

# Home Court Advantage: Forum Shopping and the Erosion of Uniformity in NIL Litigation

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The concept of the “neutral site” is a defining feature of American sports. From the Super Bowl to the Final Four, competitive legitimacy relies on the assumption that the venue does not dictate the outcome.

Yet, in the rapidly evolving legal arena governing collegiate sports—specifically the intersection of eligibility, name, image, and likeness (NIL), and intellectual property (IP) rights—the proverbial neutral site, Headquarters of the National Collegiate Athletic Association (NCAA) in Indianapolis, has been replaced by a “home court advantage” that is as literal as it is legally problematic.

This home court advantage in the courthouse is a system in which local courts adjudicate disputes that have nationwide implications for eligibility rules, NIL licensing structures, and the economic rights of student-athletes. The result: a growing tension between national regulatory frameworks and localized judicial intervention where decisions local judge are becoming far more commonplace.

As of March 2026, the NCAA’s uniform rulebook is not the same central focus as it once was. For decades prior to July 2021, the “old school” model—for better or worse—respected internal NCAA rules as the final word on eligibility and competition. However, a series of debilitating antitrust cases has wreaked carnage on that centralized system, anchored by three landmark decisions that effectively dismantled the NCAA’s amateurism defense.

The erosion began with the foundational challenge in *O’Bannon v. NCAA* (9th Cir. 2015), which established



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## NCAA National Headquarters.

that the NCAA is not exempt from the Sherman Act regarding the use of student-athlete IP. The shift reached the highest level of the judiciary with the Supreme Court’s unanimous decision in *NCAA v. Alston* (2021), which stripped away restrictions on education-related benefits, and reached its logical conclusion with the massive revenue-sharing settlement in *House v. NCAA* (N.D. Cal. 2025).

In the absence of a true binding NCAA framework with teeth that all players and teams buy into, local state courts have become the de facto deciding ground—a scattered patchwork of state courtrooms where local judges are effectively rewriting the rules of the game. This shift to the state level marks a pivotal turn in sports litigation. While federal judges have spent the last decade picking apart the NCAA’s amateurism model on a macro scale, state courts are now being called upon to handle the micro-level

fallout: the specific fate of a single quarterback's medical waiver or a point guard's transfer eligibility.

Crucially, these are no longer mere sporting disputes; they are conflicts over the ownership and licensing of an athlete's primary intellectual property asset: their right of publicity. In this new era, eligibility is the gateway to IP exploitation, and an NCAA denial is effectively a de facto injunction against an athlete's right to license their brand in a specific market. Within the "old school" model, athletes would rarely challenge this in court but now it's become a prevalent avenue for adjudication.

The following cases illustrate how this localized approach is creating a system where the "rules of the game" are no longer found in an NCAA manual, but in the specific precedents of the local judges who inevitably have deep ties to the universities involved.

### **The Jurisdictional Battleground: Six Cases that Epitomize the Local Wave**

To understand the current crisis, we must first examine the high-profile disputes that have resulted in local courthouse intervention.

**1. Trinidad Chambliss (Ole Miss):** *Chambliss v. Nat'l Collegiate Athletic Ass'n, Case No. 36CHI:26-cv-00017-W (Lafayette Cty. Ch. Ct. Miss. Feb. 13, 2026).*

In February 2026, the Lafayette County Chancery Court in Mississippi became the epicenter of a national eligibility firestorm. Ole Miss University quarterback, Trinidad Chambliss sued the NCAA after being denied a medical waiver for a sixth year of eligibility. Prior to Ole Miss, Chambliss was the quarterback at Division II Ferris State and did not play during the 2022 season due to health problems. He claimed that those health issues prevented him from competing and should have resulted in a medical redshirt year.

The home court advantage was on full display. During a scathing two-hour oral ruling, Judge Robert Whitwell (an alumnus of Ole Miss Law)—presiding in the heart of Oxford, Mississippi—did not merely grant a preliminary injunction; he issued a moral indictment of the NCAA, calling their denial arbitrary and detrimental to the well-being of the athlete." This proceeding recognized that eligibility is the essential prerequisite for an athlete to maintain their IP brand value, as a return to school reportedly offered Chambliss over \$5 million in NIL compensation

plus revenue sharing. This injunction would result in Chambliss being granted an extra year of eligibility.

On March 5, 2026, the NCAA filed a 658-page appeal to the Mississippi Supreme Court for interlocutory review, arguing that if local whims are allowed to dictate national eligibility, the very concept of a level playing field is extinct. The case remains pending as of the date of publication.

**2. Darian Mensah (Duke/Miami):** *Duke Univ. v. Mensah, No. 26CV000605-310 (Durham Cty. Super. Ct. N.C. Jan. 21, 2026).*

In Durham, North Carolina, the home court advantage swung in favor of the institution. Duke University took the unprecedented step of suing its own quarterback, Darian Mensah, in Durham County Superior Court to block a transfer to ACC rival University of Miami. Duke alleged that Mensah's multi-year NIL agreement, valued at \$8 million, constituted a binding service contract with a restrictive IP license.

