SEPTEMBER-OCTOBER 2026

SLA MONTHLY Highlight Reel

THE NEWSLETTER OF THE SPORTS LAWYERS ASSOCIATION

Sports Lawyer Allison Rich Launches *Tiebreaker Advisory Group* to Advise College Athletics Leaders

Allison Rich, Esq., Ed.D., a sports attorney with more than three decades of experience in college athletics and higher education, including service as an NCAA Division I Director of Athletics, has announced the launch of *Tiebreaker Advisory Group*, a consulting, coaching and dispute resolution firm serving college sports executives, administrators and attorneys.

"Directors of Athletics, conference commissioners, and other industry leaders are operating in a landscape being reshaped in real time by NIL and revenue sharing, evolving governance structures, ongoing legal battles, and potential federal legislation," said Rich. "Strategic thinking and planning have never mattered more, and now they must have an even shorter runway from idea to execution. The pace and volume of day-to-day demands often leave little time or energy for leaders to step back, plan, and see projects through. Tiebreaker Advisory Group was founded to help close that gap, provide a trusted expert to advise executives, and provide dedicated outside capacity for project completion, staff development, and big-picture strategic direction and thinking."

See TIEBREAKER on Page 13

Still Time to Register for the Upcoming Fall Symposium

The SLA will hold its 2026 Fall Symposium, "The Sports Law Frontier: Business, Tech, Globalization, and Change," Nov. 5-6 at the Sheraton Boston.

The symposium will bring together sports industry leaders to examine emerging technologies, evolving business models and the growing international reach of leagues, athletes and markets.

Sessions will address legal, commercial and regulatory challenges while providing opportunities for problem-solving and networking among attorneys and other sports industry professionals.

To see the agenda and register, visit here:
https://www.sportslaw.org/events/2026fallsymposium.cfm

Allison Rich, Esq., Ed.D.

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Sports Lawyer Peter Goplerud Named Executive in Residence at UNF

Peter Goplerud, a former board member of the Sports Lawyers Association and an attorney with National Litigation Law Group, was named executive in residence for the University of North Florida's Sport Management program for the fall 2026 semester.

The appointment brings Goplerud's experience in sports law, higher education administration and NCAA regulatory matters into the university's undergraduate sport management curriculum.

UNF's Executive in Residence program allows experienced professionals to spend one or two semesters as courtesy faculty members, teaching undergraduate courses, mentoring students and delivering guest lectures.

Goplerud, who serves as of counsel at National Litigation Law Group, has worked extensively on legal issues involving collegiate athletics, including coaches' contracts, NCAA compliance, athlete eligibility, name, image and likeness (NIL) matters and NCAA membership.

He has also served as a consultant and expert witness in sports law and higher education matters and has participated in institutional investigations, including an investigation at a Big Ten university.

Goplerud's academic career includes leadership positions at several law schools. He served as dean of Drake University Law School from 1997 to 2003 and Florida Coastal School of Law from 2004 to 2013 and again from 2019 to 2023. He also served as dean of the University of Oklahoma College of Law and Southern Illinois University School of Law.

Most recently, he was a visiting professor of law at Florida A&M University College of Law from 2023 to 2026. Goplerud has co-authored two sports law textbooks and has served on numerous American Bar Association law school accreditation site evaluation teams.

His involvement in professional sports law organizations includes service on the Sports Lawyers Association's board of directors from 1997 to 2026. He has chaired and co-chaired the association's annual conference and served on several of its committees.

He also served on the National Sports Law Institute's advisory board at Marquette University Law School and the U.S. Anti-Doping Agency's Anti-Doping Review Board.

Goplerud began his legal career as a law clerk to Kansas Supreme Court Justice David Prager. He is admitted to practice law in Colorado, Kansas and Iowa.

