

Welcome To The NFL, Rook!

Lawyers Wrangling Elites & Egos

**“Show Me The Incentive
And I’ll Show You
The Outcome.”**

Charlie Munger, JD

**Brian Brunkow, JD
CA & WA Bar**

Introduction

INCENTIVES:

**BRAND
WEALTH
STATUS**

RULES

REVENUES

CLIENT

**RELATIONSHIPS
(Michael Irvin)**

Here if
you need me.

LAWYER

Introduction

INTRODUCTION

- “DAY IN THE LIFE”
- ASSUMPTIONS
- CLIENT MGT



COGNITIVE BIAS

- CONFIRMATION
- SELF SERVING
- “BUBBLE”

NFL

- AGENCY REGS
- AGENT ACTIONS
- NFLPA ACTIONS



NCAA

- INVESTIGATIONS
- TRANSGENDER POLICY
- HOUSE VS. NCAA
- (WA) UAAA



WIAA

- TRANSGENDER POLICY
- NIL

Introduction

LAWYERS: 1.3M

NFLPA:
Section 3 A(7)
ADVISE PLAYER &
NOTIFY NFLPA
CONTRACT OR
CBA VIOLATIONS

NCAA:
Section 19.2
OBLIGATION TO
SELF REPORT
VIOLATIONS

NFL

TEAMS: 32

COACHES: 750

PLAYERS: 1.7K

NCAA

SCHOOLS: 1,070

ATHLETES: 500K

NFL

AGENTS: 1.1K

NCAA

**NIL
AGENTS**

Introduction

- Assumptions - "Let Me Double Check"

- Federal Law

- State Law

- NFL Regulations

- NCAA (DI, DII, DIII)

- NCAA Conferences

- NCAA Schools

- High School Associations

**NOT
EVERGREEN**

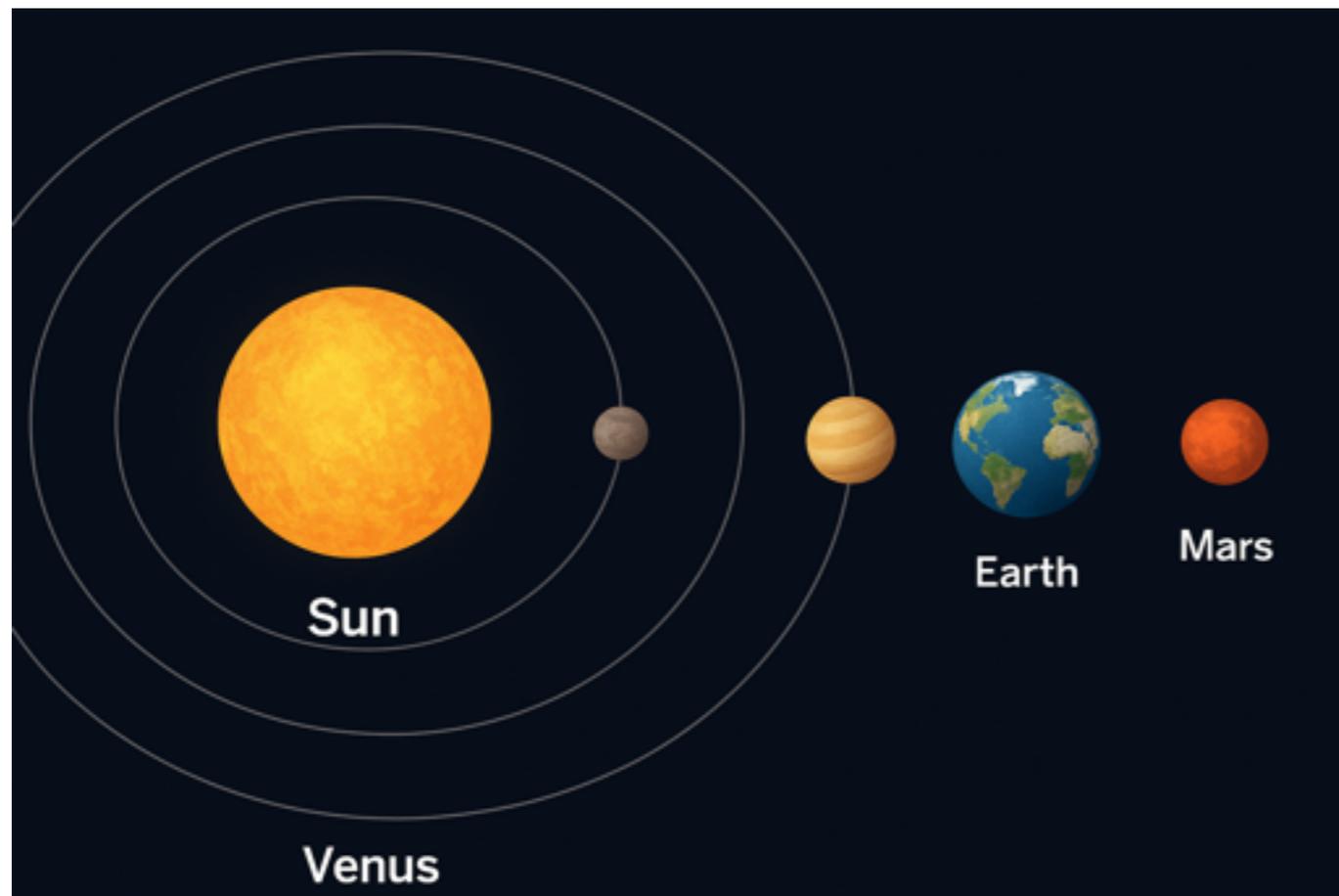


**STATE
BY
STATE**

**SCHOOL
BY
SCHOOL**

Introduction

Assumptions - We're Wrong on Everything Always...



