

# COLLEGE ATHLETICS ARE A-CHANGING

The transfer portal and NIL (name, image, and likeness) payments have recently significantly changed the landscape of college sports. The combination of the two has resulted in free agency for student athletes and hotly contested litigation in connection therewith.

The National Collegiate Athletic Association created the transfer portal in 2018. Prior to its creation, student athletes had to obtain permission from their existing schools to transfer to other schools and had to sit out a year from competition upon transferring. The creation of the transfer portal changed those rules, allowing student athletes to transfer at will and play immediately.

The NCAA created its NIL policy in 2021, which permits student athletes to profit from their name, image, and likeness while in college.

When colleges pay their student athletes, they typically have them sign agreements (frequently called “NIL License Agreements”). The NIL License Agreement used by the Big Ten Conference schools, for example, provides that the student athlete grants the school a “license to use the Student-Athlete’s name, nickname, pseudonym, voice, signature, caricature, likeness, image, picture, portrait, quotes, statements, writings, identifiable biographical information, other identifiable features and any other indicia of personal identity.” The agreement further provides that during its term, the “Student-Athlete will not . . . enroll at and/or compete in athletics for another college or university” or “use or authorize the use of the Student-Athlete’s NIL in connection with any college or university other than” his or her existing school. The agreement further provides that during its term, the school “is not obligated to enter the Student-Athlete into the transfer portal” and, “even if the Student-Athlete transfers to another university or college, the Student-Athlete will not use or authorize the use of the Student-Athlete’s NIL in connection with the transferee university or college.”

Reports indicate that over 70% of men’s college basketball players with remaining eligibility entered the transfer portal last year, with some schools paying them as much as \$4 million or more per year in NIL money.

But what happens when a student athlete who is a party to a multi-year NIL License Agreement decides to transfer to a different school during the term of the agreement? This scenario has recently played out and resulted in aggravated litigation between the current school and the student athlete, and between the current school and the school to which the student athlete transferred.

In July 2024, quarterback Darian Mensah signed a multi-year NIL License Agreement with

Duke University, reportedly worth \$4 million per year. The agreement provided that Mensah would not “enroll at or compete in athletics for another collegiate institution” during the term of the agreement, which ends on December 31, 2026. Following the 2025-26 college football season, Mensah announced he would be entering the transfer portal, and it was reported he intended to transfer to the University of Miami. Duke sued Mensah in January 2026, seeking to force him to honor his NIL License Agreement and to prohibit his transfer. On Duke’s motion, the court granted a temporary restraining order prohibiting Mensah from enrolling at or playing for another school through December 31, 2026. Thereafter, Duke and Mensah entered into a confidential settlement agreement pursuant to which, according to reports, Duke permitted Mensah to transfer to Miami, and Mensah paid Duke a significant sum to buy out of his agreement.

In January 2025, the University of Wisconsin sued the University of Miami for allegedly tampering with defensive back Xavier Lucas, who transferred from the University of Wisconsin to the University of Miami a few weeks after signing a multi-year Memorandum of Understanding with the University of Wisconsin. Wisconsin alleged that Miami tortiously interfered with its MOU with Lucas. Discovery is proceeding in the case.

On February 25, 2026, the University of Cincinnati sued its former quarterback, Brendan Sorsby, for breaching his NIL License Agreement with the university by transferring to Texas Tech University during the term of the agreement. Sorsby’s agreement with Cincinnati provided that, if he transferred to another school during its term, he would pay the university liquidated damages of \$1 million. As of this writing, Sorsby has not filed a response to the lawsuit; it is due on April 27, 2026.

These cases and others could set a precedent (legal or practical) for future conduct by schools and student athletes. It is unknown whether NIL License Agreements will be governed by antitrust laws, laws relating to restrictive covenants (covenants not to compete), contract principles, or some other legal principle. Depending on what law governs, the results could be very different. For example, if the agreements are governed by laws relating to restrictive covenants, some states prohibit them except in limited circumstances. In contrast, other states consider various factors in determining enforceability, such as whether the agreement is unduly harsh to the restricted party and whether it violates general principles of public policy.

