

Podcasts | April 17, 2024

Post-Injunction Enforcement

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 and Mia Marko discuss the implications of the recent preliminary injunction issued against the NCAA, which enjoins the NCAA from enforcing certain NIL restrictions on student-athlete recruitment activities. They discuss the NCAA's response to this ruling and potential future enforcement of NIL rules.

Specific topics include:

- An overview of the Tennessee Federal Court's order on NIL (3:02);
- The NCAA NIL rules affected and those not affected by the Tennessee court order (5:38);
- Possible NCAA enforcement of the "NIL Recruiting Ban" against institutions (9:34);
- NCAA enforcement of October 2022 NIL Guidance: permissible and impermissible institutional support for NIL activities (12:44);
- How the NCAA could pivot its enforcement activity: the *quid pro quo* requirement (17:46);
- How the NCAA could pivot its enforcement activity: NIL compensation from institutions (23:32);
- Strategies for institutions to mitigate NIL enforcement risk (26:16).

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