**EARTH'S
CLOSEST
NEIGHBOR?**

<https://pubs.aip.org/physicstoday/online/30593/Venus-is-not-Earth-s-closest-neighbor>

Introduction

Assumptions - We Assume The Client Understands...



CURSE OF KNOWLEDGE

- 50%
- 2.5%

Introduction

CLIENT - PLAYERS:

**PERSONAL
CONDUCT**

(Eugene) “Robinson was a Falcons safety in 1999 when he was **arrested** the night before the **Super Bowl** for solicitation of a **prostitute**, while his **wife and children** were in a nearby hotel...

Robinson...had won the **Bart Starr Award** for **high moral character** just days before the arrest in Miami...”

<https://www.espn.com/espn/wire?section=nfl&id=14700198>

Introduction

CLIENT - COACHES:

MALFEASANCE

Coach George O'Leary, Notre Dame

“In December 2001, George O'Leary, newly appointed head coach of the University of **Notre Dame football** team, **resigned** just **five days** into his tenure due to discrepancies found in his résumé.”

‘*Masters Degree*’ from “NYU - Stony Brook University”

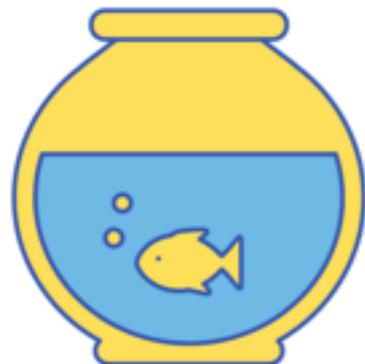
<https://www.ebsco.com/research-starters/business-and-management/notre-dame-football-coach-resigns-falsifying-his-resume>

Introduction

TABLE
SELECTION

STOP
DOING
LIST

24-HOUR
RULE



Hold
my
beer

YouTube
is
Forever

COGNITIVE BIAS

A Bad Life Plan...

“Earvin Mears, Jr. is suing his son’s track coach, principal, athletic director, school district, district superintendent, and school board for \$40 million. He says his son was wrongly cut from his New Jersey high school’s track team.”

<https://mynorthwest.com/uncategorized/dad-sues-school-for-40m-after-son-cut-from-track-team/73734>

COGNITIVE BIAS

Cognitive Bias 101:

Definition - Mental shortcut that leads to errors in thinking. Our brains are making **quick/snap** judgments based on **OUR** past experiences.

Purpose - **Simplifies** the **flood** of information our brain receives every second.



BRAIN:
2%
20%

<https://health.clevelandclinic.org/cognitive-bias>

COGNITIVE BIAS

- **Confirmation Bias**
 - **We look for and believe information that supports our POV.**
 - **Contrary information is ignored.**

“Be Gone with Your Facts, Sir.”

**SUPERBOWL
SEAHAWKS**

**28-24
4th Quarter
26 Seconds
2nd & Goal
1 Yardline
1 Timeout**

COGNITIVE BIAS

- **Self Serving Bias**
 - **My Wins? Talent**
 - **Your Wins? Good Luck**
 - **My Failure? Bad Luck**
 - **Your Failure? No Talent**



**“I’m Special
&
You’re Not.”**



DEFLATEGATE

COGNITIVE BIAS

- **Bubble Bias**
 - **Friends & Family**
 - **YouTube & Social Media**
 - **Algorithm —> Undefeated**

“Everyone
Agrees
with
Me.”

GLOBAL
FANBASE?

NFL
VS.
PINGPONG

COGNITIVE BIAS

- **Cognitive Bias Steps:**
- **Own It**
 - **Lawyers & Clients**
- **Devil's Advocate (Push)**
 - **Disconfirming Info**
 - **Viewpoint Diversity**
- **Open-Mind (Pull)**
 - **Pause & Assess**
 - **“Why might I be wrong?”**

**“I Only Trust
My Doubt.”**

**Chamath Palihapitiya
All-In Podcast**

NFL

You Can't Do That...

HARRISBURG, Pa. -- “A small-town police officer is accused of paying a 10-year-old Little League pitcher \$2 to hit an opposing batter with a fastball...”

