as Usual?" *Antitrust*, 2006
- *Inside the Minds: Antitrust Laws*, 2005
- "Strategies for Litigation," *The Litigation Leadership Roundtable*, 2005

- *The Corporate Counselor and Antitrust/The Corporate Counselor's Deskbook*, 2003
 - Editorial Board, *Competition Laws Outside the United States*, 2001–2003
 - “Protecting DVD Trade Secrets in an Internet World,” 2002
 - “Understanding Business and Legal Aspects of Sports Industry,” Practising Law Institute, Co-Chair, 1999–2000
 - “What Justice Breyer Could Not Know at His Mother’s Knee: The Adverse Effects of *Brown v. Pro Football* on Labor Relations in Professional Sports,” 2000
 - Co-Editor-In-Chief, *State Antitrust Practice and Statutes*, 2nd Edition, 1999
 - “Consents and Settlement Agreements,” *Antitrust Law in New York State*, 1995
 - “The New Wave of Antitrust CIDs: What to Do When the Department of Justice Comes Knocking on Your Door,” *The Metropolitan Corporate Counsel*, 1995
 - “New International Antitrust Guidelines,” *ANTITRUST*, Summer 1989
 - “The Antitrust Legacy of the Reagan Administration,” *The Antitrust Bulletin*, 1988
 - “Litigating International Antitrust Cases,” *The Practitioner’s Viewpoint*, 1987
 - “S. 1300-H.R. 4831 – An Overdue Antitrust Reform,” *The Antitrust Bulletin*, 1986
 - “Integrated Reform Suggested for Antitrust Remedies,” 1983
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SPONSORSHIP

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MAY 2, 2024

SPEAKING ENGAGEMENT

Jeffrey Kessler and Scott...

APRIL 16, 2024

RECOGNITIONS

Winston Attorneys Ranked Among...

MARCH 26, 2024

RECOGNITIONS

Winston and Yuanda China...

FEBRUARY 16, 2024

IN THE MEDIA

Winston & Strawn Files...

DECEMBER 11, 2023

PRESS RELEASE

Winston & Strawn and...

DECEMBER 7, 2023

RECOGNITIONS

Winston Team Led by...

NOVEMBER 10, 2023

RECOGNITIONS

Winston & Strawn Recognized...

OCTOBER 6, 2023

RECOGNITIONS

Winston Partners Named to

OCTOBER 6, 2023

RECOGNITIONS

Winston & Strawn Partners Recognized in 2024

SEPTEMBER 8, 2023

RECOGNITIONS

Winston Attorneys Recognized in *The Best Lawyers in America*

AUGUST 17, 2023

IN THE MEDIA

Jeffrey Kessler Featured on...

JUNE 16, 2023

Capabilities

Antitrust/Competition

Commercial Litigation & Disputes

Technology Antitrust

Antitrust Transactions

Intellectual Property

Patent Litigation

Trade Secrets, Non Competes & Restrictive Covenants

Government Investigations, Enforcement & Compliance

Class Actions & Group Litigation

Sports

Media & Entertainment

Technology, Media & Telecommunications

Health Care

Financial Services