It will be interesting to watch how these cases and others shake out and what impact they have on the NIL environment in college sports. The student athletes may have significant risk either way. If they lose, the courts may prohibit them from transferring and order them to pay damages to their previous school, which could include reimbursement of some or all of the NIL money they received and the school’s attorney fees. If the student athletes win, schools may be more cautious about how much or when they pay the student athletes given that, otherwise, there may be no guarantee that a school will ultimately receive the benefits

of the deal.

College sports are rapidly changing, and litigation in this area is expected to increase, at least until the NCAA or the courts better define the rules.

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## **O'NEIL CANNON ATTORNEYS RECOGNIZED AS BENCHMARK LITIGATION STARS**

O'Neil Cannon is proud to announce that attorneys Doug Dehler, Grant Killoran, Dean Laing, Greg Lyons, Patrick McBride, Joe Newbold, Steve Slawinski, and Christa Wittenberg have been selected as Benchmark Litigation Stars in the 19th edition of Benchmark Litigation.

Based on extensive research and feedback from peers and clients, Benchmark Litigation Stars are recognized as the nation's most respected and accomplished litigation practitioners. Inclusion as a Benchmark Litigation Star reflects each attorney's outstanding reputation, deep litigation experience, and consistent success on behalf of clients.

Benchmark Litigation is a leading guide to the world's foremost litigation firms and lawyers, widely relied upon by in-house counsel and legal professionals nationwide.

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## **SUPER LAWYERS RECOGNIZES 28 O'NEIL CANNON ATTORNEYS**

Each year, *Super Lawyers* surveys the State of Wisconsin's 15,000 attorneys and judges, seeking to recognize the State's top attorneys. Recently, *Super Lawyers* published its lists for 2025, which include the Top 10 Attorneys in Wisconsin, Top 50 Attorneys in Wisconsin, Top 25 Attorneys in Milwaukee, Super Lawyers (consisting of the top 5% of attorneys in Wisconsin), and Rising Stars (consisting of attorneys who are 40 years old or younger or who have been in practice for 10 years or less).

*Super Lawyers*, who previously referred to the firm as "the Milwaukee mid-sized powerhouse," recognized twenty-eight of our attorneys.

Those attorneys are the following:

- Dino Antonopoulos:
  - Super Lawyer
- Nick Chmurski:
  - Rising Star
- Doug Dehler:
  - Super Lawyer
- Jim DeJong:
  - Super Lawyer
- Seth Dizard:
  - Top 50 Attorneys in Wisconsin
  - Top 25 Attorneys in Milwaukee
  - Super Lawyer
- Maura Falk:
  - Rising Star
- Pete Faust:
  - Top 50 Attorneys in Wisconsin
  - Super Lawyer
- John Gehringer:
  - Super Lawyer
- Joseph Gumina:
  - Super Lawyer
- Jessica Haskell:
  - Rising Star
- Mike Kennedy:
  - Rising Star
- Grant Killoran:
  - Super Lawyer
  - Top 50 Attorneys in Wisconsin
  - Top 25 Attorneys in Milwaukee
- JB Koenings:
  - Super Lawyer
- Dean Laing:
  - Top 10 Attorneys in Wisconsin
  - Top 50 Attorneys in Wisconsin
  - Top 25 Attorneys in Milwaukee
  - Super Lawyer
- Trevor Lippman:
  - Rising Star
- Greg Lyons:
  - Super Lawyer
- Patrick McBride:
  - Super Lawyer
- Jason Meehan:
  - Rising Star
- Joe Newbold:
  - Super Lawyer
- Erica Reib:

- Rising Star
- Chad Richter:
  - Super Lawyer
- Ryan Riebe:
  - Rising Star
- John Schreiber:
  - Super Lawyer
- Jason Scoby:
  - Super Lawyer
- Steve Slawinski:
  - Super Lawyer
- Kelly Spott:
  - Rising Star
- Christa Wittenberg:
  - Rising Star

*Super Lawyers* is a national rating service that rates attorneys in all 50 states. The selection process utilized by *Super Lawyers* is multi-phased and includes independent research, peer nominations, and peer evaluations. One court recently had this to say about *Super Lawyers*:

“[T]he selection procedures employed by [*Super Lawyers*] are very sophisticated, comprehensive, and complex. It is abundantly clear . . . that [*Super Lawyers* does] not permit a lawyer to buy one’s way onto the list, nor is there any requirement for the purchase of any product for inclusion in the lists or any quid pro quo of any kind or nature associated with the evaluation and listing of an attorney or in the subsequent advertising of one’s inclusion in the lists.”

