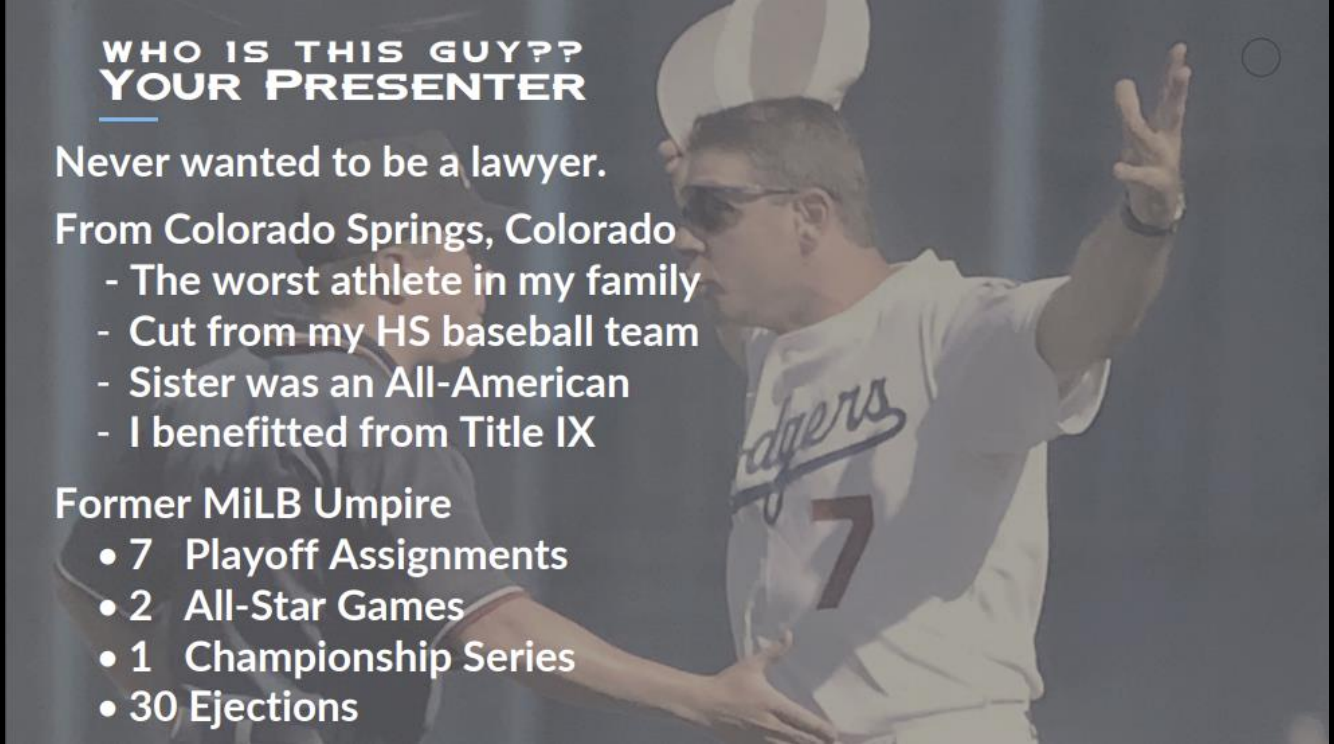

WELCOME TO
SPORTS LAW!
The Basic of NIL Deals



WHO IS THIS GUY??
YOUR PRESENTER

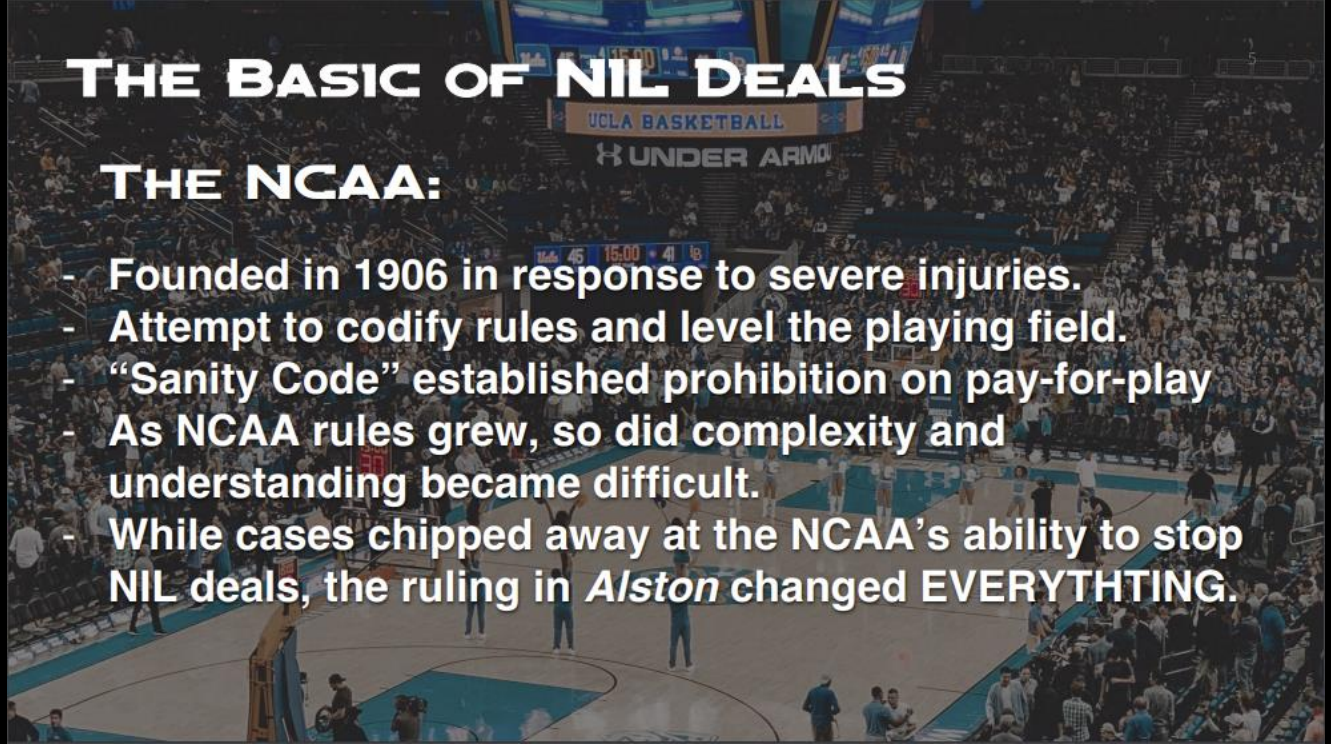
Never wanted to be a lawyer.

From Colorado Springs, Colorado
- The worst athlete in my family
- Cut from my HS baseball team
- Sister was an All-American
- I benefitted from Title IX

Former MiLB Umpire
- 7 Playoff Assignments
- 2 All-Star Games
- 1 Championship Series
- 30 Ejections