SouthCoastToday.com 12/23/99

NFL

NFLPA Agent Regulations “Contract Advisors”

**PLAYERS: 1.7K
AGENTS: 1K**

APPLICATION:

**\$2.5K FEE
BA & MA/JD
7 YEARS NEG**

BACKGROUND:

**SOCIAL MEDIA
SPOUSE INFO**

EXAM:

**60 Q'S
3 HOURS
MULT CHOICE
OPEN-BOOK**

**FAIL EXAM
2X?
=
BARRED
FOR 5 YEARS**

**NFLPA
IMMEDIATE
REMOVAL:

AGENT FAILS SKILL EXAM

SEVERE MALFEASANCE

IMPROPER CONTACT W/
COLLEGE PLAYER**

**FAIL TO SIGN
CLIENT TO TEAM
FOR 3 YEARS?
=
AUTOMATIC
EXPIRATION**

NFL

NFLPA Agent Regulations

Section 3A: Standard of Conduct (Must Do)

- **Section 3(A)(7): Agent MUST Report** known Player-Team Contract or CBA violations to NFLPA. **CONFLICT!!!**
- **Section 3(A)(19): Disclose to Player** recruiting **“Finder Fee”** & get Player’s signature.
 - **Agent A <—> Agent B**
- **Section 3(A)(21): Report to NFLPA if “CHARGED”** with criminal offense (10 BD’s; **>\$100 traffic violations**)

NFL

NFLPA Agent Regulations

Section 3B: Standard of Conduct (**Prohibited**)

- Section 3(B)(2)(3): Agent can't provide money/thing of value to player, family, or “**any other person**” as inducement for agent services.
 - Agent A \leftrightarrow Non-Licensed Agent
- Section 3(B)(4): Agent can't provide **materially false/misleading information** in recruiting/representation.
- Section 3(B)(16): Agent **can't manipulate Endorsement Fee Commission** to offset Contract Commission cap (3%)

NFL

NFLPA Agent Regulations

Section 3B: Standard of Conduct (**Prohibited**)

- Section 3(B)(21): **Agent can't INITIATE** direct/indirect communication with player signed to other Agent regarding...
 - Player's current Agent; Agent contract; Team contract; proposed Agent services
 - **Player may INITIATE** communications. Agent may engage communications on **THOSE** matters.
 - Agent may send **written advertising materials** (non-personalized) to signed players.

NFL

CBA (NFLPA & NFL OWNERS)

NFL PLAYER CONTACT (CBA - ARTICLE 4 & APPENDIX A)

2. Services - Best Effort, Loyalty, Full Participation

3. Other Activities - Club Consent/Enjoin WWE & Sky Diving...

4. NFLPA Group Licensing - Granular; >5 Players; No Endorsement

6. Payment - Weekly/Biweekly Over 36 Weeks (8 Months)

8. Physical/Mental Condition - Full Disclosure or Club Termination

NFL

CBA (NFLPA & NFL OWNERS)

NFL PLAYER CONTACT (CBA - ARTICLE 4 & APPENDIX A)

11. **Skill & Conduct** - Club Terminates if skill “has been” below par, personal conduct, or Club “anticipates” below par contribution.

13. **Injury Grievance** - If Player terminated and believes work-related (PUP) → 60 days for exam by Dr. of player’s choice/payment. If team/player Drs disagree → Binding Arbitration.

15. **Game Integrity** - Player must report bribe/fix offers. Failure = Commissioner may fine, suspend player or terminate contract.

23. **Waivers** - Player waives anti-trust claims (draft, free agency restrictions)

24. **Other Provisions** - Team/Player/Agent confirm no undisclosed side deals.

NFL

NFL Agent Roundup (Poaching & Fraud) Bernstein vs. France, 2019 - 2025....

- Bernstein Agent for Lions WR Kenny Golliday.
- Allegations: Agent France “INITIATED” communications with Golliday & assisted with autograph signing event
- Golliday terminated Bernstein and signed with France in 2019
- Bernstein filed grievance against France for poaching Golliday
- France **denied any involvement** with Golliday at (1) pre-arbitration deposition and at (2) arbitration hearing
- **Emails discovered** showing France (1) arranged the autograph event and (2) negotiated the contract
- Arbitrator awarded Bernstein \$810K in damages including **\$450K in punitive damages** (1st ever punitive award under NFLPA arbitration. NFLPA ‘silent’ on Punitive Damages = Not Prohibited)
- **Agent Duties - Violations (allegations):**
 - Section 3 B(14) Engaging in unlawful conduct and/or conduct involving dishonesty, fraud, deceit...
 - Section 3 B(21) “Initiating” communications with signed player

https://sportslitigationalert.com/nflpa-lying-in-wait-on-discipline-for-agent-todd-france-after-fraud-finding/?utm_source=chatgpt.com

NFL

NFL Agent Roundup: (Undisclosed Finder's Fee, 5/29/25)

Decade Old Contract Dispute
Oral Agreement "Finder's Fee"
Disclosed by Agent to Players???

(LACSC, TBD...)

"Former NFL receiver **Keyshawn "Throw Me The Damn Settlement" Johnson** has sued agent Chris Ellison for unpaid finder's fees. TMZ.com reports that Johnson filed a civil complaint in Los Angeles seeking nearly \$1 million in unpaid commissions for delivering clients to Ellison.