We are proud to be one of the few firms in Wisconsin with more than 50% of its attorneys recognized by *Super Lawyers*.

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## **18 O’NEIL CANNON LAWYERS SELECTED AS 2026 BEST LAWYERS; ANOTHER 5 NAMED BEST LAWYERS: ONES TO WATCH**

We are pleased to announce 18 of our lawyers have been included in the 2026 Edition of *The Best Lawyers in America*, and an additional five have been selected as 2026 *Best Lawyers: Ones to Watch*.

The following are the O'Neil Cannon lawyers named to the 2026 lists:

### *Best Lawyers in America*

- Doug Dehler - Litigation - Insurance
- Jim DeJong - Corporate Law, Mergers and Acquisitions Law, and Securities / Capital Markets Law
- Seth Dizard - Bankruptcy and Creditor Debtor Rights / Insolvency and Reorganization Law and Litigation - Bankruptcy
- Pete Faust - Corporate Law and Mergers and Acquisitions Law
- John Gehringer - Commercial Litigation, Construction Law, Corporate Law, and Real Estate Law
- Joseph Gumina - Employment Law - Management and Litigation - Labor and Employment
- Dennis Hollman - Corporate Law and Trusts and Estates
- Grant Killoran - Commercial Litigation and Litigation - Health Care
- JB Koenings - Corporate Law
- Dean Laing - Commercial Litigation, Personal Injury Litigation - Plaintiffs, and Product Liability Litigation - Defendants
- Greg Lyons - Commercial Litigation and Litigation - Insurance
- Patrick McBride - Commercial Litigation
- Joe Newbold - Commercial Litigation, Litigation - Real Estate, and Personal Injury Litigation - Plaintiffs
- Chad Richter - Business Organizations (including LLCs and Partnerships) and Corporate Law
- John Schreiber - Bankruptcy and Creditor Debtor Rights / Insolvency and Reorganization Law and Litigation - Bankruptcy
- Jason Scoby - Banking and Finance Law, Business Organizations (including LLCs and Partnerships), and Corporate Law
- Steve Slawinski - Construction Law

### *Best Lawyers: Ones to Watch*

- Maura Falk - Trusts and Estates
- Trevor Lippman - Litigation - Trusts and Estates
- Kelly Spott - Trusts and Estate
- Christa Wittenberg - Commercial Litigation

## **About Best Lawyers**

Best Lawyers has published its list for over three decades, earning the respect of the profession, the media, and the public as the most reliable, unbiased source of legal referrals.

Best Lawyers: Ones to Watch recognizes associates and other lawyers who are earlier in their careers for their outstanding professional excellence in private practice in the United States.

Lawyers on *The Best Lawyers in America* and *Best Lawyers: Ones to Watch* lists are divided by geographic region and practice areas. They are reviewed by their peers on the basis of professional expertise, and they undergo an authentication process to make sure they are in current practice and in good standing.

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## LAING WINS INAUGURAL FIRM POOL TOURNAMENT

Making good use of the recent office renovations at O’Neil Cannon, the firm organized a pool tournament for its employees to break in the pool table in the new café on our upper floor. All 28 participants fought through group play, with the top 14 moving on to a single-elimination round.

Litigation attorney Dean Laing emerged as the champion, beating corporate attorney Pete Faust two out of three games in the tournament final.

While we are all better lawyers and legal professionals than we are pool players, we still enjoy a chance to flex different muscles and mingle with our colleagues with some friendly competition. Laughter, cheers, and good-natured banter brightened the café and the halls as the tournament progressed.

The whole firm was invited to watch Laing, the past president of the firm, edge Faust, the current president of the firm, for the coveted title of inaugural champion.



# SUPER LAWYERS RECOGNIZES 30 O'NEIL CANNON ATTORNEYS

Each year, *Super Lawyers* surveys the State of Wisconsin's 15,000 attorneys and judges, seeking the State's top attorneys. Recently, *Super Lawyers* published its lists for 2024, which include the Top 10 Attorneys in Wisconsin, Top 50 Attorneys in Wisconsin, Top 25 Attorneys in Milwaukee, Super Lawyers (consisting of the top 5% of attorneys in Wisconsin), and Rising Stars (consisting of attorneys who are 40 years old or younger or who have been in practice for 10 years or less).

