



## **HOW LITIGATION SKILLS TRANSLATE TO QUASI-LEGAL PROCEEDINGS: A BEHIND THE SCENES LOOK AT HEADLINE GRABBING NCAA COMPLIANCE ISSUES**

**William King**  
**Lightfoot Franklin & White (Birmingham, AL)**  
**205.380.9146 | [wking@lightfootlaw.com](mailto:wking@lightfootlaw.com)**

## **How Litigation Skills Transfer to the NCAA Infractions Process**

William H. King, III



**LIGHTFOOT**

LIGHTFOOT FRANKLIN WHITE LLC  
TRIAL & APPELLATE COUNSEL

## Other Infractions Work



## Litigation Skills in the NCAA World

- Don't fight over issues that don't matter
- Helping your clients understand why you are not being adversarial
- Knowing when to be an advocate
- Maintaining credibility
- Providing an accurate assessment of the case
- Courage to tell your clients the truth instead of what they want to hear
- Being creative in developing solutions to problems
- Moving each case through the process quickly
- Best way to get business is by doing a good job on the matters on your desk

### Differences Between NCAA Process & Litigation

- Duty to self-monitor, self-report and cooperate fully during investigation
- No subpoena power and no evidence rules
- Coaches are excluded from interviews
- Very limited communications during investigation
- Duty to keep investigation confidential
- Public records issues
- No preparation of coaches and student-athletes
- Expectation of self-imposed penalties

### Differences Between NCAA Hearings & Trial

- No mediation or settlements
- No live witnesses
- Detailed written materials submitted well in advance
- NCAA hearing is comparable to a summary judgment hearing before a panel of 5
- Unstated presumption that the charges for the most part are well-founded
- Enforcement staff and COI decide who will attend the hearing from the university
- Accused don't have right to compel their accusers to appear and testify
- COI issues public decision 2-3 months after hearing

## Legal Issues On the Horizon

- O'Bannon litigation
- Cost of Attendance
- Northwestern Union Case
- Class Action Challenging Collegiate Athletics Model
- Concussion Litigation
- Class Action Alleging Fraudulent Education

## Recent Eligibility Cases





## Snoop & Son



## CalTech Beavers

COLLEGE BASKETBALL | CALTECH 46, OCCIDENTAL 45

### By a Point, Caltech Ends 26-Year Conference Skid

By JOHN BRANCH FEB. 23, 2011

The California Institute of Technology conference game Tuesday night for the losing streak believed to have stretched

The team's 46-45 home victory over Occidental College Tuesday night was the first Southern California Conference victory for Caltech since 1984, a 26 years ago, before any of the current

Ryan Elmquist scored the winning point with three seconds left. He made a desperation shot from halfcourt in the small Braun Athletic Center gymnasium.



Los Angeles Times

LOCAL CALIFORNIA SPORTS ENTERTAINMENT BUSINESS OPINION

### Caltech is on NCAA probation. No, really

The highly academic school turns itself in for violations that never would have been found. But relax, that basketball victory still stands.

July 15, 2012 | Bill Plaschke

Print Email Share 8+1 40 Tweet 0 Recommend 0

In the wake of a scathing Penn State report that fractured faith in the integrity of college athletics comes the news that, buried under an astrophysics books somewhere, there is still hope.

Caltech, the school that couldn't succeed at sports if it cheated, has turned itself in to the NCAA for cheating.

One of the country's losingest athletic programs has chosen to vacate wins it doesn't have, shut down the recruiting it doesn't do and be ineligible for championships it never wins.

In an announcement as stunning as the ones that brag about a professor discovering the secrets of the universe, Caltech said this week it has joined the likes of USC and Ohio State in NCAA jail by being placed on three-years' athletic probation.

Probation from what, exactly, we're not entirely sure. The Beavers aren't on TV, they don't give scholarships, they rarely qualify for postseason tournaments. The baseball team will vacate all wins during a period in which it went 0-112. The men's water polo team will vacate wins achieved while going 0-66.

## FACULTY BIOGRAPHY

---



**William H. King, III**  
**Partner**  
**Lightfoot Franklin & White (Birmingham, AL)**

**205.581.0746 | [wking@lightfootlaw.com](mailto:wking@lightfootlaw.com)**  
**<http://www.lightfootlaw.com/alabama-lawyer/william-h-king>**

William was the first attorney “hired” by the firm, starting February 1, 1990, two weeks after the firm was formed. An avid college sports fan, William has incorporated this interest into his daily law practice on an expanding basis. William has represented universities from the Southeastern, Atlantic Coast, Big 10, Big 12, and Pacific 12 Conferences. He has also represented and consulted with collegiate coaches and administrators in NCAA-compliance matters over the past decade.

In the past decade, William’s practice in the area of NCAA compliance has taken off. William has handled dozens of investigations involving NCAA compliance issues and has appeared numerous times before the Committee on Infractions. He has worked extensively and regularly with the NCAA Enforcement Staff on many different issues and has gained the reputation of being honest, thorough and effective in representing his clients. In addition to NCAA compliance work, William also has extensive experience in drafting contracts for head coaches and assistant coaches in revenue sports and regularly provides advice and representation in employment-related issues.

William is a frequent speaker on compliance issues and since 2008 has spoken at the Southeastern Conference annual meeting and on campus at Auburn, Southern California, West Virginia, LSU, Tennessee, Alabama, Georgia, Kentucky, Memphis, Vanderbilt, Ole Miss, Troy and UAB.

The other primary area of William’s practice is employment law. He has successfully defended employers in employment-related issues in both state and federal courts for more than two decades. The focus of this work has been defending federal employment discrimination suits and claims in court and before the EEOC. He also has extensive experience in state law employment issues such as retaliatory discharge claims and joint employment issues.

In addition to collegiate sports and employment law, William also handles business, consumer fraud and personal injury matters for an array of clients.

William’s interests outside work are his family and his church. He and his wife have three children, and his family is active in their church. William has served as senior warden at his church twice, taught a senior high Sunday school class and was a member of his church’s pastor search committee. He and his family are active in local charities for the homeless.

### **Practice Areas**

- NCAA Compliance and Investigations
- Business Litigation
- Employment Law
- Product Liability

### **Education**

- B.A., Washington and Lee University, 1986 magna cum laude
- J.D., Vanderbilt University Law School, 1989 The Order of the Coif