Johnson claims he was due to receive a piece of the contracts signed by the players he recruited to hire Ellison. Specifically, **Johnson alleges that he was owed one third of the three-percent commissions** received by Ellison for negotiating the contracts...

...**The situation could create a separate potential issue for Ellison, if the players weren't aware of Johnson's stake in their decisions to hire Ellison. As one agent certified by the NFL Players Association to negotiate contracts tells PFT, the rules applicable to agents require such arrangements to be disclosed to the client and to the NFLPA.**"

https://www.nbcsports.com/nfl/profootballtalk/rumor-mill/news/keyshawn-johnson-sues-nfl-agent-for-unpaid-finders-fees?utm_source=chatgpt.com

NFL

NFL Agent Roundup (Archives - 2013)

Offer Deadline: 2 PM

Offer Signed & Faxed (1:53 PM???)

Signed Offer "Received" 2:06 PM

Player Released: 2:01 PM

In a statement Tuesday, the NFLPA said **Magid was fined \$25,000 and suspended as a certified contract adviser for six months.** The NFLPA said (Marty) Magid was punished for "committing actions that adversely impact his ability to serve as a Certified Contract Advisor..."

Grievance: 180 Days

Section 5 B

AGENT DUTIES:

**SECTION 3 A(17):
FIDUCIARY AT ALL TIMES**

**SECTION 6 D(5):
PROHIBIT AGENT FROM
TAKING ON NEW CLIENTS
FOR SET PERIOD OF TIME.**

https://www.espn.com/nfl/story/_/id/9864864/elvis-dumervil-former-agent-punished-nflpa

NFL

NFL Agent Roundup (Archives - 2016)

CARD ISSUES DISCIPLINE FOR CONTRACT ADVISOR BEN DOGRA

...Committee on Agent Regulations and Discipline (CARD) unanimously voted to impose discipline on [Certified Contract Advisor Ben Dogra](#) for violations of the NFLPA Regulations Governing Contract Advisors (“Regulations”). Based on verified information included in a [thirty-eight \(38\) count disciplinary complaint, sworn testimony, and careful review of the evidence](#), CARD revoked Mr. Ben Dogra’s certification, with a right to re-apply to become a Contract Advisor after three years and a \$200,000 fine.

Mr. Dogra has the right to appeal CARD’s discipline before an independent arbitrator. If Mr. Dogra appeals, any discipline is stayed until the appeal process is completed.

**DISCIPLINE &
ARBITRATION
=
CONFIDENTIAL
=
THIS PRESS RELEASE
IS
OFFICIALLY
USELESS**

https://nflpa.com/press/agent-discipline-committee-revokes-ben-dogra-s-certification-issues-fine?utm_source=chatgpt.com

NFL

CBA & NFLPA Strip Club Expenses, 6/23/25

NFLPA Boss Lloyd Howell, Jr. Resigns After Two Years

...”The report cited internal union documents showing Howell charged the union **\$738.82** for transportation to a **Miami strip club** and **\$2,426** for an **Atlanta strip club** visit with two employees during a **union retreat** in **February...**”

https://www.espn.com/nfl/story/_/id/45800610/inside-nflpa-executive-director-lloyd-howell-tenure

NFL

CBA & NFLPA Self Dealing, 7/25/25

Allegations: Union Leadership Self Dealing & Conflict of Interest

“A criminal investigation into finances of the NFL Players Association includes **potential misuse of funds and self-enrichment by union officials**, according to a confidential document obtained by ESPN...

In May, ESPN reported that the **FBI was investigating financial dealings** involving OneTeam Partners, a \$2 billion group-licensing firm co-founded by the NFLPA and the Major League Baseball Players Association in 2019 to monetize athletes' name, image and likeness. Howell and MLBPA head Tony Clark held board seats at OneTeam.

Government is watching response [and] could **quickly ramp up and expand scope of existing DOJ criminal investigation**, the document states. "Board [and] Officers need to show government [and] fellow union members that they are acting immediately to find out depth of problems at union [and] related entities.”

https://www.espn.com/nfl/story/_/id/45822794/feds-probing-nflpa-actions-criminal-doc-says

NFL

CBA & NFLPA, 7/17/25 “Fake Injury” Claim

“An arbiter in February ruled in favor of the NFL in a grievance that the NFL Players Association, including then-president JC Tretter, **encouraged** running backs to **"exaggerate" injuries to increase leverage** during contract disputes...

The Arbitrator upheld the Management Council's grievance in its entirety and found that Mr. Tretter's statements violated the CBA by improperly **encouraging players to fake injury.**

https://www.espn.com/nfl/story/_/id/45763049/arbiter-ruled-nfl-grievance-vs-nflpa-rb-advice

NFL

CBA & NFLPA, 7/17/25 “Fake Injury” Claim

CBA (NFL & NFLPA):

Article 2, Section 2. Implementation: The parties will use their **best efforts** to faithfully carry out the terms and conditions of this Agreement (CBA) and to see that the terms and conditions of this Agreement are carried out in full by players and Clubs. The NFL and **NFLPA** will use their **best efforts** to see that the terms and conditions of all **NFL Player Contracts are carried out in full by players.**

Article 3, Section 1. No Strike/Lockout: ...neither the **NFLPA nor any of its members** will engage in any strike, **work stoppage**, or other concerted action interfering with the operations of the NFL or any Club for the duration of this Agreement...

https://www.nbcsports.com/nfl/profootballtalk/rumor-mill/news/nfl-nflpa-concealed-another-grievance-ruling?utm_source=chatgpt.com

NCAA Updates

A Sign of the Apocalypse...