Thirty of our attorneys were recognized by *Super Lawyers*, which has referred to the firm as "the Milwaukee mid-sized powerhouse." Those attorneys are the following:

- Emily Behn:
  - Rising Star
- Nick Chmurski:
  - Rising Star
- Doug Dehler:
  - Super Lawyer
- Jim DeJong:
  - Super Lawyer
- Seth Dizard:
  - Top 50 Attorneys in Wisconsin
  - Top 25 Attorneys in Milwaukee
  - Super Lawyer
- Pete Faust:
  - Top 50 Attorneys in Wisconsin
  - Top 25 Attorneys in Milwaukee
  - Super Lawyer
- John Gehringer:
  - Super Lawyer
- Joseph Gumina:
  - Super Lawyer
- Jessica Haskell:
  - Rising Star
- Mike Kennedy:
  - Rising Star
- Grant Killoran:
  - Super Lawyer
- Dean Laing:
  - Top 10 Attorneys in Wisconsin
  - Top 50 Attorneys in Wisconsin
  - Top 25 Attorneys in Milwaukee
  - Super Lawyer

- Trevor Lippman:
  - Rising Star
- Greg Lyons:
  - Super Lawyer
- Patrick McBride:
  - Super Lawyer
- Jason Meehan:
  - Rising Star
- Britany Morrison:
  - Rising Star
- Joe Newbold:
  - Super Lawyer
- Erica Reib:
  - Rising Star
- Chad Richter:
  - Super Lawyer
- Ryan Riebe:
  - Rising Star
- John Schreiber:
  - Super Lawyer
- Jason Scoby:
  - Super Lawyer
- Steve Slawinski:
  - Super Lawyer
- Kelly Spott:
  - Rising Star
- Christa Wittenberg:
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We are proud to be one of the few firms in Wisconsin that had more than 50% of its attorneys receive recognition by *Super Lawyers*.

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# 20 O'NEIL CANNON LAWYERS SELECTED AS 2025 BEST LAWYERS; ANOTHER 5 NAMED BEST LAWYERS: ONES TO WATCH

We are pleased to announce 20 of our lawyers have been included in the 2025 Edition of *The Best Lawyers in America*, and an additional five have been selected as 2025 *Best Lawyers: Ones to Watch*.

The following are the O'Neil Cannon lawyers named to the 2025 lists:

## *Best Lawyers in America*

- Doug Dehler - Litigation - Insurance
- Jim DeJong - Corporate Law, Mergers and Acquisitions Law, and Securities / Capital Markets Law
- Seth Dizard - Bankruptcy and Creditor Debtor Rights / Insolvency and Reorganization Law and Litigation - Bankruptcy
- Pete Faust - Corporate Law and Mergers and Acquisitions Law
- John Gehringer - Commercial Litigation, Construction Law, Corporate Law, and Real Estate Law
- Joseph Gumina - Employment Law - Management and Litigation - Labor and Employment
- Dennis Hollman - Corporate Law and Trusts and Estates
- Grant Killoran - Commercial Litigation and Litigation - Health Care
- JB Koenings - Corporate Law
- Dean Laing - Commercial Litigation, Personal Injury Litigation - Plaintiffs, and Product Liability Litigation - Defendants
- Greg Lyons - Commercial Litigation and Litigation - Insurance
- Patrick McBride - Commercial Litigation
- Joe Newbold - Commercial Litigation, Litigation - Real Estate, and Personal Injury Litigation - Plaintiffs
- Chad Richter - Business Organizations (including LLCs and Partnerships) and Corporate Law
- John Schreiber - Bankruptcy and Creditor Debtor Rights / Insolvency and Reorganization Law and Litigation - Bankruptcy
- Jason Scoby - Banking and Finance Law, Business Organizations (including LLCs and Partnerships), and Corporate Law
- Steve Slawinski - Construction Law

## *Best Lawyers: Ones to Watch*

- Emily Behn - Commercial Litigation
- Trevor Lippman - Litigation - Trusts and Estates
- Erica Reib - Labor and Employment Law - Management and Litigation - Labor and