Tiebreaker

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Understanding the diverse forces, interests and stakeholders unique to college athletics, and providing support tailored to an executive's specific strengths and needs, *Tiebreaker Advisory Group* offers the following services to university and conference leadership, association executives, legal counsel and their teams:

- **Strategy**: Navigate and keep up with rapid change at the university, conference and association level, with strategic direction and big-picture thinking that complement, rather than compete with, day-to-day operations.
- **Strategic and organizational planning and design**: Lead or assist in inclusive and comprehensive strategic planning.
- **Fractional executive support**: Provide hands-on guidance and concrete project work for which leaders lack the time or staff to take on internally.
- **Facility and program analysis**: Develop and complete comprehensive programmatic and facility reviews, including benchmarking and recommendations.
- **Professional and leadership coaching and development**: Work with all levels of staff, including executives, on professional and career development skills.
- **Policy analysis and development**: Assist with understanding and planning for complex legal, conference, NCAA and Congressional rules and legislation.
- **Dispute resolution**: Resolve disputes and build culture using tools suited not just for formal cases, but for everyday challenges in the workplace and on the team.
- **Legal team support**: Advise university counsel navigating the fast-changing world of college athletics, support companies and organizations that work within the industry, and provide expert witness services and other strategic support to legal teams.

Rich has experience in athletics and higher education policy, operations and law, including NCAA governance, contracts, dispute resolution, Title IX, NIL and revenue sharing. She is an American Arbitration Association (AAA) International Centre for Dispute Resolution panel arbitrator and a mediator trained at the Straus Institute for Dispute Resolution at Pepperdine Caruso School of Law. Rich is a longtime Director of the Sports Lawyers Association and a past president of the organization. She also has served in leadership and advisory roles on NCAA Division I committees, including the Cabinet, Infractions Appeals Committee and Infractions Appeals Task Force.

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Playing to Win: Skillz Again Takes On The Bots

By Andres Castillo, of Saul Ewing

(*Editor's note: Castillo is an SLA member and a contributor to Esports and the Law*.)

Back in April 2026, Skillz won a judgment of $420 Million against Papaya Gaming, based on Papaya's proven use of 'bots' (*i.e.*, non-human players) in its online real-money tournaments and skill contests. On July 27, 2026, Judge Cote of the Southern District of New York increased that award to $719 Million, and threw in another $10 Million to cover Skillz' attorneys' fees. In July 2024, Skillz brought another suit over bot usage against Voodoo. Like Skillz, Voodoo is a mobile gaming platform that offers cash games and real-money tournaments to users.

Skillz's CEO, Andrew Paradise, has said that the lawsuit against Voodoo is part of Skillz' campaign to call out "the deceptive usage of bots until systematic fraud in our industry is eliminated." Indeed, Skillz also filed suit against AviaGames in April 2021, alleging in part that AviaGames defrauded users through its bot usage.

Skillz' claims against Voodoo are based on Voodoo's operation of its "Blitz Win Cash" application. The complaint alleges that Voodoo's characterization of the application as "fair," "skills-based," and bot-free constitutes false advertising in violation of Federal and New York State law. These claims are similar, if not identical, to the claims Skillz made against Papaya.

Although still pending in court, the Skillz-Voodoo lawsuit involves several relevant considerations worth addressing for platforms and users in the mobile gaming market.

Background

The mobile gaming market is vast and rapidly growing. Users spent $197.3 Billion on mobile gaming in 2025. That number is expected to reach $400.6 Billion by 2034. There are over 3.5 Billion users worldwide, with over 4.2 Million mobile game downloads per day.

Founded in 2012, Skillz is a mobile gaming platform that connects users with games created by third-party developers. Skillz offers arcade, puzzle, and card games. Voodoo's business model is the same, except that, in addition to connecting users with games created by third-party developers, Voodoo also offers its own games to users. Its "Blitz Win Cash" application offers arcade, puzzle, and card games too.

Both platforms facilitate tournaments and head-to-head matchups, where users wager money, and cash prizes are awarded. Both platforms claim that, in facilitating head-to-head matchups, they match users with other human users at similar skill levels.

In 2025, Skillz earned $104.5 Million in revenue, while Voodoo earned $778 Million.

The Case

On July 1, 2024, Skillz filed the complaint and motion for preliminary injunction against Voodoo in the Southern District of New York (before Judge Broderick), alleging false advertising claims in violation of the Lanham Act and the New York General Business Law. Skillz principally argues, among other things, that Voodoo's characterization of Blitz Win Cash as bot-free constitutes false advertising, because Voodoo actually utilizes bots. To show that Voodoo utilizes bots, Skillz relies on disclosures of a former Voodoo employee, along with Google reviews submitted by users which allege that Voodoo utilizes bots.

