

SLA MONTHLY

THE NEWSLETTER OF THE
SPORTS LAWYERS ASSOCIATION

Highlight Reel



Current Football Governance, Commercial, and Legal Issues at SLA 50th Conference

By *Katelyn Kohler*

Football, both globally and domestically, is undergoing massive transformation with major tournaments, multi-club ownership, venue disparities, and emerging equity issues all forcing regulators and clubs to redefine its traditional legal norms. At the 50th Annual Sports Lawyers Association Conference, moderator Laura Warren (Chief Legal and Administrative Officer, Chicago Fire FC) guided a global-minded conversation with panelists Américo Espallargas (Head of Disciplinary, FIFA), Curtis Franks (General Counsel, FIFA World Cup), and Shameeka Quallo (Chief Legal Officer, Washington Spirit) on the practical, eth-

See **CONFERENCE** on page 13

Signed Before 18: The Legal and Ethical Implications of Teen Athletes Signing with Professional Sports Teams

By *Anavictoria Avila, Esq., SLA Member*

Professional sports teams are increasingly signing teen athletes as young as 13 to high-value contracts, raising questions about contract enforceability and developmental risks for minors.[1] In 2023, 13-year-old **Da'vian Kimbrough** became the youngest athlete in the history of American team sports when the Sacramento Republic soccer team signed him to a professional contract. That same year, 15-year-old **Melanie Barcnas** signed a three-year contract with

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The Ask

We want the SLA to be a consistent, useful presence in your never-ending river of online communications. We're working to make sure we have information and connections available to you that you can use.

What we need to know is how to make you aware! How do you prefer to receive updates from us? Click on this link to answer: <https://form.jotform.com/252113293733149>.

For the Results of last month's Ask, visit page 6

Attorney Olivia Nuss to Serve on College Sports Subcommittee

Olivia Nuss, Head of Legal and Business Affairs at Student Athlete NIL (SANIL), will serve on SLA's College Sports Subcommittee. The subcommittee is part of the association's Learning & Education Committee.

"In this role, I'll help shape and execute SLA's collegiate programming by contributing ideas and helping to plan webinars and other educational content related to college sports for SLA members," she said. "I'm honored to support the SLA's efforts in fostering dialogue and insight in such a dynamic and evolving area of sports law."

At SANIL, Nuss oversees all aspects of contract management. Her responsibilities include managing daily operations related to student-athlete agreements, brand/business advertising contracts, sponsorships, agent negotiations, and legal document reviews, ensuring compliance with NCAA regulations and university policies.

Additionally, Nuss engages with businesses to resolve legal issues and finalize agreements, particularly in areas where they may be less informed.



"Staying ahead of regulatory changes and industry trends is crucial in this evolving legal landscape," Nuss said. "I ensure that my team remains up-to-date through regular training and professional development."

"Throughout my tenure at SANIL, I have personally written over \$90 million in NIL deals across 56 universities, ensuring meticulous contract management and protecting the organization from potential risks and liabilities."

"I am passionate about navigating the intersection of law and sports, leveraging my education in advertising to provide valuable insights and counsel in the dynamic landscape of sports law in NIL."

Nuss earned her Juris Doctor (J.D.) and Master's in Mass Communication (M.M.C.) through a joint degree program at the LSU Paul M. Hebert Law Center, completing the program in an accelerated three and a half years. Additionally, she holds a degree in comparative law (D.C.L.). Her undergraduate studies at the LSU Manship School of Mass Communication focused on Digital Advertising and Marketing.

Jets' Andrew Lee Recognized with Honor

Andrew Lee, the Chief Legal Officer of the New York Jets has been named to The Legal 500 GC Powerlist 2025, which recognizes "the most influential in-house lawyers and legal teams who are moving business forward" (www.legal500.com).

"This recognition is a testament to the incredible support I receive from my talented colleagues in the New York Jets front office and legal department,



to our leadership and business partners who empower us to innovate and protect the franchise," Lee said.

Prior to becoming CLO of the Jets, Lee served as the club's general counsel from 2005 to 2010, when he was instrumental in the establishment and development of MetLife Stadium and the Jets' headquarters and training facility in Florham Park, NJ. Prior to that, he was an advisor and outside counsel to the organisation.

Blueprint for Billions: Experts Dissect Legal Complexities of New Sports Stadiums at SLA Conference

By *Oliver Canning*

The intricate and often arduous journey of constructing modern sports cathedrals was a focal point of the 50th Annual Sports Lawyers Association Conference. The May 16 session, “Breaking Ground: The Legal Complexities of Building a Modern Sports Stadium,” brought together legal experts from top NFL and MLS teams, alongside seasoned external counsel, to dissect these multifaceted challenges. The discussion ran through the typical life cycle of these monumental projects, from the initial stages of securing approvals and financing, through the complex web of design and construction agreements, and finally to the crucial preparations for a stadium’s grand opening.

Guiding the insightful discussion was Lisa Wiznitzer, an Associate at Loeb & Loeb, who expertly framed the conversation around three key phases of stadium development. Sharing their frontline experiences were Jennifer O’Sullivan, Chief Legal Officer and Chief Operating Officer for NYC Football Club, who has been instrumental in navigating the groundbreaking for the MLS team’s first dedicated stadium in New York City; Daniel Werly, Senior Vice President and Chief Operating Officer for the Tennessee Titans, currently overseeing the construction of the Titans’ new Nashville home; and Krista Whitaker, Executive Vice President and Chief Legal Officer for the Chicago Bears, who is in the formative stages of the Bears’ quest for a new stadium. Providing a crucial external counsel perspective on the intricacies of construction law and risk management was Lisa Glahn, a Partner at Foley & Lardner LLP.

Krista Whitaker: Early Hurdles and Strategic Levers for the Chicago Bears

Krista Whitaker of the Chicago Bears shared that her organization is in the “very, very initial stages” of their new stadium project, having progressed through schematic design and now poised to select key architectural and construction partners once a site and agreement are

negotiated and solidified. She emphasized that this early phase is dominated by two paramount considerations: “site and money.” Whitaker discussed how the Bears explored multiple locations, including the current Museum Campus, a site in Bronzeville, and a massive land purchase in Arlington Heights, with the choice heavily influenced by economic feasibility and the potential for public-private partnerships.

One of the core challenges, Whitaker explained, involves navigating the complex financial “levers,” including the capital stack, overall cost of the project, and ensuring a fiscally responsible investment, whether the team owns the building outright or leases it as a tenant. Political engagement with city officials and league partners is also crucial, alongside managing public perception, as the Bears have faced public commentary and criticism about their site considerations. Despite a massive planned private investment from the Bears—projected at \$2.3 billion, or about 84% of the stadium cost, second only to SoFi Stadium in the NFL for private funding—Whitaker noted the public narrative often centers on taxpayer contributions. Thus, demonstrating the project’s economic benefits to the community, including job creation and union labor, remains a key focus.

As the Bears look further ahead, Whitaker talked about preliminary discussions regarding sponsorship for a new venue. This involves carefully reviewing existing agreements to honor exclusivities while creating opportunities for new partners. For the Bears, who have never had a stadium naming rights sponsor due to Soldier Field’s status as city-owned land, the approach to a new naming rights deal will emphasize community impact and alignment with a partner’s values, aiming for something “different and special” that is more than a mere financial transaction. She acknowledged the panel discussion was timely, as the Bears are currently grappling with decisions on design architects, responsibility matrices, and structuring effective incentives for their future construction partners.

Jennifer O'Sullivan: NYCFC's Decade-Long Journey to a Stadium in the Five Boroughs

Jennifer O'Sullivan provided a compelling narrative of NYCFC's decade-long endeavor to secure and break ground on the first soccer-specific stadium within New York City's five boroughs. The club broke ground in December of 2023 in Willetts Point, Queens, on a block of land famously known as the "Valley of Ashes." This project is not merely a stadium; it's a transformative, multi-use district featuring 2,500 units of affordable housing, a new school, retail shops, and a hotel. O'Sullivan highlighted the immense challenge of building in New York, particularly navigating the Uniform Land Use Review Procedure (ULURP), a rigorous, community-driven public approval process.

Success in this complex environment, O'Sullivan stressed, hinged on thorough and extensive groundwork established well in advance of the formal ULURP process. This included securing the support of local elected officials, union leaders, and community residents. NYCFC made significant up-front pledges: the stadium would be 100% privately financed (a project nearing \$1 billion for a 25,000-seat venue) and 100% union constructed. This transparency and commitment, along with vital support from the mayoral administration, were critical to obtaining near-unanimous approvals from the community board, Queensborough President, City Planning Commission, and ultimately a 47-1 vote from the New York City Council—a remarkable feat in a city notorious for its political complexities.

