

# Law360 Features Partner David H. Evans on NCAA Student-Athlete Pay Ruling

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Partner [David H. Evans](#) was quoted in the *Law360* article "Attorneys React To NCAA Student-Athlete Pay Ruling." The Ninth Circuit on Wednesday struck down the NCAA's ban on paying student-athletes on the grounds that it violates federal antitrust law, but said NCAA athletes did not have to be paid beyond the cost of attending college. In the article, attorneys explain why the decision in *Edward O'Bannon Jr. v. NCAA et al.* is significant. Mr. Evans notes that, "The ruling is not remarkable from an antitrust perspective. If there is a significantly less restrictive way to accomplish a procompetitive goal, a court will strike the restraint in favor of the less restrictive means. Here, the procompetitive goal was maintaining amateurism in college sports. Agreeing to compensate athletes at some amount less than their total costs saved colleges money and didn't advance the goal of amateurism. Allowing colleges to compensate athletes for all of their costs, if the colleges chose to do so, was less restrictive. It's a pretty good decision for plaintiffs. While the court went out of its way to say there was a great deal of difference between compensating an athlete for 'most' and 'all' of her expenses, the reality is there isn't, and the court's willingness to second-guess the rule rather than defer was obvious. It's pretty much open season on the NCAA now."

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