Skillz further alleges that Voodoo's conduct has wrongfully led to lost profits and a diversion of market share from Skillz to Voodoo. According to Skillz, the usage of bots provides Voodoo with an advantage because Voodoo can provide users with competitions much faster than Skillz since Voodoo can match a user with a bot, which is always available, while Skillz matches a user with a human user, which depends on the availability of the user.

Skillz also argues that Voodoo operates an illegal gambling activity because the usage of bots involves chance, which is an element of gambling under New York law, and due to this, the user's skill is less likely to influence the outcome of the game.

On October 16, 2024, Voodoo filed a motion to dismiss Skillz' complaint. Voodoo principally argued, among other things, that Skillz failed to allege that it suffered harm due to Voodoo's conduct because: (i) Skillz and Voodoo do not compete for sales since the games offered by Skillz are created by third-party developers; (ii) even if they compete for sales, the mobile gaming market is vast, and therefore, Skillz' decreased revenue and market share could be a result of any other competitor; and (iii) Skillz' alleged harm does not impact the public at large. Voodoo further argued that its "fair" and "skill-based" characterizations are non-actionable statements of opinions, and that a recently-conducted audit of Voodoo demonstrated that bots are not used. Voodoo also requested that Skillz' gambling allegations be stricken because they are not pertinent to Skillz' claims, reflect unnecessarily on Voodoo's character, and are otherwise insufficient to constitute gambling. Almost two years later, Voodoo's motion to dismiss remains pending.

On March 13, 2026, however, Judge Broderick formally denied Skillz' motion for preliminary injunction. The court held that injunctive relief is unnecessary because Skillz unjustifiably waited seven weeks after discovery of Voodoo's conduct to move for a

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preliminary injunction. The court also found that Skillz failed to offer evidence demonstrating that its own sales position, or the overall mobile gaming market, were harmed by Voodoo's conduct. The parties are now in discovery.

Relevant Considerations

Mobile gaming platforms and users alike should pay close attention to the Skillz-Voodoo lawsuit. As it progresses, the lawsuit will likely result in findings that impact how platforms provide their services, and which platforms users should trust.

1. **As a platform, should we utilize bots and if so, how do we avoid liability?**

Nothing affirmatively prevents a mobile gaming platform from utilizing bots. However, whether a platform should utilize bots depends on consideration of at least two factors. First, the platform should consider the impact that the usage of bots may have on the user's interest in using the platform. Because bots are created by algorithms, users may lack trust that the platform is providing a "fair" competition. In turn, there is a risk that a platform loses market share to (or performs less favorably than) a competitor who does not use bots. Second, the platform should consider whether its usage of bots amounts to a gambling practice. If a bot significantly controls the outcome of a game, as opposed to the skill of the user, there is a risk that a platform is offering a gambling service and, therefore, is subject to state gambling laws, which is accompanied by additional expenses and legal obligations for the platform. If a platform decides to utilize bots, it should expressly disclose such usage to users and ensure that the skill of a user is still a significant factor in the outcome of a game.

2. **As a user, should I use a platform that utilizes bots?**

Users can obviously engage with whatever mobile gaming platform that they want. However, a user should understand which platforms utilize bots for at least one reason. Unlike a human user, a bot is controlled by an algorithm created by the platform. That does not mean that the bot is always a tougher competitor than a human user, but it does mean that the bot is the product of an algorithm, rather than a human. Therefore, users should at least be diligent about the potential for abuse and unfairness in this arrangement (i.e., the platform making the bot impossible to beat). Ultimately, users have legal recourse against platforms under state consumer protection laws in the event that a platform employs illegal or abusive practices, such as false advertising or illegal gambling activities.

Andres Castillo

Conclusion

The eyes of the mobile gaming world should stay on the Skillz-Voodoo lawsuit. Its resolution will likely have far-reaching effects on both platforms and users. If Skillz achieves another 9-figure recovery, it could have major ramifications for online gaming services that utilize bots in secret. In the meantime, platforms should ensure that they are accurately portraying their services to the public, and users should remain vigilant while accessing these platforms to avoid any harm or surprise.