WHO IS THIS GUY??
YOUR PRESENTER
BRANDON LEOPOLDUS, ESQ.
Founder of LEOPOLDUS LAW
Member of the Sports Lawyers Association
Creator of the "Athlete, LLC" Program
THE STATE BAR OF CALIFORNIA
JULY 29TH 1927
SPORTS LAWYERS ASSOCIATION
VIP

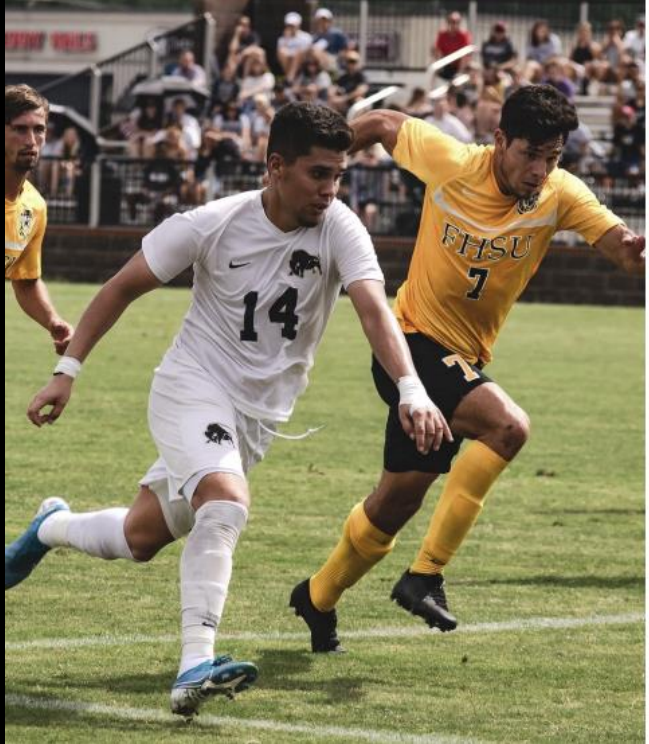

THE BASIC OF NIL DEALS
THE STRUCTURE OF THE NCAA
NCAA
The National Collegiate Athletic Association
Conf.
Athletic Conferences
Univ.
College/University
TEAMS
College/University Sports Teams



