



Jeffrey L. Kessler

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Practice Areas

Litigation
 Antitrust
 International Dispute Resolution and Arbitration
 Intellectual Property Litigation
 Sports Litigation

Industries

Life Sciences
 Media and Entertainment

Jeffrey L. Kessler

Partner

Jeffrey Kessler is chairman of the firm's Global Litigation Department, co-chairman of the Sports Litigation Department, and a member of its Executive and Leadership Committees. He has extensive experience in all aspects of antitrust law, sports law, intellectual property and other complex litigation. He has been lead counsel in some of the most complex antitrust, sports law and IP law cases in the country, including major jury trials, and has represented a number of US and international companies in criminal and civil investigations in the antitrust and trade areas. He successfully defended Matsushita and JVC against claims of a worldwide conspiracy in the landmark U.S. Supreme Court case *Zenith v. Matsushita* and is regarded as a leading commentator on international antitrust law. He has also been the lead counsel in numerous intellectual property cases involving frontier issues of IP law.

Mr. Kessler is also one of the most prominent lawyers in the country regularly engaged in high-profile sports litigation. He has litigated some of the most famous sports-antitrust cases in history, including *McNeil v. the NFL*, the landmark antitrust jury trial which led to the establishment of free agency in the National Football League (NFL). Some of Mr. Kessler's clients in the sports law area have included the National Football League Players Association, the National Basketball Players Association, the Arena Football League Players Association, the National Hockey League Players Association, the Major League Baseball Players Association, the National Invitation Tournament, CAA Sports, Wasserman Media Group, SCP Worldwide, the NFL Coaches Association, Players, Inc., the Women's Tennis Benefit Association and Adidas. Mr. Kessler has also represented various classes of NBA, NFL, AFL and MLS players, the North American Soccer League, the United States Football League, and the Cities of San Diego and Oakland, as well as Alameda County, in various sports law disputes. Mr. Kessler negotiated the current free agency/salary cap systems in the NFL, NBA and AFL and successfully represented Latrell Sprewell in his controversial suspension arbitration.

Mr. Kessler is a Lecturer-in-Law at Columbia Law School where he teaches a course on complex litigation. He has written and lectured extensively on a wide variety of antitrust, sports law and related topics. Most recently, Mr. Kessler published a new edition of *International Trade and U.S. Antitrust Law*, a leading treatise on antitrust and trade law issues in a global economy. He also was Co-Editor-in-Chief of *State Antitrust Practice and Statutes*. He was a member of the Council and was formerly Co-chairman of the Publications Committee and Chairman of the International Antitrust Law Committee, of the Antitrust Section of the American Bar Association (ABA). He was also a member of the ABA's NAFTA Tri-National Committee and an Adjunct Professor of Law at Fordham Law School. He was a founding member of the Board of Advisors of the Georgetown University Study of

Private Antitrust Litigation.

Mr. Kessler has been recognized by numerous publications, including *Chambers USA - America's Leading Lawyers for Business* and *Best Lawyers in America*. He is recognized by *Guide to the World's Leading Antitrust Lawyers* and *Who's Who of Competition Lawyers* and has been included in *Super Lawyers, Corporate Counsel Edition 2009*, *The Lawdragon 500 Leading Lawyers in America 2005, 2006 and 2008* and *Lawdragon 500 Leading Litigators in America 2006*. Mr. Kessler was named in the 2010 edition of *The Best Lawyers in America* and as a *New York Super Lawyer* in 2006, 2007 and 2008. He has been named as one of The 50 Most Influential People in the Sports Business by *Street & Smith's SportsBusiness Journal*. Mr. Kessler has also been named a National General Commercial Litigation Star by *Benchmark Litigation*.

Representative Matters

- *Zenith, et al. v. Matsushita Electric Industrial Co., Ltd., et al.* — Successfully defended Matsushita in landmark antitrust conspiracy case in which new summary judgment standards were established by the United States Supreme Court;
- *McNeil et al. v. NFL, et al.* — Won jury verdict for NFL players, striking down free agency restrictions under the antitrust laws. This victory led to the *Reggie White* class action, in which the current free agency/salary cap system in the NFL was achieved;
- *Thales Avionics, Inc. v. Matsushita Avionics Systems Corp.* — Won summary judgment for Matsushita against monopolization charges;
- *Panasonic Corporation of North America class action defense* — Representing Panasonic in its defense of various class actions pending in New Jersey and California courts;
- *JVC Americas Corporation class action defense* — Representing JVC in class action defense;
- *Axcess Global, et al. v. Matsushita Electric Industrial Co., Ltd.* — Successfully defended Matsushita in nine-week jury trial involving claims of breach of contract and fraud in which the plaintiffs sought \$750 million and the jury awarded a complete defense verdict;
- *NBA Player Class Actions* — Successfully represented various classes of NBA players in different antitrust actions leading to the creation of the free agency/salary cap system in the NBA;
- *DVD Copy Control Association v. Bunner, et al.* — Successfully obtained preliminary injunction for DVD Copy Control Association in landmark case challenging theft and distribution of DVD trade secrets over the Internet;
- *Players Inc. v. Gridiron and Athletes First* — Successfully prosecuted two frontier IP litigations challenging the group use of NFL player images on Web sites;
- *J.F. Feesers v. Serv-A-Portion, et. al.* — Successfully represented plaintiff in major Robinson Patman Act litigation;
- *City of Oakland and Alameda County, et al. v. Oakland Raiders* — Obtained summary judgment on behalf of City of Oakland and Alameda County requiring Raiders to honor the team's stadium lease and remain in Oakland;
- *Minolta and Matsushita State Attorneys General Antitrust Litigations*