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When the Season is Over, is the Case Over? Understanding *Braham v. NCAA*

By Kyle Conkle, Ph.D., Assistant Professor at The University of North Alabama

In *Braham v. National Collegiate Athletic Association* (9th Cir. Sept. 9, 2026), the United States Court of Appeals for the Ninth Circuit addressed the intersection of NCAA eligibility regulations, antitrust challenges, preliminary injunctive relief, and the constitutional requirement that federal courts decide only live cases or controversies. The consolidated appeals arose from separate lawsuits filed by Cortez Braham and Tatuo Martinson, college football players who began their collegiate careers at junior colleges in 2019 before transferring to NCAA Division I institutions. Both athletes had exhausted the five years of collegiate enrollment permitted under NCAA Bylaw 12.8 and sought permission to compete during a sixth year of college football eligibility. The athletes argued that the NCAA's Five-Year Rule was anticompetitive in violation of Section 1 of the Sherman Act, 15 U.S.C. § 1. Both athletes obtained preliminary injunctions from federal district courts that prevented the NCAA from enforcing the Five-Year Rule and its related Rule of Restitution against them. As a result, both players were permitted to participate during the 2025 college football season. However, by the time the Ninth Circuit considered the NCAA's appeals, the 2025 season had concluded, and both athletes had exhausted their collegiate eligibility.

The legal victory was obtained by SLA Board Member Gregg Clifton, the Chair of the Lewis Brisbois' Sports Practice Group, and the firm's Reno, Nevada Managing Partner Brandon Wright.

The immediate question was whether the NCAA's appeals remained a live controversy after the preliminary injunctions had expired. More specifically, the court considered if it could provide any effective relief to the NCAA after the athletes had completed the season for which the injunctions had been issued and whether the dispute qualified for the exception to mootness involving controversies that are capable of repetition yet evade review. This is a prominent consideration in our field due to the underlying eligibility dispute and whether a court can continue deciding that dispute being separate legal issues. Although the athletes challenged the legality of the NCAA's eligibility rule, the Ninth Circuit's decision ultimately turned on Article III's case-or-controversy requirement instead of the merits of the antitrust claims.

Under Article III of the Constitution, federal courts generally cannot decide questions that can no longer affect the rights of the parties before them. Relying on *DeFunis v. Odegaard*, 416 U.S. 312 (1974), and subsequent Ninth Circuit precedent, the court explained that an interlocutory appeal concerning a preliminary injunction becomes moot when the court can no longer provide effective relief. The party asserting mootness bears the burden of establishing that no effective relief remains available, while the party opposing mootness must demonstrate that an exception applies once mootness has been established. The relevant exception in this case was the "capable of repetition yet evading review" doctrine. Under City of Los Angeles v. Lyons, 461 U.S. 95 (1983), and Foster v. Carson, 347 F.3d 742 (9th Cir. 2003), that exception generally requires both that the challenged action is too short in duration to be fully litigated before it ends and that there is a reasonable expectation that the same complaining party will be subjected to that same action again.

The Ninth Circuit concluded that the appeals were moot because the preliminary injunctions had expired with the conclusion of the 2025 football season and the plaintiffs' collegiate careers had ended. The NCAA argued that the appeals remained live because the injunctions also prevented enforcement of the Rule of Restitution against the institutions for which the athletes competed. The court rejected that argument, reasoning that the conclusion of the season and the end of the plaintiffs' alleged antitrust injuries meant that the injunctions did not continue indefinitely to protect nonparty institutions from potential NCAA penalties. As a result, the court concluded that there was no effective relief it could provide to the NCAA with respect to the expired injunctions.

The court's more significant analysis concerned the NCAA's attempt to invoke the capable-of-repetition-yet-evading-review exception. The NCAA argued that similar eligibility lawsuits were likely to be brought by other college athletes in the future and that the organization would therefore continue to face the same legal issue. The Ninth Circuit rejected this. Drawing heavily on *Lyons*, *DeFunis*, and *Honig v. Doe*, 484 U.S. 305 (1988), the court emphasized that the inquiry is generally focused on whether the same plaintiff is reasonably likely to experience the same alleged injury again. Because Braham and Martinson had completed their eligibility and had no realistic opportunity to return to college football under the circumstances presented, the court found no reasonable expectation that these particular plaintiffs would again be subjected to the NCAA's Five-Year Rule.

