

AG Fitch Joins Antitrust Lawsuit Against NCAA Over Transfer Rule



The NCAA’s Transfer Eligibility Rule unfairly targets and punishes college athletes who pursue education and competitive opportunities at a better matched school. Students and their parents should be able to direct their education, and for student athletes, that includes choosing the school that best fits their academic and athletic needs. The NCAA’s rule robs students of a significant portion of their college eligibility, hinders the development of their skills, and dramatically impacts their immediate and long-term economic opportunities.

Lynn Fitch

(Jackson, Mississippi) Attorney General Lynn Fitch last week joined a **lawsuit**, along with 11 state attorneys general and the U.S. Department of Justice, challenging the National Collegiate Athletic Association’s (NCAA) Transfer Eligibility Rule as an illegal restraint on college athletes’ ability to sell their image and likeness and control their education.

“The NCAA’s Transfer Eligibility Rule unfairly targets and punishes college athletes who pursue education and competitive opportunities at a better matched school,” **said General Fitch**. “Students and their parents should be able to direct their education, and for student athletes, that includes choosing the school that best fits their academic and athletic needs. The NCAA’s rule robs students of a significant portion of their college eligibility, hinders the development of their skills, and dramatically impacts their immediate and long-term economic opportunities.”

Filed in the U.S. District Court for the Northern District of West Virginia, the lawsuit challenges the NCAA’s requirement that college athletes who transfer a second time among Division I schools wait one year before competing in games. The NCAA began automatically exempting first-time transfers from the regulation in 2021 but has continued to enforce the rule for subsequent transfers and denied waivers inconsistently and often without legitimate reasons.

On December 13, 2023, Judge John Preston Bailey issued a temporary restraining order, later extended to a preliminary injunction, prohibiting the NCAA from enforcing the rule and allowing college athletes to compete without fear of retaliation from the association. The preliminary injunction will run through at least the end of the 2023-24 academic year, ensuring that winter and spring athletes can complete their seasons free from the rule’s restrictions. A trial date in the case has yet to be scheduled.

In addition to General Fitch, Attorneys General from Colorado, the District of Columbia, Illinois, Minnesota, North Carolina, New York, Ohio, Tennessee, Virginia, and West Virginia, along with the U.S. Department of Justice, filed this suit. The case is believed to be the first time that the Department of Justice has signed on to a state-led antitrust lawsuit.

###

Media Contact

Debbie Hancock

Debbie.Hancock@ago.ms.gov

