

SCOTUS Sets Argument on Case with NIL Implications

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An important development in the fast-changing landscape of intercollegiate athletics' name, image, and likeness (NIL) rules may occur, when *NCAA v. Alston* is heard by the United States Supreme Court in March, with the Court's decision expected to follow at some point in the summer of this year. With a Florida bill set to become the first active NIL statute in the country on July 1, 2021, making intercollegiate student-athletes in Florida eligible to receive compensation for their NIL, without compromising their amateur status, the Court's decision comes at a critical time in the history of NIL legislation.

The NCAA recently delayed a vote to take action on the subject of NIL at their annual January meetings. In 2019, the NCAA's Board of Governors had previously targeted January 2021 as a self-imposed deadline to vote on NIL, with updates to have been enacted for the 2021-22 academic year. The delay comes on the heels of the Department of Justice's Antitrust Division letter warning the NCAA that further rule changes could trigger additional legal issues. *Alston* is itself an antitrust suit, and the appeal heard by the Court in March will seek to overturn a May 2020 ruling by the Ninth Circuit Court of Appeals that found that the NCAA violated the Sherman Antitrust Act when it limited schools from offering certain education-related benefits to football and basketball student-athletes. The decision also left open the door to compensation for NIL. While it is possible that the Supreme Court will provide clarity on what has been to date an uncertain legal environment, that remains to be seen in the months ahead.

Winstead continues to monitor legislative updates surrounding NIL. For additional updates on the subject of NIL, please see Winstead's previously published alert on [NIL in Texas](#).

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