“A youth hockey league..suspended three seven-year olds for playing in an unsanctioned outlaw league.”

Sports Illustrated, 2/11/19

NCAA Updates

PRE '21

SCHOLARSHIP

'21-'25

SCHOLARSHIP
NIL
TRANSFERS

'25 →

SCHOLARSHIP
NIL
TRANSFERS +++
&
REVENUE SHARE

NON-AGENT LAWYER: (NCAA Q&A)

Question No. D25: Does a student-athlete have the right to representation during the negotiation of any agreements with their institution?

Answer: Yes. Student-athletes may have a parent, guardian, lawyer...present during the negotiation of any such agreements...

NCAA Updates

NCAA Athletic Programs

- **DI 360+**
- **DII 290+**
- **DIII 420+**
- **Total: 1070+**

'MO MONEY...

'MO PROBLEMS:

SCHOOL
TEAM
COACHES
PLAYERS
FAMILY
BOOSTERS
BRANDS
AGENTS

NCAA Updates

NCAA Student-Athletes

- **NCAA Student Athletes: 500K+**
- **Football**
 - **Players 77K**
 - **“Go Pro” 1.5%**

1904

***** ENDORSEMENT *****
JAMES HOGAN
YALE FOOTBALLER
J.T. WILCOX CIGARETTES
\$0.12/Pack

- NCAA Guide 2025-26

NCAA Updates

NCAA
PRESS
RELEASE



NCAA Updates

NCAA Press Release, 9/10/25 Sports Wagering

“The NCAA Committee on Infractions released the findings after an **NCAA enforcement investigation uncovered violations by three student-athletes** who competed in men's basketball at Fresno State and San Jose State...

As a result, **they violated ethical conduct rules, triggering permanent ineligibility...**

The individuals — Mykell Robinson, Steven Vasquez and Jalen Weaver — were released from their respective teams and are no longer enrolled at their previous schools...

Robinson and Vasquez...discussed over text message that **Robinson planned to underperform** in several statistical categories during one regular-season game.

Robinson, **Vasquez and a third party bet a combined \$2,200 on Robinson** for his under-line performance in those categories...”

NCAA Updates

NCAA Division I Manual (Article 10.02; 10.3) Sports Wagering

It is **not permissible for student-athletes**, coaches, and athletic department staff members to place, accept or solicit a wager (on a student-athlete's own behalf or on the behalf of others) of any type or engage in any other type of gambling activity with any individual or organization on any intercollegiate, amateur or ***professional team (SEE BELOW)** or contest in any sport that is sponsored by the NCAA...

In addition, **student-athletes shall not knowingly provide information to individuals involved in organized gambling activities** concerning intercollegiate athletics competition.

Student-athletes are responsible for the following:

- **Reporting to the Director of Athletics or Compliance Office any offers of gifts, money, or other benefits in exchange for supplying information or for attempting to alter the outcome of any contest;**
- **Maintaining a clear understanding of what constitutes gambling and bribery activities and reporting any suspected infractions...**

***RULE CHANGE TO ALLOW COLLEGE STUDENT ATHLETES TO GAMBE ON PRO SPORTS. PUSHBACK FROM DIV I SCHOOL DUE TO RECENT NBA SPORTS GAMBLING INVESTIGATION. RULE CHANGE PLANNED FOR 11/22/25...STAY UP TO DATE AT NCAA.ORG FOR ANY CHANGES, AMENDMENTS, ETC.**

https://www.espn.com/college-sports/story/_/id/46762598/ncaa-delays-rule-change-permitting-college-athletes-bet-professional-sports

NCAA Updates

NCAA Press Release, 8/2/24 Extra Benefits

“Kentucky has reached an agreement with NCAA enforcement...on impermissible benefits...in the football program...

The agreed-upon violations involve at least **11 football student-athletes** receiving **payment for work not performed** between **spring 2021 and March 2022**.

Eight of the student-athletes went on to compete and receive actual and necessary expenses while ineligible.”

NCAA Updates

NCAA Press Release, 7/2/24
Extra Benefits

“Former UNLV women's track and field head **coach Dorian Scott** violated ethical conduct rules when he **knowingly provided impermissible benefits** to two student-athletes and **instructed them to lie about those benefits...**

...The coach also **impermissibly** arranged for **team members** to be provided a **supplement...**

...The school and enforcement staff agreed that Scott violated ethical conduct rules in July 2022 when he knowingly provided a student-athlete with **international round-trip airfare** so she could visit family members. **He then instructed the student-athlete to lie about the airfare and falsify compliance documents...**”

NCAA Updates

NCAA Division I Manual (Article 16.02.3; 16.11)

Extra Benefits

Extra benefits based upon your status as a student-athlete are prohibited by NCAA rules.

