

COLLEGIATE SPORTS PRACTICE

OVERVIEW

BCLP represents clients at all levels of collegiate sports. In addition to representing the National Collegiate Athletic Association (“NCAA”), we represent conferences such as the Mountain West Conference, the Big Sky Conference, the Big West Conference, the Rocky Mountain Athletic Conference and the National Collegiate Hockey Conference, numerous universities such as Arizona State University, the Georgia Tech Athletic Association, Stanford University, the University of Denver, the University of Tennessee and Yale University, and the National Football Foundation and College Football Hall of Fame.

We assist our collegiate clients in a number of areas, including:

- Litigation, including litigation involving antitrust, business law, concussions/ CTE, class actions and other high-exposure and/or high-visibility matters
- Conference realignment
- Name, image and likeness (NIL) matters
- Television and radio contracts
- Sponsorships and naming rights
- Corporate governance, including mergers, conference formation and obtaining tax-exempt status
- Athletics Regulation & Compliance, including internal audits
- Safe sport investigations and compliance

BCLP is a national leader in offering colleges and universities comprehensive concussion management compliance reviews. The objectives of such a review are to maximize the health and safety of universities’ student athletes; to minimize reputational and litigation risk from sports concussion events; and to position the university as among the national leaders in effectively managing the concussion risk inherent in nearly all sports. Having a written Concussion Protocol

developed in accordance with the NCAA's "concussion checklist" is just the first of many steps to having a comprehensive and effective program addressed to these four objectives:

1. Necessary revisions to the concussion protocol
2. Recommendations to improve concussion spotting, diagnosis, clinical management and recovery (return-to-play and return-to-learn) practices
3. Additional concussion training and education for staff, students, coaches and parents
4. Proposed structural changes to ensure independence of athlete medical care

We believe that the depth of our sports practice, together with our extensive experience in representing clients involved in collegiate athletics, ideally positions BCLP to serve as any university's single-source for counsel and representation concerning NCAA compliance programs and issues; commercial, antitrust, concussion, anti-doping and other litigation matters; conference formation, alignment and governance; media contracting; naming rights and sponsorships; stadium and arena development and related tax and financing matters.

MEET THE TEAM



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EXPERIENCE

Representative matters in this area include the following:

- Serve as the National Coordinating Counsel for the NCAA's sports-injury claims from concussions to wrongful death claims for all NCAA sanctioned sports, including in connection with a landmark wrongful death jury trial resulting in a complete defense verdict in favor of the NCAA
- Advised the NCAA in connection with a variety of litigation, antitrust and business law matters, including with respect to the structure of postseason college football, conference realignment and other significant issues
- Representations of various sponsors and athletes in various name, image and likeness (NIL) deals
- Represented the Mountain West Conference in connection with a wide range of issues, including television and radio contracts, entry and departure agreements for members of the conference, strategic planning on expansion of the conference and merger discussions with Conference USA
- Represent Georgia Tech Athletic Association in its media rights and sponsorship agreement with Legends, and multiple litigation and IP matters
- Represented the National Football Foundation in connection with the relocation of the College Football Hall of Fame from South Bend to Atlanta
- Assisted the National Collegiate Hockey Conference, a start-up conference comprised of eight colleges which is focused solely on hockey, with the formation of the conference, obtaining tax-exempt status and various television contracts
- Represented TD Ameritrade in its Naming Rights Agreement for the home of the College World Series in Omaha
- Assisted the University of Tennessee Athletic Department in evaluating several sponsorship arrangements

- Advised the University of Denver in connection with a variety of eligibility matters and sponsorships
- Represented the St. Louis Blues and its affiliates in connection with agreements related to the 2016 NCAA, 2016 Missouri Valley Conference and 2018 Southeastern Conference (SEC) men's college basketball tournaments played at Scottrade Center (now known as Enterprise Center)
- Represented publisher of Blue & Gold Illustrated (regarding Notre Dame athletics) in defense of fraud and breach of contract action regarding purchase of online sports news entity
- Represented multiple Division 1 sports programs in confidential audits of their athletic departments to ensure compliance with best practices
- Internal Investigations & Audits: Conducted comprehensive best practices, compliance reviews and confidential audits for various top-rated, major research universities with well-known athletic programs.

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Feb 02, 2021

Considering Cutting Varsity Sports Teams Due To COVID-19 Financial Strains? Make Sure You Comply With Title IX First!

The COVID-19 pandemic has dealt a heavy blow to college and university athletic programs over the past 10 months. The institution-wide budgetary challenges caused by the pandemic have been particularly acute in many athletic departments. In reaction to these budgetary issues, many institutions have decided to pare down their athletic programs. As of November 2020, more than 350 teams had been cut nationally. With long-lasting impacts of the pandemic on institutional budgets anticipated, more athletic programs may be compelled to tighten their belts and sorely tempted to eliminate non-revenue sports. This alert provides insights into the gender equity concerns raised by team elimination decisions.

