

DECISION ALERT-Ninth Circuit Rules NCAA Violates Antitrust Law-Strikes Down Proposed Remedy

Article By:

Gregg E. Clifton

Benjamin A. Tulis

A three-judge panel of the Ninth Circuit Court of Appeals, in San Francisco, affirmed in part and reversed in part Judge Claudia Wilken's August 2014 district court decision that NCAA rules restricting payment to athletes violate antitrust laws.

The Ninth Circuit agreed with Judge Wilken's conclusion that NCAA rules restricting payment to athletes violated antitrust laws and authorized NCAA schools to provide athletic scholarships that cover the full cost of attendance. However, the Ninth Circuit rejected a key component of Judge Wilken's decision which authorized the payment of \$5,000 per year in deferred compensation for the use of individual athletes' names, images and likenesses.

The opinion, written on behalf of the panel by Judge Jay Bybee, stated,

"NCAA is not above the antitrust laws, and courts cannot and must not shy away from requiring the NCAA to play by the Sherman Act's rules....In this case, the NCAA's rules have been more restrictive than necessary to maintain its tradition of amateurism in support of the college sports market."

A more detailed analysis of the decision and its potential impact will be posted shortly.

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