The court ultimately dismissed the NCAA's appeals as moot and vacated the district courts' orders under the doctrine of *Munsingwear* vacatur. Importantly, the Ninth Circuit did not determine whether the NCAA's Five-Year Rule violates Section 1

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of the Sherman Act. Consequently, *Braham* should not be interpreted as a substantive holding concerning the legality of the NCAA's eligibility limitations. Once the challenged preliminary injunctions expired and the plaintiffs' eligibility ended, the NCAA could not demonstrate a live controversy sufficient to maintain its appeals, nor could it establish that the same plaintiffs were reasonably likely to experience the same alleged injury again.

The September 9, 2026 judgment resolved the consolidated appeals before the Ninth Circuit, but the post-judgment process provides important context concerning the procedural status of the litigation. Following entry of judgment, the parties were afforded the opportunity to seek panel rehearing or rehearing en banc within the applicable period. The Ninth Circuit's post-judgment notice explains that panel rehearing is intended for circumstances such as an overlooked material point of law or fact, a subsequent change in law, or an unresolved conflict with another decision, while en banc rehearing is reserved for circumstances involving issues such as the need to maintain uniformity among the court's decisions or a question of exceptional importance. The notice also explains that a petition for a writ of certiorari would be filed with the United States Supreme Court rather than the Ninth Circuit. These procedural avenues do not alter the court's September 9 holding, but they demonstrate that the judgment's entry and the conclusion of the appeal are distinct from the expiration of every possible avenue for further review.

From a sport management perspective, this illustrates the importance of understanding that a legal dispute can have significant operational consequences even when a court ultimately resolves the matter on procedural grounds. Eligibility disputes are frequently time-sensitive. For an athlete, an eligibility dispute that remains unresolved for several months can effectively determine whether that athlete participates in a season that cannot later be recreated. This creates a practical tension between the traditional pace of appellate litigation and the highly compressed competitive timelines of intercollegiate athletics. The decision also highlights the need for athletic departments and sport administrators to distinguish between an immediate court order and a definitive resolution of the underlying legal question. A temporary judicial order may alter what an institution can do at a particular point in time without resolving the broader legal or policy question that generated the dispute.

For sport administrators, perhaps the most practical lesson is the importance of proactive legal literacy. Eligibility rules should not be treated solely as compliance provisions contained within an NCAA manual. They operate within a larger legal environment that includes antitrust law, constitutional requirements, and rapidly evolving challenges to the governance structure of intercollegiate athletics. *Braham* also reinforces the importance of maintaining flexibility when legal decisions intersect with athletic seasons because a court's eventual ruling may come after the competitive circumstances that generated the dispute have already changed.

Ultimately, *Braham v. NCAA* is significant less because it resolves the legality of the NCAA's Five-Year Rule and more because it illustrates the procedural complexities surrounding litigation in college athletics. The September 9, 2026 judgment resolved the consolidated appeals before the Ninth Circuit, while leaving the underlying antitrust question unanswered. The case establishes that the NCAA could not maintain these appeals simply by pointing to the possibility of future lawsuits by other athletes because the capable-of-repetition exception remained tied to the likelihood that the plaintiffs before the court would experience the challenged injury again. At the same time, the availability of post-judgment review and the existence of related litigation demonstrate that the broader legal debate surrounding eligibility regulation remains capable of further development. For sport organizations, *Braham* serves as a reminder that legal strategy, organizational policy, judicial procedure, and competitive timelines are closely connected. As eligibility rules continue to face challenges involving athlete rights, antitrust principles, and the structure of intercollegiate competition, sport administrators will increasingly need to understand what a court decides and when/under what procedural circumstances the court is able to decide it.

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Sports Law Jobs, Courtesy of TeamWork Online

Entry Level

- Paralegal - AEG Presents
- Business Affairs Coordinator, Motion Picture - WME
- Business Affairs Coordinator - WME
- Contract Administrator, Pacific Northwest - AEG Presents
- Associate Counsel - IMG

Manager Level

- Legal Operations Specialist - U.S. Soccer Federation
- Corporate Paralegal, Sports Division - Anaheim Ducks Hockey Club
- Employment Counsel - NCSA College Recruiting
- Legal Counsel, Events - NCSA College Recruiting
- Employment Counsel - IMG Academy
- Legal Counsel, Events - IMG Academy

Director Level

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- Legal Counsel - USA Swimming
- Senior Global Immigration Specialist - UFC
- Corporate Paralegal & Administrative Assistant - Milwaukee Brewers
- Senior Manager, Business & Legal Affairs - Legends Global
- Assistant General Counsel - Playfly Sports

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