The NCAA defines an “extra benefit” as any special arrangement by an **institutional employee** or a representative of the institution’s athletics interests (i.e., “**booster**”) to provide a **student-athlete (or a student-athlete’s relative or friend)** a benefit that is not generally available to other **University of Washington** students and their relatives and/or friends, unless expressly authorized by NCAA legislation.

UW: You **cannot accept anything of value from an employee of the UW athletics department or a booster** (e.g., loans, use of a car, haircut, meals, clothing, gifts, money, free or reduced-cost housing, payment of cellphone bill, laundry, etc.).

You cannot accept free or reduced-cost merchandise or services, or a special discount or credit on a purchase from any merchant unless that free or reduced cost item is also available to the **general public**.

NCAA Updates

**NCAA Participation Policy: [Transgender Student-Athletes](#)
2/5/25**

**NCAA President Charlie Baker - statement regarding
President Donald Trump's executive order:**

“...We strongly believe that clear, consistent, and uniform eligibility standards would best serve today's student-athletes instead of a patchwork of conflicting state laws and court decisions. To that end, President Trump's order provides a clear, national standard...”

NCAA Updates

UW Student-Athlete Guide, '2025-'26

UW follows the National Collegiate Athletic Association (NCAA) Transgender Student-Athlete Participation Policy. For more information, please visit <https://www.ncaa.org/sports/2022/1/27/transgender-participation-policy.aspx>

NCAA Updates

NCAA Policy: **Transgender Student-Athletes** (Effective 2/6/25)

- **Main Changes (Student Athlete Assigned Male at Birth):**
 - Not allowed to play on women's team in "game competition"
 - Not allowed a scholarship in women's sports
 - No waivers
- **Definitions:**
 - **Sex Assigned at Birth:** M or F designation on birth records.
 - **Gender ID:** Internal sense of gender (M/W/NB)
 - **Transgender:** Gender ID or expression is different from sex assigned at birth.

NCAA Updates

NCAA Policy: [Transgender Student-Athletes](#)
(Effective 2/6/25)

Policy:

[Men's Team:](#)

All Student Athlete may practice and compete (games).

[Women's Team:](#)

[Student Athlete Assigned Male at Birth —>](#)

Games - Not allowed.

Practice - Allowed.

[Student Athlete Assigned Female at Birth —>](#)

Games - Student Athlete Assigned Female at Birth & hormone therapy (testosterone) may not compete (games).

Practice - Allowed.

NCAA Updates

House vs. NCAA + Big 5

- CLASS ACTION SETTLEMENT, 6/6/25
- ISSUES: NIL & SCHOLARSHIPS
- CLASS: 389K - FORMER & CURRENT DI, '16-'24
- 3 CLASSES: (FB & MBB / WBB / OTHER)
- FORMER: PAYOUT FOR LOST NIL (\$2.8B/10 YEARS)
- CURRENT: REVENUE SHARE W/UNIVERSITY

OPT IN/OUT:
NON-POWER 5 SCHOOLS
ANNUAL 3/1

REVENUE SHARE
VS.
NIL REPORTING

REVENUE SHARE FORMULA:

- 22% OF BIG 5 AVG. ATHLETIC REVENUE/ANNUAL
(MEDIA RIGHTS; TIXS; SPONSORSHIPS)
- 2025-26: \$20.5M CAP (PER SCHOOL)
- DISCRETIONARY DISTRIBUTION
- REPORTING PERIOD: 7/1 - 6/30

College Sports Commission: <https://www.collegesportscommission.org/>

NCAA Updates

House vs. NCAA (Impact)

**REV
SHARE**

\$20.5M

**ROSTER
LIMITS**

FB: 105

**3RD PARTY
NIL
REPORTING
\$600+**

**HIGH SCHOOL
JUNIORS ->**

**PAYMENTS &
RECORDS
REPORT: 14 DAYS
ENROLLMENT OR
B/F 1ST GAME
NO "PAY FOR
PLAY"**

**ASSOCIATED
ENTITIES &
INDIVIDUALS
"COLLECTIVE"**

1. VBP &
2. RoC

ENFORCEMENT:

**COLLEGE
SPORTS
COMMISSION
(CSC)**

See ->

**HOUSE vs. NCAA Q&A
CSC FAQ's**

NCAA Updates

House vs. NCAA (Key Terms)

- **Revenue Share:** School → Student Athlete
- **NIL:** School or 3rd Party → Student Athlete
- **Associated Entity** → Supports Single School & Student Athletes (vs. Nike; Red Bull)
- **Valid Biz Purpose** → Promotes Goods/Services Sold to the Public
- **“Range” of Compensation** → NOT FMV. More Flexible

NCAA Updates

House vs. NCAA (Key Terms)

- **College Sports Commission (CSC):** Enforcement Group - Revenue Share; Rosters; NIL Deals.
- **NIL Go:** CSC Platform. \$600+ (Single/Aggregate) Required Reporting w/in (5) BD's of NIL Agreement. Voluntary - Under \$600 or PreSign. High School Juniors - Keep records & report earliest w/in 14 days enrollment or before 1st game
- **CSC NIL Rejection:** Revise & Resubmit; Cancel; Arbitration (Submit 14 / Hearing 45 / Result 5). Athlete does not pay Arbitration fees, expenses.