The Basic of NIL Deals

The NCAA:

- Founded in 1906 in response to severe injuries.
- Attempt to codify rules and level the playing field.
- "Sanity Code" established prohibition on pay-for-play
- As NCAA rules grew, so did complexity and understanding became difficult.
- While cases chipped away at the NCAA's ability to stop NIL deals, the ruling in *Alston* changed EVERYTHTING.



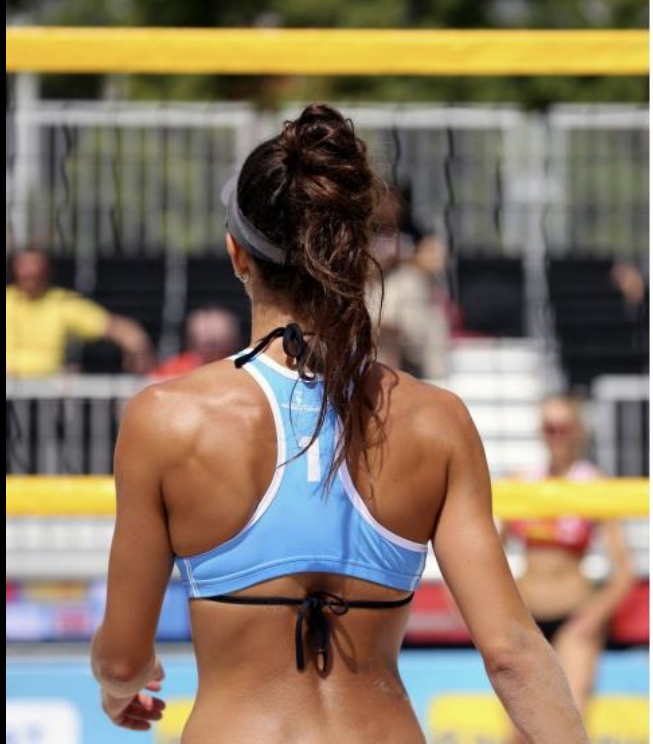
The "Amateurism" Model

Established to maintain the focus of collegiate athletics on giving collegiate athletes an opportunity to receive an education while also developing as an athlete.

Effect of the "Amateurism" Model

- The "Death Penalty" issued against SMU
- Severe Sanctions against the University of Miami
- Reggie Bush and his Heisman Trophy
- Cream Cheese vs. Bagel





The Rapid Change

- The Driver of change has been the mediums for athletes to capitalize.
- Social Media Influencers and their business model led the way.
- With societal change – came legal change

The Basic of NIL Deals

NIL Collectives and Companies

- Pool Rights of schools/players
- Some affiliated with schools, others are not
- Secure marketing deals for athletes, companies, or both!
- Take a cut of the deal value
- NOT sports agents.
- Do not do “pay-for-play” deals.
- More of an “influencer” model.
- There are DOZENS of NIL companies with a variety of focuses.



The Basic of NIL Deals

Opportunities Abound
NIL Company Consolidation
Athlete Revenue

Change in Early Leave
Conference Realignment
Employment Status?

The Basic of NIL Deals

The Primary Cases

Bloom v. NCAA, *93 P.3d 621 (Colo. Ct. App. 2004)*

Oliver v. NCAA, *155 Ohio Misc. 2d 17, 920 N.E.2d 203 (2009)*

Keller v. Elec. Arts Inc., *(In re NCAA Student-Athlete Name & Likeness Licensing Litig.), 724 F.3d 12*

O'Bannon v. NCAA, *802 F.3d 1049*

NCAA v. Alston *(2021) ___ U.S. ___ [141 S.Ct. 2141, 210 L.Ed.2d 314].)*