

Sports Group Of The Year: Winston & Strawn

By **Natalie Rodriguez**

Law360, New York (January 25, 2016, 11:36 AM ET) -- Winston & Strawn LLP's sports attorneys scored key victories in a number of player-versus-league dramas in the past year, including the disciplinary measure that New England Patriots quarterback Tom Brady faced after the Deflategate scandal, earning the group a spot on Law360's Sports Groups of the Year.



Over the years, Winston & Strawn's sports group has forged strong relationships with both players associations and leagues across several sports and has been behind a number of landmark cases involving sports antitrust litigation. But much of its high-profile work, especially over the last few months, has involved challenges to league leadership.

"We really have an experience curve that virtually no one else in the country has," said Jeffrey Kessler, co-chairman of the firm. "We have been doing this for decades, representing essentially everybody who has a legal dispute with the established leagues."

And over the last few months, the group has racked up an unprecedented string of victories in what they contend are game-changing disputes.

Among these were getting Brady's four-game suspension over a ball deflation scandal vacated in September, with the judge citing several legal deficiencies in the National Football League's case. The decision is being appealed to the Second Circuit, but it was just the latest high-profile challenge of a disciplinary measure imposed by NFL Commissioner Roger Goodell that the Winston & Strawn team has been able to successfully execute.

In February 2015, the group also got the then-indefinite suspension facing Minnesota Vikings player Adrian Peterson vacated, arguing that the discipline imposed was wrongfully retroactive. The indefinite suspension concerned a May 2014 incident of alleged child abuse, but was enforced under a personal conduct policy that was announced in August 2014. The case has been appealed to the Eighth Circuit.

But both cases have "really changed the entire legal landscape regarding the review of NFL commissioner discipline. It has significant implications for players of all the sports," Kessler said.

And while the group has become a go-to firm for several sports players associations, when leagues have conflicts with each other, they also often turn to the Winston & Strawn team, according to David G. Feher, co-chair of the sports law practice.

"[Our] knowledge and experience goes beyond just looking at things from one angle," Feher said.

Currently, the group is representing the North American Soccer League in its dispute with the U.S. Soccer Federation and Major League Soccer over alleged antitrust law violations. The NASL contends the two have conspired to exclude competitor leagues from Division I status.

It also represented the NFL Players Association and two of its past presidents in the *Ballard v. NFLPA* litigation that alleged the union of hiding evidence linking concussions to long-term neurological damage. The consolidated putative class action was dismissed in August.

Beyond professional sports matters, the group has also been behind a number of landmark litigation in the high school and collegiate levels. Among these in the *Jenkins v. NCAA* suit, where Winston & Strawn is representing a group of college football and basketball athletes in a proposed class action as they challenge the limits that the NCAA and conferences impose on what top division players can receive in terms of pay.

"We think that is a very important case moving forward," said Kessler.

The *Jenkins* case is one of two lead cases that have been consolidated with several other cases in the multidistrict Grant-In-Aid litigation. In December, a California federal judge **certified three classes** in the multidistrict litigation over the NCAA's restricting universities from compensating athletes beyond their cost of attendance.

Additionally, Winston & Strawn's sports lawyers also recently represented Liberty Christian Academy in antitrust litigation challenging the Virginia High School League's rules excluding private schools from its membership. After about a year of litigation, the dispute was settled in a deal that allows the academy to compete in all VHSL playoff and championship events starting in the 2015-2016 school year.

For the Winston & Strawn group, taking on such precedent-setting cases or the kinds of cases that others might consider "dead on arrival" — as many talking heads diagnosed the Brady case, according to Kessler — is exactly the kind of work that the attorneys thrive on.

And each new battle helps to build up a foundation from which the legal team can tackle its next set of complicated disputes, as has happened with its string of recent NFL suspension challenges that go beyond the Brady and Peterson cases.

"We've had one case after another and they sort of build on one another," said David Greenspan, co-chair of the firm's college sports subpractice group.

--Additional reporting by Max Stendahl, Zachary Zagger, Kat Greene and Matthew Perlman. Editing by Katherine Rautenberg. All Content © 2003-2016, Portfolio Media, Inc.