O'Sullivan also detailed the financial intricacies. While private investment by their parent company, City Football Group, demonstrated commitment and added credibility, it didn't eliminate hurdles or eradicate obstacles. Negotiations with city entities like the NYC Economic Development Commission over the land lease were still "lengthy and painful," requiring significant education on the club's business model. With the stadium now under construction, O'Sullivan emphasized the continued commitment to local and union labor, working in conjunction with their construction partner,

Turner, on MWBE targets, local hiring fairs, and apprenticeship programs. Looking ahead to opening in 2027, NYCFC is strategically phasing its partnership sales, from naming rights to general seating, and designing the venue to be a year-round community resource, with its headquarters on-site.

Daniel Werly: The Tennessee Titans' Path to a New Nashville Landmark

Daniel Werly shared insights from the Tennessee Titans' new stadium project, which broke ground in February 2024 and is now moving towards its halfway construction mark, targeting a Spring 2027 opening. He described the approval process as a "massive team effort," initially targeting a major renovation of their current 25-year-old stadium. However, due diligence revealed that underlying infrastructure issues made the renovation costs comparable to building anew. This necessitated a strategic pivot and extensive communication and negotiation with city and state officials. Werly emphasized their approach of framing the challenge as a shared problem that was common to all, which, after a challenging 14-month lobbying period, led to a collaborative solution.

Financially, Werly explained how the Titans utilized taxpayer money in the form of revenue bonds, a necessity for their planned 60,000-seat domed stadium. The financing structure was designed to avoid raising local residents' taxes, relying instead on revenue streams like hotel taxes (to which he humorously thanked the conference attendees for contributing) and sales tax captured within the new stadium and its surrounding campus. This makes stadium patrons and tourists the primary funders of the project. Werly also noted the complexity of aligning the differing priorities of state officials (focused on attracting major events like the Super Bowl, World Cup, and major stadium concerts, hence the need for a roof) and city officials, further complicated by differing political affiliations.

Regarding community impact, Werly clarified that the Titans opted against a formal Community Benefits Agreement. Instead, they proactively developed the "One Community" program based on three pillars identified

through community outreach: opportunity, neighborhoods, and education. This initiative, comprising around 15-16 programs, including workforce development in construction trades, building sports fields at local schools, and supporting affordable housing, was launched well before any stadium deal or public funding was secured. When asked about measuring ROI, Werly stated that while there isn't a specific "break-even day," the organization closely analyzes the projected change in revenue versus expenses and debt service to ensure the project is a healthy business decision, a crucial consideration throughout the deal-making process given the severe financial implications of design and funding choices.

Lisa Glahn: Mitigating Risks in Complex Construction Contracts

Lisa Glahn, drawing on her extensive experience as outside counsel, offered important insights on the legal intricacies of stadium construction, particularly during what moderator Lisa Wiznitzer termed "phase two"—negotiating agreements. Glahn noted that a primary concern for teams entering this phase is the overwhelming question of whether the project will "ever get off the ground" due to the numerous potential roadblocks. She advised that in the initial stages, keeping the decision-making group small and focused—comprising legal, ownership, risk advisors, and key community leaders—is crucial for laying a solid foundation for all subsequent legal and business determinations.

Glahn then spoke about the "hot button issues" frequently encountered in large-scale construction contracting. These include managing escalation and

supply chain risks, issues that are now compounded by tariff uncertainties and the high-level technological integrations unique to modern stadiums, such as advanced scoreboards and sound systems. Design completeness and the allocation of design risk are also paramount, as these projects are rarely linear and often involve multiple architectural entities and design-build components, making clear delineation of responsibility essential to avoid future disputes. Schedule guarantees and liquidated damages are critical tools for ensuring timely completion, especially in light of the revenue implications of game schedules. Glahn cited her work on the North End Zone project at Gillette Stadium in Foxborough, MA, where "event penalties" were implemented to ensure functionality before specific events, in addition to standard liquidated damages.

Finally, Glahn underscored the complexity of indemnification, insurance, and overall risk transfer. She strongly advocated for early involvement of internal and external risk advisors and an owner's project manager. She recommended that owners take control of the insurance structure, often through an owner-controlled insurance program, rather than allowing contractors to dictate terms. Perhaps most significantly, Glahn echoed the sentiments of the team representatives, emphasizing that strong relationships are fundamental. As legal counsel, her goal is to "enhance the relationship and not degrade it," recognizing that a collaborative, rather than overly draconian, approach with construction partners ultimately yields higher-quality results, as "you get more bees with honey."

Agenda for 2025 Fall Symposium: The Globalization of Sports on November 6 is Up

The agenda is now live, Available [here](#), the November 6 event features a full day of compelling sessions that examine how global trends are shaping and redefining the field of sports law. This year's theme offers a valuable platform for thought-provoking discussions, actionable insights, and meaningful networking with professionals from across the globe. Don't miss your opportunity to be part of this important international dialogue.

The symposium will be hosted at the Ropes & Gray Offices (60 Ludgate Hill, London EC4M 7AW).



Webinar | Before you Sign Your NIL Deal... The Financial Education and Wealth Planning All Athletes Need in the NIL Era

August 13, 2025 | 11:30 AM ET

Join the Sports Lawyers Association in conjunction with Morgan Stanley Global Sports and Entertainment for a timely Webinar on Financial Planning for College Athletes.

As college athletes increasingly earn substantial income through name, image, and likeness (NIL) deals and revenue-sharing agreements, the need for robust financial education and strategic wealth planning has never been greater.

This webinar will delve into how lawyers, agents, and financial advisors are working together to support college—and even high school—athletes in navigating the

complexities of financial and estate planning. From building long-term wealth strategies and managing taxes to avoiding common financial missteps, these professionals are helping young athletes prepare for both immediate success and future professional careers.

Whether you're a legal advisor, sports agent, or part of the rapidly evolving college athletics ecosystem, this session will provide essential insights and practical guidance to help you stay ahead in this dynamic landscape.

Don't miss this opportunity—join the SLA and Morgan Stanley Global Sports and Entertainment for a conversation that's shaping the future of athlete financial literacy.



Rachel Mansdorf
Deputy Chair, Private Client
Loeb & Loeb



Cecil White
Agent and Executive
WME



James Jacaruso, Jr.
Tax Director, Private Client
Services
Eisner Advisory Group LLC



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Managing Director,
Head of Global Sports &
Entertainment and Segment
Sales & Engagement
Morgan Stanley Wealth
Management

The Results from Our Last Ask

LAST MONTH we asked you about your favorite content areas for upcoming programming. Thank you for the responses! I promise you they will factor into our work and planning. Want to know the top three we heard?

1. Broadcasting Rights and Streaming
2. Sports Betting and Integrity/NIL and College Athletics and Women in Sports Law
3. AI and Data privacy

Webinar | *Reintroducing the WNBA, What do New Stars and New Teams Mean for the League*

August 8, 2025 | 12:00 PM ET

(Presented by the SLA Learning and Education Basketball Sub-Committee)

Join us for a timely discussion on the WNBA's bold expansion efforts and the emerging legal questions shaping the league's next chapter. This webinar will feature insights

from leading sports attorneys on franchise formation, venue and market selection, media rights, ownership regulations, and more. We'll examine how these legal dynamics intersect with gender equity and what they signal for the future of professional women's basketball.

[Click here](#) to register.



Julia Nguyen

General Counsel for the Portland Thorns and Portland's New WNBA Expansion Team



Suzanne Spellacy

General Counsel for the Minnesota Timberwolves and Lynx



Moderator:

Anthony Simon

3L, Maurice A. Deane School of Law at Hofstra University

From Loophole to Lockdown: The Evolution of LTIR Cap Relief in the NHL

By Corey Spector, Sports Lawyers Association, Hockey Subcommittee Member

The salary cap has shaped professional sports since its debut in the NBA during the 1984-1985 season, with other leagues like the NFL and the NHL following suit.^[1] However, no league's cap has had as profound an impact on competitive balance as the NHL's, primarily because of how low it is relative to the market value of the players and the size of the team. One of the more complex mechanisms that has emerged under the hard cap system is the use of Long-Term Injury Reserve ("LTIR"), which teams have used strategically to navigate, and at times to circumvent, cap restrictions.

LTIR AS A CAP STRATEGY TOOL

LTIR is a roster designation tool used in the NHL when a

player is expected to miss an extended period of time – typically 10 games and 24 days – due to an injury or an illness.

^[2] When a player is placed on LTIR, their team is permitted to exceed the salary cap by up to the amount of that player's salary as it counts against the cap. Practically, it provides cap flexibility by allowing the team to exceed the cap temporarily in order to replace the injured player.

The rule was originally designed to provide relief – and a modest boost – to teams dealing with long-term injuries to their players in order to field a competitive lineup. However, recently it has evolved into a strategic cap management tool. Because the salary cap does not apply during the playoffs, teams have exploited LTIR by stockpiling talent at the deadline while keeping high-salary stars sidelined until the postseason. This allows them to acquire additional players at

the trade deadline with the additional cap space that was freed up and to activate the players that were on LTIR once the playoffs begin – when the cap no longer applies – effectively fielding a roster that exceeds the regular season cap without incurring any penalties.

