

Podcasts | March 13, 2024

The NCAA's Response to the NIL Recruitment Injunction

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, Howard Shire, and Connor DeFilippis discuss the NCAA's March 1 memo, responding to the recent preliminary injunction issued against the NCAA. This injunction enjoins the NCAA from enforcing certain name, image, and likeness (NIL) restrictions on student-athlete recruitment activities.

Specific topics include:

- NCAA Memo Part I: Settlement overtures? What might a permanent NIL injunction look like? (3:24);
- NCAA Memo Part II: The NCAA is "pausing" NIL enforcement actions related to third parties. What should institutions do? (8:35);
- NCAA Memo Part III: NIL restrictions not subject to injunction remain in effect. Will the NCAA pivot to enforcing those? (16:36);
- NCAA Memo Part IV: The "practicality" of the NCAA's response to the injunction. Is this response "practical"? (24:30);
- NCAA Memo Part V: The pending Division I council proposal to create a new college athletics "subdivision." Does the injunction make it more likely to pass? What about Title IX and student-athlete employment? (27:26); and
- NCAA Memo Part VI: Who stands to benefit from the NCAA's actions and proposals? (32:35).

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