

Daily Journal

SEPTEMBER 19, 2018

TOP 100 LAWYERS IN CALIFORNIA 2018

COMMERCIAL LITIGATION

BART H. WILLIAMS

PROSKAUER ROSE LLP | LOS ANGELES

SPECIALTY: WHITE COLLAR CRIMINAL DEFENSE, BET-THE-COMPANY MATTERS

Williams represents the Pac-12 Conference as lead trial counsel in litigation over collegiate amateurism rules. Defendants in the multidistrict class action include his client plus the National Collegiate Athletic Association, the Southeastern Conference, the Big Ten Conference, the Big 12 Conference and the Sun Belt Conference. The plaintiffs are college athletes; media outlets are involved as intervenors.

The clash is over the defendants' allegedly anti-competitive limits on what benefits collegiate football and men's and women's basketball players can receive. "It's going to be quite a fight," Williams said of the scheduled three-week September trial before Senior U.S. District Judge Claudia Wilken of Oakland, with the multibillion-dollar college sports industry at stake.

"The class plaintiffs want the judge to prohibit enforcement of all financial aid and benefits rules. We say it would alter college sports. If schools pay athletes as professionals, it would make them employees. If athletes want to turn pro, let them do so." *In re: NCAA Athletic Grant-In-Aid Cap Antitrust Litigation*, 4:14-md-02758 (N.D. Cal., transferred June 13, 2014).

Williams noted in 2014 Wilken concluded in a different case that NCAA

rules prohibiting college athletes from receiving cash compensation violated antitrust laws. The lead plaintiff there was former UCLA basketball player Ed O'Bannon; Wilken ruled that schools should be allowed to offer full cost-of-attendance scholarships to athletes and to establish trusts for each. The 9th U.S. Circuit Court of Appeals affirmed in part, eliminating the trust funds but agreeing that amateurism is key to college sports. The U.S. Supreme Court denied review, leaving the issue unsettled.

A Yale College and Yale Law School graduate, Williams was a starting guard for four years on Yale's varsity basketball team and won an MVP award his senior year. He's had experience with the amateur versus professional divide. "I had an opportunity to play professionally in France," he said, explaining that he had been born on a U.S. military base there and so could qualify as a French player under international rules. "I decided on law school instead. And absolutely, I have regretted that. I'd have gotten an apartment, a car and money. My folks were against it, but it would have been a great experience and I'd have come back fluent in French."

Meanwhile, he's on the trial team that won an extraordinary reversal for client Johnson & Johnson of a jury's \$417 mil-



lion judgment in favor of a woman who claimed the company's talc products caused her ovarian cancer. The plaintiff has appealed. "We're preparing our response," Williams said. "We think the judge did the right thing."

— John Roemer