THE ORIGINAL FRAMEWORK

LTIR was first introduced in the 2005 Collective Bargaining Agreement (“2005 CBA”), but by the late 2000s, teams had begun to exploit it by “stashing” high-salary contracts on LTIR to sidestep any cap charges.^[3] While the core formula and structure remained intact in the 2013 Collective Bargaining Agreement (“2013 CBA”), several important safeguards were added. These included: (i) a “bona fide injury” requirement, with language explicitly stating what LTIR was *not* intended to do and (ii) stronger audit and oversight mechanisms on the part of the League.

Article 50.10(d) of the 2013 CBA was intended to offer temporary salary cap relief to teams when a player suffered a long-term injury or illness. Though it laid out a straightforward formula, it also opened the door to strategic cap management opportunities. Teams began refining the timing and structure of the LTIR designation to their advantage. A common tactic – central to this article – involves teams operating as close as possible to the salary cap ceiling before placing a player on LTIR, thereby maximizing usable cap space and their present-day roster strength. This strategy (which is completely legal under the 2013 CBA) is typically reserved for situations where a player is expected to miss the rest of the regular season and return just in time for the playoffs (sound familiar?).

STRATEGIC EXPLOITATION ERA

As the league’s financial landscape flattened during the pandemic, these tactics became more visible and more polarizing. In recent years, a few Stanley Cup-winning teams have turned LTIR into their not-so-secret weapon – stashing stars on the sidelines during the regular season, only to have them reappear just in time for the playoffs. Consider the cases of Nikita Kucherov (Tampa Bay Lightning, 2021), Mark Stone (Vegas Golden Knights, 2023) and Matthew Tkachuk (Florida Panthers, 2025). Each of them carried a cap hit north of 11% in their championship year, missed a stretch of the regular season on LTIR and then popped

back in for game 1 of the playoffs.^[4] These cases exemplify how teams have used LTIR not just for injury relief but as a calculated strategy to navigate the hard salary cap. While entirely legal, this tactic has fueled debate over the integrity and parity that the salary cap was designed to uphold.

THE 2025 FIX – NEW LTIR LIMITS

In response to the widespread criticism and perceived manipulation of LTIR, the 2025 Memorandum of Understanding (“2025 MOU”) introduced a series of reforms aimed at curbing strategic abuses – particularly in the postseason. The changes can be summarized in three key parts.

Firstly, LTIR relief during the regular season is no longer based on the injured player’s full cap fit (AAV), but rather on the league’s average salary from the prior year. In the case of Nikita Kucherov and the Tampa Bay Lightning in 2021 – despite his AAV being \$9.5M, they would have only been able to utilize LTIR relief up to the 2020 league average salary of \$3.5M (the “Kucherov Case”).

Secondly, if a team wants relief beyond the league’s average salary threshold, the injured player must be formally designated as a season-ending LTIR case, meaning the player in question is out for the remainder of the season and the playoffs. Using the Kucherov Case above, Tampa Bay could have received the full \$9.5M in cap relief if Nikita Kucherov missed the entirety of the playoffs.

Thirdly (and perhaps most significantly), the playoff loophole has been effectively closed through postseason cap compliance. Teams are now required to submit a “playoff salary cap snapshot” and any player returning from LTIR must now fit under a newly enforced postseason cap – effectively extending the regular season salary cap into the playoffs. Therefore, teams can no longer sneak a player into their playoff roster without manipulating their roster. Using the Kucherov Case again, the Tampa Bay Lightning were operating right at the cap in light of having Nikita Kucherov on LTIR. In order to activate him, they would have had to clear \$9.5M of cap space – for example, by scratching Tyler Johnson (\$5M) and either Alex Killorn (\$4.45M), a top-six forward and PP1 contributor (along with burying or waiving a depth piece to squeeze out the remaining \$50K) or Yannick Gourde (~\$5.2M), the team’s shutdown center.^[5]

IMPLICATIONS FOR TEAM STRATEGY

The 2025 MOU fundamentally alters how teams construct their rosters. With the playoffs no longer operating like the wild west when it comes to LTIR, the trade deadline could lose some of its drama – teams have far less incentive to stash high-salary players while adding other expensive talent for a playoff run. This shift also impacts decisions around LTIR activations: clubs must now think carefully about when (or if) to bring a player back and whether a trade deadline acquisition might need to sit out during the playoffs to accommodate a star return. Front offices will need to place a heavier focus on pre-season financial modeling since the new mid-season LTIR manipulation rules leaves less room to course-correct mid-season. Expect to see an even greater reliance on entry-level and other low-cost contracts down the stretch (and in the playoffs), more frequent use of AHL assignments to partially bury contracts, and an uptick of two-way deals for depth players – all to keep the roster cap-compliant.

WHAT COMES NEXT

The NHL's LTIR reforms aren't about punishing injured players – they're about preserving the competitive aspect of the game by closing the loopholes between cap compliance and manipulation. Since its inception in the 2005 CBA, LTIR has shifted from being an unlimited credit card to a more calculated and restricted tool. While the current system isn't perfect, it addresses a long-standing issue and forces front offices to plan more carefully. Future CBAs might go even further by introducing other safeguards and improvements like: (i) limiting cap relief to the number of games actually missed (as opposed to the entire salary coming off the books), (ii) requiring neutral doctors to verify injuries and re-certify

after a set time (as opposed to team doctors who may have some implicit bias), or (iii) enforcing a rolling average playoff cap to better reflect a team's true regular-season roster (as opposed to the *new* strict playoff salary cap screenshot).

Whether those reforms gain traction or not, one thing is certain: cap space is no longer something teams can hide behind a curtain – it's now front and center in shaping championship rosters.

- [1] "Determinants of NBA Player Salaries," *The Sport Journal*, United States Sports Academy, accessed July 14, 2025, <http://bit.ly/4f1o2Wu>
- [2] NHL and NHLPA, *Collective Bargaining Agreement*, February 15, 2013, Article 50.10(d), "Long-Term Injury Reserve," <https://www.nhl.com/info/nhl-cba> (accessed July 14, 2025).
- [3] The Philadelphia Flyers acquired Chris Pronger's contract despite ongoing post-concussion syndrome, effectively using his \$4.9M cap hit to their benefit without expecting him to play again after 2011. The Toronto Maple Leafs also used LTIR contracts to their advantage through transactions involving Nathan Horton and David Clarkson.
- [4] *PuckPedia*, "Nikita Kucherov," "Mark Stone," and "Matthew Tkachuk" Player Pages, each with a cap hit of \$9.5M – representing approximately 11-12% of their respective team's salary cap during their championship seasons in 2021 (TBL), 2023 (VGK), and 2025 (FLA), accessed July 14, 2025, <https://puckpedia.com>.
- [5] *PuckPedia*, "Tyler Johnson," "Alex Killorn", and "Yanni Gourde" Player Pages, each during the 2020-21 NHL Season (Tampa Bay Lightning), accessed July 15, 2025, <https://puckpedia.com>.

This article was prepared on behalf of the Sports Lawyers Association (SLA) Hockey Subcommittee, which is dedicated to producing timely and thoughtful content that explores the legal and business issues shaping the game of hockey. As part of the SLA's broader mission to promote the understanding and ethical practice of sports law, the Hockey Subcommittee aims to educate and engage the sports legal community through analysis focused on the unique challenges and developments within the sport.

The Cost of Visibility: How NIL & Prop Betting Are Exposing College Athletes to Growing Safety Threats

By Amelia Taylor, SLA NextGen Committee Member

Student-athletes today face a growing safety crisis fueled by two converging forces: the rise of NIL monetization and the rapid expansion of legalized sports betting. While NIL has empowered athletes to build personal brands and capitalize financially, it has also dramatically increased their

public exposure and corresponding vulnerability to harassment, coercion, and physical threats. At the same time, prop betting markets have incentivized direct harassment tied to individual performance, creating real-time pressure on student-athletes. Despite some NCAA initiatives and limited legislative responses, meaningful protections remain incomplete and dangerously inadequate.

1. The Double-Edged Sword of NIL: Visibility at a Cost

The NIL era has created substantial financial opportunities for student-athletes, but their heightened public profiles have made them targets both online and offline. NIL platforms such as Opendorse, which partners with over 100,000 athletes across NCAA, NJCAA, and NAIA schools, specifically encourage student-athletes to expand their digital presence to attract endorsement deals. [1] While this visibility drives brand value, it simultaneously opens athletes to harassment, stalking, and personal safety threats.

Former LSU gymnast Livvy Dunne exemplifies this tension. With an NIL valuation estimated at \$4.1 million, Dunne has faced repeated incidents of in-person disruptions, harassment, and stalking that led LSU coaches to implement private security protocols unprecedented for collegiate athletes, including security details and restricted bus access. [2] These challenges are not limited to a few high-profile athletes. Indiana basketball player Oumar Ballo reported receiving “death wishes, death threats and crazy messages” throughout the season, while Kansas State’s Coleman Hawkins described how persistent online harassment eroded his confidence and directly affected his performance. [3]

Though NIL monetization offers new financial benefits, these examples demonstrate that student-athletes often trade personal safety and privacy for visibility.

