

COLLEGIATE ATHLETICS

Holland & Knight's Education Team concentrates on advising and representing colleges, universities and athletic conferences with regard to the legal issues related to collegiate athletics. We understand that issues with intercollegiate athletics can have broad ramifications for an institution, ranging from Title IX concerns and NCAA compliance issues to private litigation and employment matters. These issues must be addressed in the context of an institution's simultaneous concerns for financial and reputational stability. Accordingly, we collaborate with institutions and athletic conferences to pursue the legal results that best achieve their individual goals.

Our attorneys bring to bear years of hands-on experience advising colleges, universities and athletic conferences at the Division I, II and III levels. Our national footprint and skills in various legal disciplines enable us to assist institutions and conferences, regardless of the nature of the legal issue or where it arises.

TITLE IX ATHLETICS COMPLIANCE

We conduct programmatic reviews of athletic programs to address Title IX compliance, and we provide tailored advice and comprehensive plans to assist clients in managing risk. Our team includes a former attorney from the U.S. Department of Education's Office for Civil Rights (OCR), who spent almost a decade focused on targeting and reviewing athletic programs to ensure compliance with Title IX. During that time, he also served as a national resource on this issue for OCR and conducted training throughout the United States.

LEAGUE AND CONFERENCE ISSUES

Our experience ranges from advising clients at different phases of the athletic conference realignment process to representing them in litigation. Our services include providing comprehensive counsel to clients with regard to conference constitutions, bylaws and media contracts as well as the broader financial and legal ramifications that accompany a conference realignment.

LABOR AND EMPLOYMENT ISSUES

We negotiate employment contracts and regularly assist colleges when beginning or ending their relationships with coaches and other athletics personnel. We defend colleges and universities in employment litigation involving employees within the athletic department, including coaches. Additionally, we advise institutions on issues related to student athletes' efforts to be treated as employees, and we have served as counsel in lawsuits where student athletes argue that they should be paid as employees.

NCAA COMPLIANCE AND RELATED ISSUES

Our team provides guidance with regard to the NCAA rules and enforcement process. We counsel clients on institutional compliance with new NCAA rules; college and university self-disclosures; and issues regarding student athlete eligibility, student athlete transfers, sponsorships and transitioning to the professional levels (agency representation). We also have experience concerning criminal investigations arising out of athletic programs, including addressing alleged criminal violations by student athletes and conducting sensitive reviews for boards of directors and advising on whether findings should be referred to law enforcement agencies.

REPRESENTATIVE EXPERIENCE WITH COLLEGIATE ATHLETICS

- Assisting institutions that are internally analyzing their athletic programs to ensure compliance with Title IX, NCAA regulations and conference requirements

- Representing a college in litigation arising out of its move from the Big East Conference to the Atlantic Coast Conference
- Representing an athletic conference as co-counsel in lawsuits in North Carolina and Maryland arising from a college's refusal to pay the required withdrawal dictated by the conference's constitution
- Representing a Division I college in connection with a threatened complaint of employment discrimination by a long-time football coach whose contract was not renewed; assisted the college in managing the potentially sensitive public relations aspects of this dispute
- Representing colleges in negotiating coach contracts
- Representing colleges in connection with terminating the employment of head coaches of hockey, baseball and soccer teams
- Representing a Power 5 conference as local counsel in national antitrust litigation over compensation for student athletes
- Assisting a mid-major university in negotiations to move to a major athletic conference

HOW WE CAN HELP

Holland & Knight attorneys have a broad range of experience to assist clients in matters related to collegiate athletics. In addition to litigation and counseling, we conduct training programs to help administrators and athletic departments increase understanding and awareness of legal issues on campus and in the workplace, improve morale, reduce conflicts, and avoid lawsuits and fines. We also perform audits of athletic programs for Title IX and NCAA compliance as well as general reporting compliance.

OUR TEAM



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Nate Adams is a Florida Bar Board Certified Education Lawyer and partner practicing in complex commercial and appellate litigation. He advises educational institutions on compliance with Titles IV, VI, VII and IX. Mr. Adams assists with financing public-private projects, including research, student housing and other facilities. He has experience with state licensing, distance education, labor and employment and accreditation consulting matters.



Philip J. "Phil" Catanzano
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Phil Catanzano regularly advises on intercollegiate athletics issues. Before joining Holland & Knight, he spent almost a decade working on athletics cases for the U.S. Department of Education, where he focused on targeting and investigating institutions to ensure compliance with Title IX. In that role, he led investigations of intercollegiate athletic programs and frequently collaborated with the institutions to facilitate the growth of the athletic program through discussions with league and conference representatives.



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Janet Judge is a higher education and employment law attorney who focuses her practice in the area of sports and civil rights law. She has more than 30 years of experience in higher education, intercollegiate sports, and labor and employment law and is well-versed in civil rights compliance matters, Office of Civil Rights (OCR) and in-house program reviews, organization, employee and student investigations, strategic program development, and NCAA infraction investigations and resolutions.



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Paul Lannon is the co-chair of the Education Team. Mr. Lannon serves as the outside general counsel for several private universities and colleges. He advises private educational institutions on a broad range of matters, including Title IX and student athlete issues.



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David Lisko focuses his practice on labor and employment law and sports law in state and federal courts. He is a registered sports agent with the National Football League and is the president of the Florida Sports Law Association, Inc., a nonprofit charitable organization.



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Miriam McKendall is the co-chair of the Education Team and concentrates her practice in employment law, education law and related litigation. Ms. McKendall provides counseling to clients in matters related to higher education, including student and employment matters such as claims raised by student athletes, coaches and athletics personnel as well as Title IX compliance.



David J. Santeusano
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David Santeusano is a seasoned litigator and advisor representing and counseling clients in all facets of labor and employment law. Mr. Santeusano regularly advises and represents colleges and universities on employment matters, including those regarding coaches and athletics personnel, and student athlete issues.



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William Shepherd is a trial lawyer and defends individuals and corporations in state and federal government investigations and grand jury investigations. Mr. Shepherd also assists the general counsel of educational institutions in conducting sensitive internal inquiries.



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J.D. Smeallie, former chair of the Education Team, concentrates his practice on business litigation with particular emphasis on educational institutions. Mr. Smeallie has represented clients in various high-profile conference realignment matters.



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Max Sternberg is a real estate attorney that also practices in the area of collegiate athletics, assisting in the representation of educational institutions, athletic associations and sports industry personnel on a variety of matters.