**Athlete Representation & NIL Panel**

**Intro:** My path to becoming a NIL representative

What is NIL?

How did we get here? Legal underpinnings for allowing compensation for Name, Image, Likeness for Student- Athletes (O’Bannon v. NCAA re: restraint of trade, anti-trust)

**I.**

**a).** What is the NCAA v. Alston case about and why is it a seminal one?

**b.)** Describe “The Interim Policy’, and what it means?

**II.**

**a)** What opportunities does the NCAA “Interim Policy” provide for student-athletes to receive compensation for? (examples product endorsements, social media posts, corp. partnerships, camps, clinics, charitable appearances, autographs, starting their own businesses).

**b.) Anything they can’t get paid for?**

**III**

**a.)** Who are the clients for these student-athletes? Colleges and Universities? Booster Clubs-Alumni Assns/”Collectives”? Coaches? Corporations?

**b).** Who pays for these student athlete rights? Why do they pay amateurs vs. professionals? How lucrative are these deals for the representative?

**Iv.**

In 202O the Supreme Court ruling in NCAA v Alston stated in essence that the NCAA was violating anti-trust law by placing limits on “education-related” benefits schools can provide to its athletes. In 2021, the NCAA’s Board of Directors adopted this “interim rule” opening opportunities for NIL activity… the rules seem to keep shifting, evolving, changing.

1. Have the rules or policies been standardized or codified?

Are there jurisdictional differences?

Can each institution make their own policies?

Does it matter where the student is enrolled or where they are a legal resident?

Tennessee v. NCAA injunction prohibiting NCAA from enforcing rule on NIL and inducement to play.

Pavia v. NCAA. JUCO eligibility does not count towards NCAA eligibility.

1. What governance structures are responsible for monitoring, regulating and enforcing NIL activities? See also the proposed settlement.
2. How do you provide maximum value for your client; the client as athlete…the client as corporation? How do you optimize your value as attorney/advisor/consultant?
3. Describe the House v. NCAA Settlement set to go into effect April 2025.

**Iv)**

**a)** Gender, race, and revenue has historically played a role in the disparity in compensation levels of athletes. Do these factors come into play with NIL deals?

**b.)** In your experience, to what extent has the advent of NIL influenced the choices of the athlete and or their families regarding choice of school, behaviors, and future forward perspectives?

**c)** Describe the transfer portal.Impact of the transfer portal on these decisions?

**d)** Any downside to representing clients in NIL deals?