2. Legalized Sports Betting: A Catalyst for Direct Harassment

The 2018 Supreme Court decision invalidating the Professional and Amateur Sports Protection Act (“PASPA”) opened the floodgates for legalized sports betting across the country. [4] As of 2025, sports betting is permitted in 38 states and Washington, D.C. The expansion of betting markets has directly exposed college athletes to harassment tied to individual performance.

According to the American Gaming Association, Americans wagered an estimated \$3.1 billion on the 2025 NCAA Men’s and Women’s Basketball Tournaments—surpassing even Super Bowl betting totals. [5] NCAA President Charlie Baker and others have confirmed that the growth of sports betting has directly correlated with increased harassment

and threats toward student-athletes.

A 2023–2024 pilot study by the NCAA and Signify Group demonstrated the scope of this problem. Using the AI-powered Threat Matrix platform, researchers analyzed over one million public social media posts across X (formerly Twitter), Instagram, Facebook, and TikTok during NCAA championships. They found that student-athletes—especially female athletes—were frequent targets of severe harassment, including sexual harassment, misogynistic insults, and betting-related threats. In some cases, athletes received over a thousand abusive messages within two weeks. [6]

Women’s basketball players, in particular, were targeted at rates nearly three times higher than their male counterparts. During the 2024 gymnastics championships, 92% of abusive posts targeting female athletes were traced to automated bot accounts, further complicating detection and response. [7]

The harassment extends well beyond public forums. Many athletes reported receiving private threats via direct messages that existing NCAA surveillance tools do not currently monitor. North Carolina’s Armando Bacot, for example, received over 100 hostile, betting-related messages in a single evening after missing a performance milestone tied to popular prop bets. [8] Similar threats have been widely documented across major NCAA programs following missed free throws, turnovers, or fouls that affect gambling outcomes.

The mental health consequences of this harassment are significant. Many athletes report panic attacks, anxiety, depression, and, in extreme cases, suicidal ideation. [9] The convergence of betting-related harassment with existing performance pressures poses serious risks to athletes’ long-term well-being.

3. NCAA Responses: Limited Progress

The NCAA has recognized the growing threat and initiated several responses:

- **“Draw the Line” Campaign:** A public messaging campaign urging fans not to harass players. [10]
- **ThreatMatrixMonitoring:** Collaboration with Signify Group to monitor public social media posts. [11]
- **Integrity Monitoring Services:** Surveillance of over 13,000 NCAA events annually for suspicious betting

activity. [12]

- **EPIC Global Solutions Education:** Gambling risk education programs for more than 100,000 student-athletes. [13]
- **State-Level Policy Advocacy:** Lobbying for state bans on college prop betting, including efforts in Ohio, Maryland, Vermont, and Louisiana. [14]

While these initiatives reflect progress, their limitations remain clear. The “Draw the Line” campaign lacks enforcement mechanisms, real-time takedown authority, or meaningful sanctions against offenders. Signify Group’s monitoring focuses solely on public content, leaving private communications—including the most serious threats—unaddressed. Law enforcement also struggles to prosecute harassers due to jurisdictional gaps and varying legal thresholds across states.

Emerging trends have also revealed harassment extending beyond athletes themselves. Family members increasingly become targets of abuse when personal family details are shared publicly through NIL-driven personal storytelling. As athletes’ public narratives expand for marketing purposes, their families face growing risks of secondary victimization. [15]

4. Legislative Gaps and Federal Efforts

Despite the NCAA’s calls for stronger state regulation, existing legislative protections remain inconsistent. In 2023, the NCAA conducted a national review of state betting laws and proposed model legislation focused on protecting athletes from harassment, coercion, and gambling-related risks. Key recommendations included: [16]

- Mandatory harassment reporting hotlines;
- Temporary restrictions for individuals under investigation;
- Prohibited bettor lists for college athletics;
- Required anti-harassment monitoring and education;
- Comprehensive prop bet bans on individual athlete performance;
- Raising the minimum gambling age to 21;
- Stricter advertising standards and required disclosures; and
- Allocating sports betting revenue to fund safety, education, and mental health support.

However, implementation has been limited. As of June

2025, only 18 states and Washington, D.C. had adopted full bans on player-specific prop bets. The majority of jurisdictions still permit individualized betting, continuing to fuel harassment directed at athletes for their on-field performance.

Recognizing the slow pace of state-level reform, Congressman Michael Baumgartner introduced the PROTECT Act (H.R. 1552) in February 2025. [17] The bill would ban proposition bets on individual college athlete performances nationwide while permitting betting on game outcomes. Enforcement would fall under the Federal Trade Commission as an unfair business practice. Unlike broader measures such as the SAFE Bet Act, the PROTECT Act narrowly targets college prop betting to establish federal consistency. However, as of mid-2025, the bill remains in committee and has not advanced.

In parallel, the NCAA announced a significant extension of its partnership with Genius Sports through 2032. Under the new agreement, Genius Sports retains exclusive rights to distribute NCAA data to licensed sportsbooks during postseason tournaments while introducing additional integrity safeguards and AI-powered analytics through its GeniusIQ platform. [18] While these measures strengthen game integrity monitoring, they do little to directly address the harassment or physical safety threats athletes continue to experience.

5. Broader Safety Gaps: Digital, Physical, and Institutional Vulnerabilities

Beyond harassment tied to prop betting, the growing celebrity of college athletes exposes them to serious physical and digital safety threats. Unlike professional athletes who often have access to private security teams and digital risk consultants, most collegiate athletic programs lack even basic travel privacy protocols or cybersecurity safeguards. However, digital security experts routinely advise professional athletes on best practices that could be adapted and implemented by college programs to mitigate these growing threats. [19] Schools should consider:

- **Reducing Digital Footprints:** Employing data broker removal services to scrub personal information from public databases.
- **Limiting Public Travel Disclosures:** Avoiding public sharing of hotel or travel schedules.

- **Real-Time AI Surveillance Expansion:** Extending monitoring to private and encrypted platforms where harassment often occurs.
- **Mandatory NIL Safety Advising:** Requiring athletes to undergo digital privacy training as a condition of NIL participation.
- **Centralized Harassment Reporting:** Creating federal or interstate reporting hubs to facilitate faster law enforcement response.
- **Family Protection Protocols:** Developing institutional measures to monitor and respond to threats targeting athletes' families.

Absent institutional mandates, student-athletes are left to navigate these threats largely on their own.

Conclusion: From Visibility to Vulnerability

The NIL and legalized sports betting eras have fundamentally reshaped the student-athlete experience, but at significant personal cost. Financial opportunity now comes hand-in-hand with real, ongoing threats to both physical and mental safety. Current NCAA efforts, while notable, remain reactive and limited in scope. State legislative action remains uneven, and federal efforts like the PROTECT Act have yet to advance meaningfully.

Addressing these challenges demands a coordinated national response. Protecting student-athletes will require comprehensive federal legislation, expanded institutional safety protocols, mandatory digital hygiene education, robust betting regulation, and active collaboration among schools, sportsbooks, law enforcement, and technology companies. Without structural change, college athletes will continue to bear the burden of a system that monetizes their visibility while failing to adequately safeguard their wellbeing.

[1] By the Numbers, *Opendorse*, <https://opendorse.com/about/> (last visited May 13, 2025).

[2] Steven Corder, *Livvy Dunne Brings Big Energy with New NIL Deal*, *Athlon Sports* (Apr. 9, 2025), <https://athlonsports.com/college/nil-daily/livvy-dunne-brings-big-energy-with-new-nil-deal/>; Alyssa Roenigk, *LSU Ups Security After Fans of Olivia Dunne Disrupt Gymnastics Meet*, *ESPN* (Jan. 12, 2023), https://www.espn.com/college-sports/story/_/id/35433866/lsu-ups-security-fans-olivia-dunne-disrupt-gymnastics-meet.

[3] Kyle Boone, *Online Threats, Harassment Affecting College Basketball Players in NIL Era: 'Just Leave Us Alone'*, *CBS Sports* (Mar. 14, 2025), <https://www.cbssports.com/college-basketball/news/online-threats-harassment-affecting-college-basketball-players-in-nil-era-just-leave-us-alone/>.

[4] Daniel Urie, *Who Is the NCAA Calling Out? 'Only a Loser Will Harass College Athletes'*, *PennLive* (Mar. 29, 2025), <https://www.pennlive.com/betting/2025/03/who-is-the-ncaa-calling-out-only-a-loser-will-harass-college-athletes.html>.

[5] John Yang, Satvi Sunkara & Veronica Vela, *Sports Betting Surge Leads to Rise in Online Harassment of Elite College Athletes*, *PBS NewsHour* (Apr. 6, 2025), <https://www.pbs.org/newshour/show/sports-betting-surge-leads-to-rise-in-online-harassment-of-elite-college-athlete>.

[6] NCAA, *Threat Matrix Pilot Study Public Report* (2024), at 9, <https://ncaaorg.s3.amazonaws.com/ncaa/wagering/NCAAThreatMatrixPilotStudyPublicReport.pdf>.

