



Name Image Likeness (NIL) Legal Services Team

Foster Swift's NIL (Name Image Likeness) Law Group was established to counsel student-athletes, businesses/organizations and other interested parties in creating high-value NIL initiatives and contractual arrangements which are fully compliant with NCAA rules, state laws and university regulations.

Since June 2021, when the U.S. Supreme Court ruling in *NCAA vs. Alston* enabled college and high school athletes to earn unlimited income through NIL licensing, more than 420,000 student athletes have received an estimated \$1 billion in compensation, while maintaining their amateur status and eligibility.

Despite the high level of acceptance and participation in its early days, the current NIL regulatory landscape is still evolving. It presents a complex, uncertain patchwork of state laws, NCAA rules and additional university oversight. Fully understanding this landscape is critical to leveraging opportunity and reducing risk.

Foster Swift's NIL attorneys can provide a range of legal services to student athletes, including:

- Cooperate with college compliance officers and documenting the NIL relationship to ensure NCAA compliance.
- Represent student athletes in actions brought by the NCAA or member institutions for improper use of NIL or non-compliance with NIL laws and rules.
- Provide representation and advocacy for student-athletes in NCAA NIL-related compliance and enforcement.
- Contract review, contract drafting and legal negotiation when entering NIL deals with business or organizational partners.
- Provide representation and advocacy for student-athletes in NCAA NIL-related compliance and enforcement.
- Represent student athletes in breach of contract claims and collection of unpaid fees.
- Federal and state tax planning.
- Register intellectual property/digital assets.
- Advice related to establishing a personal brand, advocating for rights and causes and social media strategy and content.

PRACTICE CONTACT(s)

[Anthony M. Dalimonte](#)
248.785.4733

ATTORNEYS

Shareholder

Michael A. Cassar
Ray H. Littleton
Alexander S. Rusek
David R. Russell

Senior Attorney

Gabrielle C. Lawrence

Associate

Anthony M. Dalimonte

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The age of NIL in college athletics has arrived, but there are still many unanswered questions regarding the compensation of college student athletes. Foster Swift's NIL team includes experts in intellectual property, contracts, entity formation, tax planning and other areas to provide a full-service legal resource for student athletes and other businesses and organizations participating in NIL activities and initiatives.

We also provide a range of legal consulting and services to businesses or organizations participating in NIL programs, which include:

- Education and guidance on compliance with all rules and regulations (NCAA, State of Michigan and institution specific) related to NIL rights.
- Guidance and assistance with contract development and negotiation for endorsement deals and other marketing agreements with student athletes.
- Advice on marketing strategies and campaigns which further incorporate the NIL rights of student athletes.
- Assistance with all compliance and reporting requirements related to NIL arrangements and contracts.

If you have questions on NIL or are planning to participate in an NIL initiative, please contact NIL practice leader Tony Dalimonte at adalimonte@fosterswift.com or 248-785-4733.

PUBLICATIONS & ALERTS

Federal Judge Rules NCAA Can't Bar Student-Athletes from Negotiating NIL Money with Collectives & Sponsors, *Foster Swift Business & Tax Law News*, April 23, 2024

Could Michigan Highschoolers Soon Benefit from NIL Deals?, *Foster Swift Business & Tax Law News*, October 27, 2023

Legal Pitfalls to Avoid in Name, Image, Likeness ("NIL") Contracts, *Business & Tax Law News*, July 5, 2023

Michigan's Name, Image, and Likeness (NIL) Law, *Business & Tax Law News*, June 7, 2023

NIL Timeline: The Events That Transformed College Sports, April 21, 2023

NCAA vs. Alston: The Case That Changed College Athletics Forever, April 7, 2023

NEWS

Foster Swift Elects Three Shareholders for 2024, *Ingham County Legal News*, January 15, 2024