- Successfully settled separate multistate antitrust litigations brought against Minolta Corporation and Matsushita;
- *Sprewell v. NBA* — Successfully represented Latrell Sprewell and NBA Players Association in arbitration overturning controversial suspension and contract termination;
- *Rowe, et al. v. Creative Artists Agency, et al.* — Obtained summary judgment for Creative Artists Agency in defense of alleged conspiracy case;
- *Metropolitan Intercollegiate Basketball Association v. NCAA* — Successfully represented NIT in antitrust litigation and jury trial against the NCAA;
- *Telesat Cablevision, Inc. v. The Nashville Network, et al.* — Successfully defended the Nashville Network and Westinghouse Broadcasting against antitrust claims by cable company;
- *NBA and NFL arbitrations* — Represented the players associations in numerous arbitrations involving free agency, circumvention, collusion and salary caps;
- *North American Soccer League, et al. v. NFL* — Successfully represented North American Soccer League in antitrust case striking down NFL ownership rules;
- *Matsushita Electronics Corporation v. Loral Corporation, et al.* — Successfully represented Matsushita in obtaining summary judgment to establish a license defense against patent infringement claims;
- *Guidry, et al. v. Arena Football League, et al.* — Successfully represented class of Arena Football League players in antitrust case which established free agency in the Arena Football League;
- *Belichick v. NFL, et al.* — Represented NFL Head Coach in litigation over changing teams;
- *Matsushita v. Mediatek* — Lead Counsel for Matsushita in major patent litigation;
- *Hygrade Milk and Cream Co., et al. v. DiGiorgio, et al.* — Successfully defended company in Robinson Patman Act litigation;
- *City of Oakland, et al. v. Oakland A's* — Successfully represented City in franchise valuation arbitration with Oakland A's baseball team;
- *Honeywell v. Victor Company of Japan Ltd.* — Successfully defended JVC against claims of willful patent infringement; and
- *Ovalar Makine Ticaret Ve Sanayi, A.S., et al. v. Applied Industrial Materials Corp., et al.* — Successfully vacated arbitration award in landmark Second Circuit decision on the standards for determining arbitrator bias.

Selected Activities

- Conference Chair for Corporate Counsel's presentation of "Mastering the Discovery Process for the General Counsel," (2008)
- Past Council member and Chair of International Antitrust and Publications Committees (ABA Antitrust Law Section)
- Founding Member — Board of Advisors for the Georgetown University Study of Private Antitrust Litigation
- NAFTA Tri-National Committee (American Bar Association)
- Former Adjunct Professor at Fordham Law School

- Current Lecturer-in-Law at Columbia University Law School
- American Bar Association, Antitrust Section

Publications

- Co-author, *International Trade and U.S. Antitrust Law*, 2nd Edition (2006).
- "The Supreme Court's Decision in *Dagher*: Canary in a Coal Mine or Antitrust Business as Usual?," *Antitrust* (2006).
- *Inside the Minds: Antitrust Laws* (2005).
- "Strategies for Litigation," *The Litigation Leadership Roundtable* (2005).
- *The Corporate Counselor and Antitrust/The Corporate Counselor's Deskbook* (2003).
- Editorial Board, *Competition Laws Outside the U.S.* (2001-2003).
- *Protecting DVD Trade Secrets in an Internet World* (2002).
- Understanding Business and Legal Aspects of Sports Industry - Practising Law Institute, Co-Chair (1999 -2000).
- *What Justice Breyer Could not Know at His Mother's Knee: The Adverse Effects of Brown v. Pro Football on Labor Relations in Professional Sports* (2000).
- Co-Editor-In-Chief, *State Antitrust Practice and Statutes*, 2nd Edition (1999).
- Consents and Settlement Agreements, *Antitrust Law in New York State* (1995).
- "The New Wave of Antitrust CIDs: What To Do When The Department Of Justice Comes Knocking On Your Door," *The Metropolitan Corporate Counsel* (1995).
- "New International Antitrust Guidelines," *ANTITRUST* (Summer 1989).
- "The Antitrust Legacy of the Reagan Administration," *The Antitrust Bulletin* (1988).
- "Litigating International Antitrust Cases," *The Practitioner's Viewpoint* (1987).
- "S. 1300-H.R. 4831 - An Overdue Antitrust Reform," *The Antitrust Bulletin* (1986).
- *Integrated Reform Suggested for Antitrust Remedies* (1983).

Education

Columbia University Law School, 1977, J.D., Kent Scholar, Board of Editors, *Columbia Law Review*
 Columbia University, 1975, B.A., *summa cum laude*, Phi Beta Kappa

Bar Admissions

New York

Court Admissions

U.S. District Court, Southern District of New York

U.S. Court of International Trade
U.S. Court of Appeals, 1st Circuit
U.S. Court of Appeals, 2nd Circuit
U.S. Court of Appeals, 3rd Circuit
U.S. Court of Appeals, 5th Circuit
U.S. Court of Appeals, 8th Circuit
U.S. Court of Appeals, 9th Circuit
U.S. Court of Appeals, 11th Circuit
U.S. Court of Appeals, Federal Circuit
U.S. Court of Appeals, District of Columbia Circuit
U.S. Supreme Court