[7] Carla Varriale-Barker & Courtney Dunn, *The Rise of Online Abuse in Collegiate Sports: Lessons from the NCAA Threat Matrix Pilot Study*, *Segal McCambridge* (Jan. 8, 2025), <https://www.segalmccambridge.com/blog/the-rise-of-online-abuse-in-collegiate-sports-lessons-from-the-ncaa-threat-matrix-pilot-study/>.

[8] David Purdum, *NCAA: 1 in 3 Star Athletes Receive Abuse, Threats by Bettors*, *ESPN* (May 17, 2024), https://www.espn.com/espn/betting/story/_/id/40166862/ncaa-1-3-star-athletes-receive-abuse-threats-bettors.

[9] Saquandra Heath, *'Don't Be a Loser': NCAA Launches Sports Betting Anti-Harassment Video*, *NCAA.org* (Mar. 18, 2025), <https://www.ncaa.org/news/2025/3/18/media-center-don-t-be-a-loser-ncaa-launches-sports-betting-anti-harassment-video.aspx>.

[10] *Id.*

[11] Varriale-Barker & Dunn, *supra* note 10.

[12] Corbin McGuire, *As Sports Wagering Grows, NCAA Continues Providing Education, Integrity Services and Research*, *NCAA.org* (May 16, 2023), <https://www.ncaa.org/news/2023/5/16/media-center-as-sports-wagering-grows-ncaa-continues-providing-education-integrity-services-and-research.aspx>.

[13] Heath, *supra* note 14.

[14] *Id.*

[15] Varriale-Barker & Dunn, *supra* note 10.

[16] NCAA, *NCAA to Begin Advocating for Updated Sports Betting Laws in State Legislatures* (Oct. 24, 2023), <https://www.ncaa.org/news/2023/10/4/media-center-ncaa-to-begin-advocating-for-updated-sports-betting-laws-in-state-legislatures.aspx>.

[17] H.R. 11552, 119th Cong. (2025) (PROTECT Act), *govtrack.us*, <https://www.govtrack.us/congress/bills/119/hr11552>.

[18] Genius Sports Ltd. & Nat'l Collegiate Athletic Ass'n, *NCAA and Genius Sports Expand Partnership Through 2032* (Apr. 25, 2025), available at <https://investors.geniussports.com/news/news-details/2025/NCAA-and-Genius-Sports-Expand-Partnership-Through-2032/default.aspx>.

[19] *Cybercrime in Sports; How to Double Team Against Digital Thieves*, *Sports Bus. J.* (Apr. 27, 2025), <https://www.sportsbusinessjournal.com/Articles/2025/04/07/cybercrime-in-sports-how-to-double-team-against-digital-thieves/>.

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ical, and legal challenges facing the world's most popular sport—football (“American soccer”).¹

Mega Events, Multi-Jurisdictions, and Climbing the Mountain of Transactions

Franks opened with a behind-the-scenes look at organizing the upcoming 2026 FIFA World Cup, which will span three countries (Canada, United States, and Mexico) and over a dozens of local jurisdictions. He described the complexity of hosting events at sites like MetLife Stadium in the New Jersey/New York metro area. Franks highlighted this legal maze created by staging massive multi-jurisdictional events, each with different zoning, tax, labor, and licensing regulations. Franks again illustrated how even neighboring jurisdictions, such as Coral Gables and Miami-Dade County, can differ significantly in compliance protocols, complicating *what seems to be simple* decisions on accommodations, travel, and venue selection. From venue contracts to crowd control regulations to immigration procedures, every match represents “a mountain of transactions” that demands strategic foresight and collaboration.

That foresight is especially critical for newer tournaments like the expanded Club World Cup. With 32 teams and strict eligibility rules, FIFA faced a legal dilemma when multiple qualifying teams shared ownership. Espallargas discussed the controversial exclusion of Club León.² León president Jesús Martínez Murguía attempted

to submit full documentation proving operational independence from its affiliate, Pachuca, both of which had qualified. “It’s clear we were left on our own—by our league and by our federation,” Martínez Murguía told Tubi in an interview. “But overall, we felt abandoned.”³ FIFA had traditionally allowed blind trusts as a work-around to separate multi-club ownership, but it refused to accept them for the Club World Cup, diverging from UEFA precedent.⁴ Ultimately, the Court of Arbitration for Sport upheld FIFA’s approach.

Espallargas noted that these unanticipated circumstances created further complications. León’s removal forced FIFA to hold a last-minute competition to fill the vacated spot, raising additional legal and practical questions like where would it be held? Who would play? Do sponsors have rights in this tournament game?⁵ For me, the bigger question was if multi-team ownership presents a foreseeable risk why weren’t the rules addressed proactively? Why did León’s owner attempt to use a blind trust only after the case reached arbitration? For now, regulation seems reactive, triggered by conflict rather than guided by anticipation thus keeping Espallargas’s team busier than ever.

Women’s Soccer: Equity, Growth, and Venue Disparities

Quallo brought the conversation back to the U.S. discussing the unique burdens facing women’s soccer clubs like infrastructure limitations and business disparities within

1 Sports Lawyers Ass’n, 2025 Annual Conference Agenda (May 14–17, 2025), <https://www.sportslaw.org/2025conference/agenda>.

2 See Press Release, Ct. Arb. for Sport, The Court of Arbitration for Sport Rejects Appeals by Club León, Pachuca and Alajuelense (May 6, 2025), <https://www.tas-cas.org>. On May 6, 2025, the CAS dismissed appeals filed by Club León, and Club de Fútbol Pachuca challenging their exclusion or the eligibility of others in the 2025 FIFA Club World Cup. The CAS panel upheld FIFA’s finding that León and Pachuca violated Article 10.1 of the tournament’s regulations concerning multi-club ownership. The panel ruled that the trust arrangement set up by Club León’s ownership was insufficient to meet independence standards. León remains excluded from the tournament, while Pachuca retains its place.

3 See Alejandro Orellana, ‘There’s Been Widespread Abandonment’ — Club León’s President Calls Out Liga MX, Mexican Football Federation for Lack of Support Following Club World Cup Expulsion, Goal.com (May 10, 2025), <https://www.goal.com/en/lists/club-leon-presidentliga-mx-and-mexican-football-federation-club-world-cup-expulsion/blt5cd734f8363ac638#cs92614ca77626af8e> (quoting interview comments).

4 Compare The CFCB Decides on Multi-Club Ownership Cases for the 2024/25 UEFA Club Competitions, UEFA (July 5, 2024), <https://www.uefa.com/news-media/news/028f-1b4ba6fcea09-078845f25cbf-1000--the-cfcb-decides-on-multi-club-ownership-cases-for-the-2024-/> (allowing temporary blind trusts (e.g. Girona/Man City, Nice/United) for UEFA tournaments), with Press Release, Ct. Arb. for Sport, *supra* note 2. In July 2024 UEFA’s Club Financial Control Body allowed City Football Group and INEOS to place Girona and Nice into independent blind trusts, “accepted . . . on an exceptional basis” to satisfy UEFA’s one-ownership rule. See The CFCB Decides on Multi-Club Ownership Cases for the 2024/25 UEFA Club Competitions, *supra*. Yet, here the CAS panel explicitly examined the proposed trust and “concluded that this trust was insufficient to comply with the regulations.” See Press Release, Ct. Arb. for Sport, *supra*.

5 See FIFA, FIFA Decides on Replacement Team for Club León in 2025 Club World Cup, FIFA (May 6, 2025), <https://www.fifa.com/news/fifa-takes-decision-on-last-fifa-club-world-cup-2025-participating-team>. (announcing playoff between Los Angeles FC and Club América to replace Club León).

the NWSL. “Only one NWSL club [Kansas City] owns its venue,” she noted, explaining how scheduling a championship final requires navigating landlord calendars, not just league interests. While the Washington Spirit rents Audi Field, availability is limited by third-party landlords.⁶ Audi Field’s third-party rental also poses potential sponsorship conflicts, such as if there is a league-sponsored car brand. Venue capacity also remains a persistent challenge. Kansas City’s stadium seats only 11,500, and while it maximizes home market attendance, it limits national visibility.⁷ Meanwhile, the Chicago Red Stars sold out a 40,000-seat stadium showing untapped demand that challenges the current infrastructure limits.⁸

She also pointed to fragmented ownership models and restrictive salary caps in the NWSL, far tighter than those abroad. Michele Kang’s multi-club ownership across continents—including Washington Spirit, Olympique Lyonnais and London City Lionesses—represents a promising growth model if paired with ethical oversight.⁹ Kang’s historic \$30 million donation to U.S. Soccer aims

to develop junior national teams and increase women’s coaching and officiating roles, efforts Quallo called “essential to growing the game.”¹⁰

FIFA President Gianni Infantino’s remarks that women should “pick the right battles” for equality only deepened the gender divide.¹¹ These comments sparked backlash from players who call for greater respect from national federations.¹² The U.S. Women’s National Team achieved equal pay through a \$24 million settlement and CBA overhaul but many national teams, like England, Nigeria, and Canada, were embroiled in disputes over performance bonuses and unpaid dues.¹³

Quallo also referenced the league’s recent bid to establish a Division II developmental league as early as 2026. The proposed six-team league, affiliated with top-tier NWSL clubs and sharing infrastructure, could strengthen player pipelines and coaching development. This is especially important in a system now without a draft, relying instead on club scouting and global recruitment.¹⁴ However, the move also raises broader antitrust

6 See Steven Goff, Spirit Set to Play All Home Matches at Audi Field Under New Deal, Wash. Post (Dec. 5, 2022), <https://www.washingtonpost.com/sports/2022/12/05/washington-spirit-audi-field-soccer/>. (announcing in 2023 Washington Spirit will play all home matches at Audi Field which they share with other tenants’ calendars (MLS, concerts, etc.)).