NCAA Updates

House vs. NCAA (HYPO)

Student Athlete Signs 2-Year Revenue Share Agreement (\$250K) —>

- **High School QB “PSA” Entering Senior Year of High School**
 - **August 1st - University Extends Written Revenue Share Offer (\$250K)**
 - **August - November QB “Shops” Revenue Share Offer with Other Universities**
 - **December (Early Signing Period) QB Signs University/RSO**
- **Signing Incentive Paid AFTER University Enrollment: \$50K**
- **January 1st of Year One: \$100K**
- **January 1st of Year Two: \$100K**
- **Benefit Cap Result:**
 - **Year One: \$150K**
 - **Year Two: \$100K**
- **If QB Transfers Before Year Two (Buyout From Transfer School Against Cap)**

HIGH SCHOOL
|
FROSH
|
SOPHOMORE

NCAA Updates

House vs. NCAA Post-Settlement Issues

- NCAA → Antitrust Exemption Request? (Pro Sports)
- Student Athlete **Employees**? (Still Open)
- **Income Tax** & NIL? (States - Breaks & Exemptions)
- **Title IX**? (3rd Party NIL vs. University Revenue Share)



<https://www.ropesgray.com/en/insights/alerts/2025/06/house-v-ncaa-settlement-approved-era-of-direct-payments-to-college-athletes-begins>

NCAA Updates

WA Uniform Athletes Agent Act - Definitions RCW 19.225.010

"Agency contract" ...student athlete authorizes a person to negotiate or solicit a pro sports or endorsement contract.

"Endorsement contract" ...student athlete is paid based on any value that the athlete has because of athletic ability or performance.

"Recruit or solicit" ...influencing the choice of an athlete agent by a student athlete or parent/guardian of the athlete.

The term does not include giving advice on the selection of a particular athlete agent in a family, coaching, or social situation unless the individual giving the advice does so because of the expectation of an economic benefit, directly or indirectly, from the athlete agent.

Pianist
+
QB?

TABLE
SELECTION

NCAA Updates

WA UAAA: Definitions RCW 19.225.010



LAWYERS

"Athlete agent" does not include an individual who:

(ii) Is a **licensed**, registered, or certified **professional** and offers or provides services to a student athlete **customarily provided** by members of the profession, **unless** the individual:

(A) Also **recruits or solicits** the athlete to enter into an agency contract;

(B) Also, for compensation, procures employment or offers, promises, **attempts, or negotiates to obtain employment** for the athlete as a professional athlete or member of a **professional sports** team or organization; or

(C) Receives **consideration** for providing the services calculated **using a different method** than for an individual who is not a student athlete.

WASHINGTON HIGH SCHOOL WIAA '25 - '26

Simpler Times...

Texas Cheerleader Case:

“...(Wanda) Holloway, then 36, made headlines as the crazed “Pom-Pom Mom” who cooked up a scheme...to hire a hit man to bump off the mother of (her daughter’s) cheerleading rival...”

people.com, 2/20/12

WASHINGTON HIGH SCHOOL WIAA '25 - '26

Ch 18: Student Standards for Interscholastic Eligibility

- **Gender Identity & Expression**
- **Name, Image & Likeness (NIL)**
- **Q&A Amateur Standing**

WASHINGTON HIGH SCHOOL WIAA '25 - '26

18.16.0 GENDER IDENTITY PARTICIPATION:

All students have the **opportunity to participate in WIAA athletics** and/or activities in a manner that is consistent with their **gender identity**...

Athletes will participate in programs consistent with their gender identity or the gender *most consistently expressed* (**gender expression**).

Once the student has been granted eligibility to participate in the sport consistent with their gender identity, the **eligibility is granted for the duration** of the student's participation...

“General” Idea of National Numbers/Estimates:

8M High School Student Athletes

1% Transgender

= 80K Transgender Student Athletes

WASHINGTON HIGH SCHOOL WIAA '25 - '26

APPENDIX 2: POSITION STATEMENT ON BOYS & GIRLS PROGRAMS

- **Single Sport & Two Teams (Soccer) = Boys | Girls**
- School District may maintain **separate athletic teams for boys & girls** if similar equal opportunities (Tackle Football - boys) and (Volleyball - girls)
- If **no “similar or equal programs”** for boys & girls, members of opposite sex cannot be denied privilege of turning out for a given team. **No sanctions** for co-ed team.
- If school provides **only a team for boys** (tackle football), girls may join.
- If school provides **only a team for girls**, boys may not join unless limited opportunities in other sports for boys.

