

Sports & Betting Group Of The Year: Keker

By Kevin Pinner

Law360 (February 3, 2025, 10:55 PM EST) -- Keker Van Nest & Peters LLP's sports team helped revive an imperiled college athletics conference, defended the PGA Tour against antitrust litigation and is the go-to counsel for MLB, placing the firm among the 2024 Law360 Sports & Betting Groups Of The Year.

Between 10 and 15 attorneys at Keker focus on sports cases of all types, working out of the boutique firm's office in San Francisco alongside more than 100 other lawyers. The sports attorneys at Keker aren't technically classified as a practice group within the firm, but as a team, they nonetheless have scored several high-profile cases in recent years, partner Nicholas Goldberg told Law360, illustrating how the sports business has become more litigious.

"You have now major financial institutions and corporations operating these sports teams at a very sophisticated level, and those are parties that are willing to litigate and will tackle complex issues," Goldberg said.

One aspect of Keker's practice that distinguishes it from other firms is a focus on litigation and trials, rather than on transactions involving sports, according to partner Eric MacMichael.

"Whatever is really interesting, whatever finds its way into court and has the potential to go all the way — those are the cases that we tend to focus on," MacMichael said.

The firm's roots in the sports industry date back to its team's defense of legendary cyclist Lance Armstrong when he was under criminal investigation by U.S. federal prosecutors over doping allegations before those charges were dropped, according to MacMichael. The firm also represented the Major League Baseball Players Association in connection with criminal investigations over accusations of steroid use, according to MacMichael.

The attorneys' passion and knowledge about sports helps them to develop practical legal strategies for the leagues, teams and players they represent, but fandom only guides them so far, according to Adam Lauridsen, another partner at the firm.

"All the sports knowledge in the world won't help you if you make bad practical decisions in litigation, and so the advantage that we bring is a deep knowledge with lots of experience in sports, but also we're very creative and aggressive litigators," Lauridsen said.



Illustrative of this is the firm's intervention into the planned dissolution of the Pac-12 college sports conference by 10 of 12 teams that were departing for other conferences.

One of the two schools that wished to remain in the conference, Oregon State University, tapped Keker for representation, which resulted in a multimillion-dollar settlement signed last March.

"We wanted to preserve the conference, keep it alive, regrow it — and that was going to require a lot of resources," Goldberg said.

First, Keker's attorneys won a temporary restraining order to block a board meeting where the teams leaving the conference were poised to begin dissolving it over OSU's objections, made possible because they still had seats on its board of directors. Then they proceeded to help OSU seize control of the organization with the other remaining school, Washington State University, according to Goldberg.

Washington Superior Court issued a preliminary injunction that removed the departing Pac-12 schools from the conference's board. Keker then defended that decision against the departing schools' motion for review at the Supreme Court of Washington, which denied review in December 2023.

The firm has become the first stop for MLB's management and teams, according to the attorneys. They fought to preserve the league's unique exemption to federal antitrust laws and advised on issues like broadcasting, ticketing and litigation initiated by fans struck by foul balls or other items during games, Lauridsen stated.

The PGA Tour, which operates professional golf tournaments in North America, sought Keker's counsel to defend against antitrust litigation initiated by 12 golfers who had worked with another tournament operator, LIV Golf, which eventually joined the suit, according to the attorneys.

LIV Golf is owned by Saudi Arabia's Public Investment Fund, which led to an interesting conclusion to the litigation. Keker won an unprecedented ruling from two courts in April 2023 that the Saudi fund is not entitled to sovereign immunity for litigation in the United States, according to the attorneys.

"Our whole theory was that LIV [Golf] was just a puppet for the Public Investment Fund ... which was the real party of interest in terms of the antitrust claims they were bringing against the [PGA] Tour," Goldberg said.

This resulted in LIV Golf dropping all litigation in mid-2023 and agreeing to discuss a possible future transaction with the PGA Tour, the attorneys said. Keker continues to represent the PGA Tour in ongoing negotiations over the possible transaction and in discussions with U.S. antitrust regulators, they said.

--Editing by Kristen Becker.