7 See Dave Skretta, The First Stadium Built for a National Women’s Soccer League Club Is Ready to Open in Kansas City, AP News (Feb. 29, 2024, 12:32 PM), <https://apnews.com/article/nwsl-kansas-city-current-stadium-womens-soccer-67cb1733199d13e10e91eb82b22f4e85>. (noting Kansas City Current will debut CPKC Stadium, The \$120 million, 11,000-seat venue, privately funded stadium built specifically for NWSL games).

8 See Chicago Red Stars Break NWSL Attendance Record, Fall to Bay FC, 0-2, Chi. Red Stars (June 8, 2024), <https://chicagoredstars.com/news/chicago-red-stars-break-nwsl-attendance-record-fall-to-bay-fc-0-2/>. (reporting NWSL attendance record with 35,038 fans at Wrigley Field).

9 See Jeff Kassouf, Michele Kang Interview: On the NWSL, Spirit, Lyon and Transforming Women’s Soccer, ESPN (May 6, 2025, 8:01 AM), https://www.espn.com/soccer/story/_/id/40163276/michele-kang-interview-transforming-womens-soccer-nwsl-spirit-lyon. (discussing Kang’s goal is to scale women’s soccer globally by elevating training, infrastructure, and development standards through a coordinated effort among shared stakeholders). This would reject and contrast with the men’s club structures.

10 See Press Release, Businesswoman and Sports Owner Michele Kang Makes Historic Investment in U.S. Soccer and Women’s Sports, U.S. Soccer (Nov. 19, 2024), <https://www.ussoccer.com/stories/2024/11/businesswoman-and-sports-owner-michele-kang-makes-historic-investment-in-us-soccer>.

11 See Spencer Nusbaum, FIFA’s Gianni Infantino Instructs Women to ‘Pick the Right Battles’, Wash. Post (Aug. 19, 2023), <https://www.washingtonpost.com/sports/2023/08/19/infantino-women-battles/>. (quoting FIFA President at a pre-Women’s World Cup final news conference that women in soccer should “pick the right battles” and focus on persuading men of equality reforms).

12 See Sam Marsden, Hegerberg slams Infantino’s ‘pick your battles’ FIFA speech, ESPN (Aug. 18, 2023), <https://www.espn.com/soccer/fifa-womens-world-cup/story/4952131/hegerberg-slams-infantinos-pick-your-battles-fifa-speech>. (quoting Ada Hegerberg, former Ballon d’Or winner, who criticized FIFA President Gianni Infantino’s remarks).

13 See Rachel Treisman, The U.S. National Women’s Soccer Team Wins \$24 Million in Equal Pay Settlement, NPR (Feb. 22, 2022), <https://www.npr.org/2022/02/22/1082220543/u-s-national-womens-soccer-team-equal-pay-settlement>. (reporting U.S. successful lawsuit ensuring equal pay with the men’s team for friendlies and tournaments); see also Canada women’s team players ‘shocked’ by federation’s CBA reveal, Reuters (Mar. 9, 2023), <https://www.reuters.com/sports/soccer/canada-womens-team-players-shocked-by-federations-cba-reveal-2023-03-09/> (reporting Canadian team protested pay equity and budget cuts, and Canada Soccer’s public disclosure of propped CBA hours before a parliamentary hearing strained relations); Pay dispute between England women’s international players and FA appears resolved, Assoc. Press (Sept. 21, 2023), <https://apnews.com/article/soccer-england-womens-world-cup-pay-dispute-2023>. (reporting dispute between England’s women’s national soccer team and FA resolved with new agreement on bonuses and commercial structures).; FIFPRO assisting Nigeria women’s team in pay dispute with federation, Reuters (Aug. 8, 2023), <https://www.reuters.com/sports/soccer/fifpro-assisting-nigeria-womens-team-pay-dispute-with-federation-2023-08-08/>. (highlighting ongoing challenges in Nigerian women’s soccer regarding compensation and resources).

14 See Jeff Kassouf, NWSL Submits Bid to Launch Second Division in 2026, ESPN (Apr. 25, 2025), https://www.espn.com/soccer/story/_/id/31451701/nwsl-submits-bid-launch-second-division-2026. Nevertheless, the NWSL D-II id reflects more coordination between NWSL, U.S. Soccer, and clubs to grow the women’s game with clearer standards and mutual consent.

concerns akin to the now-defunct NASL's legal battles with MLS.¹⁵

Disciplinary Challenges and Clearinghouse Compliance

Espallargas, who oversees FIFA disciplinary proceedings, revealed staggering statistics: 4,865 cases in just 10 months, with only a three-person team. FIFA plans to release a full report this July, outlining global misconduct trends including drone interruptions, red cards, and over 200 match-day incidents.¹⁶

But Espallargas pointed out that not all offenses come from players. Financial mismanagement, non-payment of transfer fees, and money laundering concerns increasingly dominate FIFA's docket. Many smaller clubs, especially those in less regulated jurisdictions, fail compliance checks. "Many clubs are unsophisticated," Espallargas admitted. He also discussed FIFA's financial compliance model, particularly the FIFA Clearinghouse. Introduced in 2022, the system centralizes training compensation and solidarity payments, aiming to ensure youth clubs are properly compensated. However, enforcement remains uneven. Jurisdictional constraints, such as France's financial regulations and inconsistent anti-money laundering standards, continue to complicate implementation at the Paris-based Clearinghouse.¹⁷ FIFA is now trying

to balance enforcement in developing regions. Rather than merely punishing late payments or misconduct, the organization is investing in compliance infrastructure and club training. Espallargas stressed that the ultimate goal is both enforcement and education.

Broadcast Rights and the Fragmentation Problem

A major impediment to growing U.S. women's soccer is the splintered nature of media rights and broadcast accessibility. Although the NWSL's 2023 media-rights deal was forty times larger than its predecessor, it covers matches across at least four platforms, CBS, ESPN/ABC, Prime Video, and ION, with no centralized schedule or cross-promotion.¹⁸ Consequently, fans often struggle to know where or how to watch their team as some games sit behind paywalls and each club must post its own streaming schedule on their websites.¹⁹ Amazon Prime's broadcasts show strong viewership and commercial potential, unmatched by other platforms that don't share similar data; however, the abundance of options undermines overall fan engagement.²⁰ While major events enjoy exclusive territorial broadcast rights, panelists criticized the patchwork approach to other regular league games. Franks explained that for the World Cup, FIFA sells media rights territorially, allowing broadcasters to sublicense matches.²¹ In contrast, Club World Cup rights

15 See Jeff Carlisle, Jury Sides with MLS, USSF in NASL Antitrust Suit, ESPN (Feb. 3, 2025), https://www.espn.com/soccer/story/_/id/38764871/jury-sides-mls-ussf-nasl-antitrust-suit. (ruling in favor of MLS where NASL had claimed that the USSF and MLS conspired to block its Division 2 sanctioning through anticompetitive practices).

16 See FIFA, Disciplinary and Ethics Report 2023/2024 (July 15, 2024), <https://legal.fifa.com>. (last year's report)>

17 See FIFA, FIFA Clearing House Report 2024 (Nov. 20, 2024), <https://www.fifa.com>. (documenting operational impact since launch in 2022). The Clearing House, based in Paris and regulated under French banking law, has allocated over \$350 million to more than 5,000 training clubs and already distributed \$156.6 million in training rewards. *Id.*

18 See NWSL Communications, NWSL Announces Landmark Media Partnerships with CBS Sports, ESPN, Prime Video and Scripps Sports, Nat'l Women's Soccer League (Nov. 9, 2023), <https://www.nwslsoccer.com/news/nwsl-announces-landmark-media-partnerships>. (NWSL announced landmark four-year media rights agreements with CBS Sports, ESPN, Prime Video, and Scripps Sports); Eric Fisher, NWSL 'Begins Its Future' With \$240M Set of Media Rights, Front Office Sports (Nov. 9, 2023, updated Apr. 15, 2024), <https://frontofficesports.com/nwsl-begins-its-future-with-240m-set-of-media-rights>. (marking the largest media agreement in women's sports history where the annual revenue of \$60 million is 40 times greater than the NWSL's previous media deal).