WASHINGTON HIGH SCHOOL WIAA '25 - '26

APPENDIX 3: GENDER IDENTITY

Language and terminology are continually evolving, which means that people talk and think about gender in many different ways...a starting point for any conversation about gender:

1. **ASSIGNED SEX** describes the sex a person was **given at birth** based on their anatomy. Falls within two categories: female and male.
2. **GENDER EXPRESSION** describes the **external ways** in which a person expresses their gender identity to the world...(behavior, emotions, fashion, hair, makeup, interests, toys, colors, activities)
3. **GENDER IDENTITY** refers to a person's **innate sense** of their own gender. This can include being female, male, both, genderfluid, or other, **regardless of their assigned sex at birth**. Examples:

CISGENDER ...a person whose **assigned sex aligns with their gender identity**, e.g., someone who was assigned female at birth and whose gender identity is female.

TRANSGENDER ...a person whose **gender identity differs from their assigned sex**, e.g., someone who was assigned female at birth, but whose gender identity is male.

NONBINARY ...used to describe a **variety of gender identities** that do not fall into one of the two traditional (binary) categories—male or female. It can indicate a person's gender identity that is something other than male or female, that is neither entirely male nor entirely female, or that **blends elements** of being male or female.

Correct usage examples: a *cisgender person*, a *transgender person*, a *nonbinary person*.

WASHINGTON HIGH SCHOOL WIAA '25 - '26

APPENDIX 3: GENDER IDENTITY

TRANSITIONING:

Process where person begins to live in congruence with their gender identity.

Each person's transition is distinct.

Steps may include combo of legal, medical, or social changes (name/pronouns, ID documents, appearance)

WASHINGTON HIGH SCHOOL WIAA '25 - '26

18.24.1 NAME, IMAGE AND LIKENESS (NIL):

Student, Family Member or Anyone Else on Behalf of Student may not enter NIL agreement that relates to student's connection to their High School. Result = Immediate loss of eligibility.

18.24.1.1

Student allowed to pursue NIL deals provided no affiliation with team/school.

18.24.1.2

Student not allowed to wear team uniform or use school marks, logos...

18.24.1.3

School can't promote or be affiliated with any NIL deal.

18.24.6 CONGRATULATORY ADVERTISEMENTS:

A business can include the student-athlete's name only; can place its trademark on the advertisement; but can't include the product/service in the advertisement.

WASHINGTON HIGH SCHOOL WIAA '25 - '26

- **18.24 AMATEUR STANDING (SUMMARY)**
- **Student allowed to be pro in sport A & amateur in sport B**
- **Student may accept “actual & necessary” expenses for athletic trip (transportation, housing, meals)**
- **Student may accept merchandise & in-kind gifts up to \$500/year based on performance in that sport (8/1 - 7/31)**
- **If merchandise is part of camp fee → excluded from \$500 cap**
- **Gift Cards allowed (no cash; not exchangeable)**
- **Student may instruct, supervise, officiate for pay**
- **Student may wear t-shirt w/jersey number & school colors for NIL deals**
- **Student may represent him/herself & town but not the team/school in NIL deals**

WASHINGTON HIGH SCHOOL WIAA '25 - '26

Parent (Client) Frantically Calls You 3 Minutes Before Radio Interview of son (QB - High School Senior).

- **Hypo: KJR wants to interview QB for “Player of the Game” segment. KJR will give QB \$25 IHOP gift card for “**football game performance.**” Allowed?**
- **Answer: To maintain football amateur status —>**
 - **QB can’t endorse IHOP, and**
 - **\$25 gift card applies against the \$500 gift limit per sport (football).**

WASHINGTON HIGH SCHOOL WIAA '25 - '26

Car Dealership (Client) Frantically Calls You 3 Minutes Before High School QB Performs Advertising Deal.

- **Hypo: Local car dealer wants to feature QB in print advertisement. QB will wear t-shirt with his uniform number 12 and in school colors. QB will also identify his town. Allowed?**
- **Answer: T-shirt allowed provided —>**
 - **The school name, logo, & marks are not on the t-shirt**
 - **QB may identify himself & his town**
 - **QB may not identify his high school.**

WASHINGTON HIGH SCHOOL WIAA '25 - '26

**SPORTS
PARENT
CONFUSION**

**WIAA:
\$500 GIFTS
(Per Sport)**

8/1 - 7/31

**NCAA:
REVENUE
SHARE**

7/1 - 6/30

- **WIAA 18.24.2.1:**

**Merchandise, In-Kind GIFTS allowed
Based on performance in that sport
\$500 Limit PER-SPORT (8/1 - 7/31)**

9/20: Calloway Golf Clubs \$500 (Annual Max)

7/20: Ping Golf Balls \$100 → VIOLATION

CONTACT

NFL

“VALUES”

NCAA

“TURMOIL”

HIGH SCHOOL

“IMPACT”

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SEMINARS:

- **ARIZONA FOOTBALL COACHES ASSOCIATION**
- **GLAZIER FOOTBALL COACHES CLINIC - RENO, VEGAS & L.A.**
- **HORIZON ACADEMY HIGH SCHOOL, SAN DIEGO**
- **SOUTHWESTERN LAW SCHOOL, L.A.**