

# NCAA Concussion Lawsuit Poses More Legal Complications Than NFL Suit

by Anthony Caruso on September 9, 2013

One week after a historic \$765 million settlement regarding concussion-related injuries, between the National Football League and roughly 4,500 former athletes, many commentators may have thought the issue was resolved. However, three former college players have brought a concussion lawsuit against the NCAA that is expected to present more legal complications than the settled NFL case.

The players are accusing the league of negligence in managing head injuries and protecting athletes from concussions. Research compiled by the Chronicle for Higher Education found that of the 101 college football trainers surveyed, 42 said coaches have pressured them to return players to the field after they have suffered a concussion. A string of several other studies have recently emerged that call into question NCAA coaches' handling of critical sports injuries.

The former athletes are seeking court-supervised, NCAA-funded medical monitoring program for concussions.

"Plaintiffs and the members of the Class have no adequate remedy at law in that monetary damages alone cannot compensate them for the increased risks of long-term physical and economic losses associated with brain injury," according to the complaint.

Unlike the lawsuit against the NFL, college athletes are not considered employees and are therefore not protected by a union or collective bargaining agreement. Prior to the NFL settlement, the league argued that individual teams carry sole responsibility for the health and safety of its players under the collective bargaining agreement along with the union. Using this argument, the NFL attempted to dismiss the case and settle the issue through arbitration. The NCAA will not be able to argue under the same grounds given the non-employee status of college athletes.

As a result, many of the tactics utilized by the NFL may not apply in the NCAA case, which paves the way for a new, and perhaps more complicated, litigation process.