19 See Karyn Lush, Finding & Watching NWSL Matches Shouldn't Be a Problem, Women's Sports Rev. (Jan. 20, 2024), <https://www.womenssportsreview.com/finding-and-watching-nwsl-matches-shouldnt-be-a-problem>. (arguing difficulty for fans to find and watch matches); Alex Azzi, Technical Difficulties Impact NWSL Games on Paramount+, Just Women's Sports (Apr. 16, 2023), <https://justwomenssports.com/reads/nwsl-paramount-plus-streaming-issues-april-15-2023>. (noting technical issues on Paramount+ prevented NWSL fans from viewing over 30 minutes of two games disrupting fan engagement).

20 See NWSL Editor, Attendance, Viewership, Engagement Soar at Halfway Mark of 2024 National Women's Soccer League Season, Nat'l Women's Soccer League (June 27, 2024), <https://www.nwslsoccer.com/news/attendance-viewership-engagement-soar-2024-season>. (reporting at halfway mark of 2024 season, attendance was up 42% from last year and national broadcast viewership nearly doubled); see also Joella Chase, "Prime Time" for Progress: The NWSL Broadcast Deal & Redefining Women's Soccer Coverage, Women's Int'l Football Inst. (Apr. 5, 2024), <https://www.womensfootballinstitute.org/research/prime-time-nwsl-broadcast>. (researching and reporting NWSL media deal as increasing visibility of women's soccer but concluding accessibility and consistency as major issues).

21 See FIFA Gives Fox Rights to Air World Cup in U.S. Until 2026, ESPN (Feb. 12, 2015), <https://www.espn.com/soccer/fifa-world-cup/story/2318421/fifa-gives-fox-rights-to-air-world-cup-in-us-until-2026>; FIFA Agrees Women's World Cup Broadcast Deal for Top European Nations, Reuters (June 14, 2023), <https://www.reuters.com/sports/soccer/fifa-agrees-womens-world-cup-broadcast-deal-top-european-nations-2023-06-14/>. (noting geographic broadcasting rights for FIFA).

are managed through a centralized model.²²

Moreover, unlike the NBA/WNBA affiliation, U.S. men's and women's soccer operate in distinct silos, with no shared revenue structure or joint media efforts thus limiting both visibility and leverage for women athletes.²³ Until the NWSL can align venue ownership, franchise structure, developmental pathways, and legal certainty under a cohesive strategy, the U.S. women's game will continue to trail its global peers.

Conclusion

This panel highlighted how fragmented football remains from governance and discipline to broadcasting and equity. It's ironic that while mega-tournaments require consistent legal frameworks and coordination at the hyperlocal level,

domestic leagues still face challenges with ownership, access, and pay equity on a more ambitious broader scale. Football is a global sport, but its regulation is often very local. As U.S. soccer grows, it needs to balance being a developing market with also becoming a legal testing ground. The focus must shift to proactive, athlete-centered policies instead of the reactive processes currently in place. For football to truly be the world's most inclusive sport, its governance needs to innovate quickly and thoughtfully.

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22 See Alex Silverman & Mollie Cahillane, FIFA Sells Global Media Rights for Club World Cup to DAZN, Sports Business Journal (Dec. 4, 2024), <https://www.sportsbusinessjournal.com/Articles/2024/12/04/dazn-fifa-club-world-cup/>. (distinguishing 2025 Club World Cup with exclusive streaming service DAZN).

23 Compare Michel Martin & Isabella Simonetti, NBA, WNBA Sign \$77 Billion Media Rights Deals with Disney, NBC, Amazon, NPR (July 25, 2024), <https://www.npr.org/2024/07/25/nba-wnba-media-rights-deals-disney-nbc-amazon-tnt/>, and Mollie Cahillane, WNBA Nears \$2.2 Billion National Media Rights Deal, Sports Bus. J. (July 17, 2024), <https://www.sportsbusinessjournal.com/Daily/Issues/2024/07/17/Media/WNBA-media-rights-deal.aspx>. (discussing in NBA \$77 billion deal, WNBA is getting around \$2.2 billion – yes with a b), with Asli Pelit, The NWSL Has Become the New Darling of Ambitious Investors, Front Office Sports (Nov. 22, 2024), <https://frontofficesports.com/the-nwsl-has-become-the-new-darling-of-ambitious-investors/>. (acknowledging NWSL growth where league had no meaningful national broadcast revenue until 2023 before \$240 million deal).

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the San Diego Wave and the National Women's Soccer League (NWSL), debuting as the league's youngest athlete ever. Barcenas joined a **growing number of teen players** advancing their careers to professional levels at ages when most teens are navigating hormonal changes, fitting in, social media, and college admissions.

Most recently in January 2025, the Los Angeles Dodgers signed 17-year-old **Andrés Luna Román** and **14-year-old Ezequiel Rivera Velarde** over the 2024 summer. Velarde's signing in particular sparked public debate over the legality and implications of such signings. While signing with a professional sports team as a teenager can present life-changing opportunities for an athlete and their community, there are also ethical, financial, and legal consequences to signing athletes under the age of 18. While minors signing professional contracts is nothing new, litigation on the issue has evolved. This article examines antitrust claims filed by young athletes challenging age restrictions in professional leagues and offers legal and ethical insights for sports professionals

navigating the growing trend of early talent acquisition.

I. Existing Regulations for Teen Athletes in Professional Sports

Fair Labor Standards Act (FLSA) Exemptions

The Fair Labor Standards Act (FLSA) aims to protect workers through provisions regarding minimum wage, overtime, and prohibitions on child labor.[2] Section 212, which governs child labor, ensures that employment does not jeopardize a minor's health, well-being, or education. [3] Under the FLSA, a minor under sixteen cannot work more than eight hours a day when school is not in session or three hours a day when school is in session.[4] However, Section 212 makes no mention of minor athletes in professional sports, and athletes are not exempt under the FLSA. [5] The closest regulatory guidance for the employment of teen athletes stems from child entertainment laws, which exist at both the **federal and state level** and allow for exceptions under Section 213 of the FLSA in industries like films, radio, and television, recognizing the need for

flexibility in work hours for minor entertainers.[6]

While professional sports teams are subject to the FLSA, limited legal discussion exists on how Section 212 applies to teen athletes under professional sports contracts. In the 2016 case *Berger v. National Collegiate Athletic Ass'n*, the federal district court in Indiana, deciding an issue of first impression, ruled that the FLSA did not apply to college athletes. However, in the 2024 case *Johnson v. NCAA*, the United States Court of Appeals for the Third Circuit held that college athletes could not be barred from bringing FLSA claims. The Court remanded the case to the lower court to determine whether student athletes can be considered as employees under the FLSA. While litigation on this issue continues, the NCAA litigation is distinct from teen athletes signing as employees for professional teams. Several states, such as California and New York, have incorporated minor athletes into the FLSA's entertainer exemption allowing teen athletes to enter professional contracts if court-approved.[7]

State Laws and Contract Law Principles Regulating Agreements with Teen Athletes

Under common law, minors generally lack the legal capacity to enter binding contracts.[8] Therefore, contracts with minors can be disaffirmed or voided at the minor's option without legal consequence up until their 18th birthday.[9] This principle is designed to protect minors from exploitation and from entering imprudent commitments. As a result, leagues generally require parental consent or for a legal guardian to co-sign contracts for minor athletes, but in California, the contract must be court-approved in order to be enforceable.[10]

California's "Coogan's Law" mandates court approval for contracts with minors in entertainment and sports to avoid future disputes over enforceability.[11] Requiring court approval safeguards the minor's financial interests, ensuring that earnings are protected in a trust until the athlete reaches adulthood. The law was originally designed to protect child actors rather than athletes, and there are currently only ten other states that have enacted similar versions of Coogan's Law that apply to athletes: Florida, Illinois, Kansas, Louisiana, Nevada, New Mexico, New York, North Carolina, Pennsylvania, and Tennessee.[12] While Coogan's Law offers a legal safeguard, its limited applicability in only a few states underscores the lack of a

uniform national standard for protecting teen athletes in professional contracts—leaving the enforceability of such agreements largely dependent on league policies and CBAs.

While federal law sets the minimum working age at 14, professional sports leagues establish their own age requirements through collective bargaining agreements (CBAs). [13] Most leagues require athletes to be at least 18, but some exceptions exist. **Major League Soccer** (MLS) has no age restrictions. **The National Football League** (NFL) requires players to be three years removed from high school. The **National Basketball Association** (NBA) mandates that players be 19 and have graduated from high school. **Major League Baseball** (MLB) generally requires U.S. players to be at least 17 and international recruits to be at least 16. Yet, recent litigation challenging age rules and the lack of uniformity in the U.S. is transforming the way young athletes start their professional careers, presenting risks and opportunities for the early acquisition of athletic talent.

Clarett v. NFL and Antitrust Law Analysis (2004)

In *Clarett v. NFL* (2004), Maurice Clarett, a former Ohio State running back, challenged the NFL's age rule, which prevented players from entering the draft until they were three years removed from high school. Clarett argued that this rule violated Section 1 of the Sherman Act by unreasonably restraining his competition in the labor market.

