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Johnson Case's Potential Impact on Colleges, NIL, and College Athletics

Highway to NIL Podcast

SPEAKERS

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The *Highway to NIL Podcast* analyzes the legal landscape concerning college athletics and the regulation of name, image, and likeness (NIL) rights of student athletes. The podcast provides key insights into the current state of affairs, focusing on the NIL guidance and policies coming directly from the NCAA; the various passed and amended state NIL laws; and NIL enforcement, including how the NCAA, state attorneys general, and other regulators may investigate and punish schools for NIL violations.

In this installment, Troutman Pepper attorneys Cal Stein, Mike Lowe, and Tim Bado discuss the recent decision by the Third Circuit Court of Appeals in the *Johnson* case, which considered whether student-athletes could ever be considered employees of the university. This episode analyzes the court’s decision, with a particular focus on its practical impact on colleges and universities in the NIL and college athletics contexts.

Specific topics include:

- Overview of the *Johnson* case (3:13);
- Practical impact of the Third Circuit’s decision (7:52);
- Third Circuit’s rejection of the “amateurism” model (14:35);
- Judge Porter's concurrence: a roadmap for schools? (17:50).

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