Employment

- Kelly Spott - Trusts and Estates
- Christa Wittenberg - Commercial Litigation

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## FIRM PREVAILS IN THREE CASES IN THE WISCONSIN COURT OF APPEALS IN A 45-DAY TIME SPAN

Dean Laing of our firm recently won three cases in the Wisconsin Court of Appeals in a time span of 45 days. In the first case, *Sims v. Jerusalem Missionary Baptist Church, Inc.*, Appeal No. 2022AP1590, 2023 WL 7138521 (Oct. 31, 2023), the Court of Appeals affirmed the decision of the trial court in Milwaukee County on issues dealing with whether members or directors have the authority to adopt and amend corporate by-laws. A copy of the decision can be found [here](#).

In the second case, *Tikalsky v. Tikalsky*, Appeal No. 2020AP1345, 2023 WL 8447227 (Dec. 6, 2023), the Court of Appeals affirmed the decision of the trial court in Waukesha County on issues dealing with claims of undue influence in a will contest case and the authority of a trial court to sanction a litigant for misconduct. A copy of the decision can be found [here](#).

In the third case, *Keyes v. Schmidt*, 2023AP323, 2023 WL 8613909 (Dec. 13, 2023), the Court of Appeals affirmed the decision of the trial court in Washington County on issues dealing with alleged oppression of a minority shareholder and the ability of shareholders to contractually circumvent the laws on derivative actions. A copy of the decision can be found [here](#).

It is a rare feat to obtain a trifecta of wins from an appellate court in a 45-day time span. Congratulations to Dean on this accomplishment.

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Twenty-nine of our attorneys were recognized by *Super Lawyers*, which has referred to the firm as "the Milwaukee mid-sized powerhouse." Those attorneys are the following:

- Nick Chmurski:
  - Rising Star
- Doug Dehler:
  - Super Lawyer
- Jim DeJong:
  - Super Lawyer
- Seth Dizard:
  - Top 50 Attorneys in Wisconsin
  - Top 25 Attorneys in Milwaukee
  - Super Lawyer
- Pete Faust:
  - Super Lawyer
- John Gehringer:
  - Super Lawyer
- Joseph Gumina:
  - Super Lawyer
- Jessica Haskell:
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- Mike Kennedy:
  - Rising Star
- Grant Killoran:
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- Ryan Riebe
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- Steve Slawinski:
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- Kelly Spott:
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- Christa Wittenberg:
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# 19 O'NEIL CANNON LAWYERS SELECTED AS 2024 BEST LAWYERS; ANOTHER 4 NAMED BEST LAWYERS: ONES TO WATCH

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- Seth E. Dizard - Bankruptcy and Creditor Debtor Rights / Insolvency and Reorganization Law and Litigation - Bankruptcy
- Peter J. Faust - Corporate Law and Mergers and Acquisitions Law
- John G. Gehringer - Commercial Litigation, Construction Law, Corporate Law, and Real Estate Law
- Joseph E. Gumina - Employment Law - Management and Litigation - Labor and Employment
- Dennis W. Hollman - Corporate Law and Trusts and Estates
- Grant C. Killoran - Commercial Litigation and Litigation - Health Care
- JB Koenings - Corporate Law
- Dean P. Laing - Commercial Litigation, Personal Injury Litigation - Plaintiffs, and Product Liability Litigation - Defendants
- Gregory W. Lyons - Commercial Litigation and Litigation - Insurance
- Patrick G. McBride - Commercial Litigation
- Joseph D. Newbold - Commercial Litigation
- Chad J. Richter - Business Organizations (including LLCs and Partnerships) and Corporate Law
- John R. Schreiber - Bankruptcy and Creditor Debtor Rights / Insolvency and

## Reorganization Law and Litigation – Bankruptcy

- Jason R. Scoby – Corporate Law
- Steven J. Slawinski – Construction Law

### *Best Lawyers: Ones to Watch*

- Trevor C. Lippman – Litigation – Trusts and Estates
- Erica N. Reib – Labor and Employment Law – Management and Litigation – Labor and Employment
- Kelly M. Spott – Trusts and Estates
- Christa D. Wittenberg – Commercial Litigation

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