

Attorney General Ellison joins antitrust lawsuit against NCAA over transfer rule

Alleges rule is illegal restraint on athletes' ability to sell own image, control own education

January 19, 2024 (SAINT PAUL) – Minnesota Attorney General Keith Ellison joined a bipartisan coalition of attorneys general and the U.S. Department of Justice in filing an [antitrust lawsuit](#) challenging the NCAA's transfer-eligibility rule as an illegal restraint on college athletes' ability to sell their own image and likeness and control their own education.

"Banning athletes from competing for a year after they transfer schools a second time is arbitrary, unjust, and in my opinion, illegal," said Attorney General Ellison. "I am proud to be standing up for student athletes and fighting the NCAA's senseless restriction on their ability to compete."

Attorney General Ellison and the coalition are challenging the National Collegiate Athletic Association'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. It has denied waivers inconsistently and often without legitimate reasons.

In justifying the one-year waiting period for second-time transfers, the NCAA cites the promotion of academic well-being and the preservation of athletic amateurism. But in the lawsuit, Attorney General Ellison and the coalition call the connection between the rule and these goals "pretextual," note that these purported goals can be accomplished through less-restrictive means, and argue that the harm it does to athletes, universities, and fans far exceeds any supposed benefits.

The one-year waiting period constitutes 20% of the total time allotted by NCAA regulations for the completion of a college athlete's full eligibility – and as such, could prove devastating for athletes seeking to optimize their career and welfare by transferring to schools that better suit them.

The NCAA often describes the college athlete experience as transformative, with competition playing a key role. By preventing students from competing, however, it hinders the full realization of this experience. Students deprived of the opportunity to compete in their chosen sports are denied the benefits that competition offers in preparing them for life, as acknowledged by the NCAA, and often suffer financial harm.

On Dec. 13, 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.

The lawsuit, filed in the Northern District of West Virginia, was led by Ohio Attorney General Dave Yost. Joining Ohio and Minnesota in suing the NCAA is the United States Department of Justice, as well as the attorneys general of Colorado, the District of Columbia, Illinois, Mississippi, New York, North Carolina, Tennessee, Virginia, and West Virginia.