However, the NFL defended its rule under the non-statutory labor exemption, arguing that it was a CBA provision designed to protect player safety and maintain competition quality. The Second Circuit ruled in favor of the NFL, holding that the non-statutory labor exemption applied because the age rule was negotiated as part of the CBA. This decision reinforced the NFL's ability to regulate employment conditions without violating antitrust laws.

O.M. v. Nat'l Women's Soccer League, LLC and Gender Equity Analysis (2021)

In *O.M. v. Nat'l Women's Soccer League* (2021), 15-year-old Olivia Moultrie challenged the NWSL's age rule prohibiting athletes under 18 from signing professional contracts. She argued that the restriction unlawfully limited competition under Section 1 of the Sherman Act, and Moultrie also claimed the age rule unfairly discriminated against female athletes compared to **MLS**, which has no age restrictions for male athletes. The NWSL countered

that the rule was necessary to comply with child labor laws and the Safe Sport Act. The Court sided with Moultrie, issuing a temporary restraining order against the NWSL and allowing her to sign with the Portland Thorns. The Court held that Moultrie had a strong chance of success on her Sherman Act claim, noting that the age restriction was arbitrary and lacked sufficient procompetitive justification.

The Ninth Circuit's ruling differed from the Second Circuit's analysis in *Clarett v. NFL* with the distinguishing factors being the Court's rejection of NWSL's classification as a single entity, the gender equality issues presented, and the absence of a finalized CBA at the time of litigation. In early 2022, the NWSL and its Players' Association ratified the league's first [CBA](#), which omitted age restrictions, [enabling more teen athletes](#) to sign professionally. The Moultrie case ultimately set the stage for 15-year-old [Melanie Barcenas](#) to join the San Diego Wave in 2023.

II. Legal and Ethical Implications of Early Drafting on Youth Outcomes

While mechanisms exist to recruit and contract teen athletes, concerns about their physical, mental, and social development persist. Adolescent development research indicates that young athletes face increased risks of injury and burnout when engaged in high-intensity professional training before full physical maturity.[14] Mental pressures, social media scrutiny, and the already short career span of pro athletes further complicate early professionalization.[15]

The recruitment of international teen athletes by U.S. teams, particularly in MLB, highlights additional complexities. MLB, unlike other leagues, benefits from an antitrust exemption—originally granted in *Fed. Baseball Club of Balt. v. Nat'l League* (1922) and reaffirmed in *Flood v. Kuhn* (1972)—which allows MLB to set unique standards for player recruitment, including signing international minors. MLB's practices in contracting young athletes have faced criticism, particularly regarding minors from economically disadvantaged backgrounds in Latin America.[16] The recruitment system has led to cases where teen athletes were left without adequate support when their contracts fell through, underscoring the legal and ethical implications of early recruitment without proper safeguards, academic supports, and regulations centering the young athlete's well-being and long-term success.[17]

Currently, best practices for supporting teen athletes at the professional level are not uniform across leagues or teams, and the infrastructure is still evolving. However, some teams have established policies and support systems that could serve as valuable models in developing national standards. These standards would help ensure that contracts comply with the FLSA and benefit the longevity of young athletes' careers, while also aligning with the interests of professional teams.

1. Informed Parental Consent

Given that minors lack the legal capacity to enter into binding contracts, securing informed consent from both the athlete and their legal guardians is essential. This process involves clearly explaining all contract terms, potential risks, and long-term implications in a manner that is understandable to both the young athlete and their guardians. For instance, the [U.S. Center for SafeSport](#) mandates that parental consent is obtained prior to minor athletes participating in training programs, ensuring that guardians are fully aware of and agree to the conditions under which their children will operate.

Similarly, [the United States Tennis Association](#) (USTA) requires advance written consent from a minor's legal guardian for any meetings between health professionals and minor athletes, emphasizing the necessity of parental involvement and supervision in decisions affecting the young athlete's welfare. By implementing such practices, professional teams can respect the autonomy of young athletes while ensuring their families are fully informed and agreeable to the commitments being made.

2. Players' Holistic Welfare

Leagues are increasingly recognizing the importance of supporting the holistic welfare of their teen athletes by implementing comprehensive programs that address both their athletic and personal development. Established in 2016, the [NBA Academy](#) is a global basketball development initiative tailored for high school prospects. The program offers comprehensive support, including education, housing, and mentorship, to ensure the athletes' overall development. Outside of professional contracts, the NBA has published [Youth Basketball Guidelines](#) to set a national standard for practice structures to help foster player welfare, age-and stage-appropriate skill development, and injury prevention

strategies to combat burnout in young athletes.

The NWSL has also instituted the **Under-18 Entry Mechanism** to integrate young talent responsibly. This policy permits teams to sign up to four players under 18, with specific provisions and compliance plans to safeguard their well-being. Additionally, contracts must extend through the season in which the player turns 18, and teams are required to provide appropriate support systems, including mental health resources and educational accommodations. By following this policy, teams can help ensure that young athletes develop sustainably as professionals and as individuals throughout their careers.

3. Educational Considerations and Fallout Prevention

Balancing professional sports with long-term educational and financial stability is essential for teen athletes. Without structured support, young players risk losing career opportunities if their contracts are terminated or their athletic careers do not progress as expected. To prevent these issues, proactive systems that support both professional development and career transitions are important.

The NBA's **Rookie Transition Program** provides a strong model, offering financial management workshops, media training, and mental health counseling to help players navigate professional sports. Over time, it has evolved to include entrepreneurship, cryptocurrency, and social media branding, ensuring athletes are equipped for financial stability beyond basketball. Similarly, the NWSL's **Beyond the Field Program** provides resources to help players build careers beyond soccer, reinforcing the league's commitment to long-term player success.

Expanding these programs across professional leagues and teams that sign minor athletes would provide critical career guidance and financial education to prevent fallout. Ensuring that young players, both domestic and international recruits, receive structured transition planning, financial literacy, and access to continued education will likely create a more sustainable model for teen athletes to promote their long-term success.

III. Conclusion

Sports professionals, lawyers, agents, and leaders who work with minors navigating this evolving landscape must consider not only contract enforceability but also adolescent development, equitable treatment, and compliance with

U.S. and international labor standards. While courts generally uphold contracts benefiting minors, additional safeguards are necessary to support athletes bypassing collegiate development. Implementing structured education, family support, transparent contract terms, and fair compensation is critical to ensuring a sustainable and ethical approach to integrating teen athletes into professional sports.

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[1] Under federal law, a minor is defined as "any person under the age of eighteen years." 18 U.S. Code § 2256.

[2] Fair Labor Standards Act of 1938 (FLSA) (29 U.S.C. §201 et seq.).

[3] FLSA, 29 U.S.C. §212 (1938).

[4] Kacey McCann, *Is Age Just a Number: The Intersection of the Fair Labor Standards Act and Professional*

Sports, 29 **Jeffrey S. Moorad Sports L.J.** 393 (2022).

[5] *Id.*

[6] FLSA, 29 U.S.C. §213 (1938). *See also* Division of Fair Labor Standards Act and Child Labor, **Child entertainment laws as of January 1, 2023**. U.S. Department of Labor (2023).

[7] Kacey McCann, *Is Age Just a Number: The Intersection of the Fair Labor Standards Act and Professional*

Sports, 29 **Jeffrey S. Moorad Sports L.J.** 393 (2022).

[8] Larry Cunningham, *A Question of Capacity: Towards a Comprehensive and Consistent Vision of Children and their Status under Law*, 10 UC Davis J. Juv. L. & Pol'y (2006); Restatement (Second) of Contracts §14 (Am. L. Inst. 1981); Victoria Slade, *The Infancy Defense in the Modern Contract Age: A Useful Vestige*, 34 Seattle U. L. Rev. 613, 614, 617 (2011).

[9] *Id.*, (citing Cal. Fam. Code §6710).

[10] *Berg v. Taylor*, 148 Cal. App. 4th 809, 816 (2007).

[11] Richard J. Hunter, Jr. & John H. Shannon, *Principles of Contract Law Applied To Entertainment and Sports Contracts: A Model For Balancing the Rights of the Industry With Protecting the Interests of Minors*, 48 **Loy. L.A. L. Rev.** 1171, 1188 (2015).

[12] *Id.*

[13] FLSA (1938).

[14] N. Bank, C. Hecht, et al. *Raising the Young Athlete: Training and Injury Prevention Strategies*. **Journal of the Pediatric Orthopedic Society of North America**, Vol. 4, Issue 2, (2022).

[15] J.S. Brenner, M. LaBotz, et al. *The Psychosocial Implications of Sport Specialization in Pediatric Athletes*. **Journal of Athletic Training; National Library of Medicine** (2019).

[16] Nathaniel Grow, *Defining the "Business of Baseball": A Proposed Framework for Determining the Scope of Professional Baseball's Antitrust Exemption*, 44 **U.C. Davis L. Rev.** (2010).

[17] *Id.*