The appearance of impropriety was immediate: the presiding judge, Michael O'Foghludha, is a Duke University alumnus and a well-known Duke basketball season-ticket holder.

While a settlement was eventually reached in late January 2026—with Mensah reportedly paying a significant contractual buyout to reclaim his IP rights—the case established a chilling precedent, i.e., where the local court was used as an enforcement arm for the non-compete provisions, potentially turning university towns into legal fences that create an advantageous jurisdictional setting for schools to retain their talent or otherwise penalize them on the way out wielding the obvious home court advantage.

**3. Damon Wilson II (Georgia/Missouri/Miami):** *University Of Georgia Athletic Association, Inc. v. Wilson, SU25CV0569 (Ga. Super. Ct. 2025)); Wilson v. Univ. of Georgia Athletic Ass'n, Inc., No. 25BA-CV07027 (Boone Cty. Cir. Ct. Mo. 2025).*

The litigation involving edge rusher Damon Wilson II represents a counter-strike in the war for venue and a masterclass in the jurisdictional chaos of the NIL era. Wilson played his first two seasons (2023–2024) at the University of Georgia, where he was a key rotation piece. However, just weeks after receiving an initial \$30,000 payment connected to a \$500,000 NIL deal with Georgia's collective, Wilson entered the transfer

portal and moved to the University of Missouri for the 2025 season.

This departure triggered a legal offensive by the Georgia Athletic Association (UGAA), which originally filed suit in Georgia state court (Clarke County Superior Court) to compel arbitration and recoup \$390,000 in liquidated damages. The Georgia case was assigned to Judge Lisa Lott, an Athens resident—the hometown of the Georgia Bulldogs.

On Dec. 23, 2025, Wilson filed a 42-page countersuit in Boone County, Missouri, successfully moving the home court advantage to his new territory. That case, assigned to Judge Jeff Harris, a longtime Missouri resident and deep-rooted local politician, reframed the dispute as a tortious interference with IP prospects, alleging that Georgia employees disparaged his brand by falsely telling multiple programs—including those he spoke with before choosing Missouri—that he would owe a \$1.2 million buyout. Wilson’s legal team argued the \$390,000 demand was an illegal penalty provision violating Missouri’s public policy, framing the litigation as a “harassment campaign” by a former program.

The timeline took another turn on Jan. 22, 2026, when Wilson announced he would transfer again, this time to the University of Miami for the 2026 season. This double-transfer highlights a growing legal absurdity: having moved the jurisdiction to Missouri to take advantage of favorable local laws and regional loyalty, Wilson has now abandoned that forum himself. This illustrates how difficult it is to maintain a neutral site when the talent is in constant motion, and raises the odd possibility that the very home court advantage that Wilson sought out may no longer represent a favorable forum for his ongoing battle against his original institution.

**4. Diego Pavia (Vanderbilt):** *Pavia v. Nat’l Collegiate Athletic Ass’n*, No. 3:24-cv-01336 (M.D. Tenn. Dec. 18, 2024).

Vanderbilt quarterback and 2025 Heisman Trophy finalist Diego Pavia’s lawsuit in Davidson County, Tennessee, is considered the Founding Father of this wave. Pavia challenged the so-called traditional “eligibility clock” that counts non-NCAA seasons against a player’s limit, arguing that junior college seasons should not count against Division I eligibility. By securing a local preliminary injunction in Nashville,

Pavia effectively forced the NCAA into a nationwide policy retreat.

Notably, Chief Judge Campbell did not attend Vanderbilt; he actually attended rival University of Alabama School of Law. However, this remained a traditional home court advantage because the venue—the Fred D. Thompson U.S. Courthouse—sits in downtown Nashville, directly adjacent to the Vanderbilt campus. This physical proximity underscored the local stakes; a single judge, presiding in the shadow of the university and sympathetic to a home athlete’s career clock and the massive NIL brand value associated with a Heisman run, had the power to dictate the roster of a Division I institution.

**5. Joey Aguilar (Tennessee):** *Aguilar v. Nat’l Collegiate Athletic Ass’n*, No. 212611-3 (Knox Cty. Ch. Ct. Tenn. Feb. 20, 2026).

The case of Tennessee quarterback Joey Aguilar, decided in Knox County Chancery Court in February 2026, serves as a rare, sobering contrast. Aguilar sought an injunction to gain an extra year of eligibility based on his time in junior college prior to his tenure at Tennessee. Aguilar’s attorneys argued that his two seasons in junior college should not count towards his Division I eligibility. Despite the intense local pressure and the massive economic impact of Aguilar’s presence on the Vols’ roster—with counsel arguing he would lose between \$2 million and \$4 million in NIL earnings—the Knoxville court denied the injunction.

Of note, the presiding Chancellor, Chris Heagerty, is an alumnus of the University of Tennessee. This created an optics dilemma where a player in nearby Nashville (Pavia) is eligible under a local order, while a player with nearly identical facts within the same state was ruled ineligible. This outcome bucks the traditional trend of regional favoritism, proving that even with deep ties to the local university, a home team victory is not always guaranteed. Then again, it created even more uncertainty concerning the junior college eligibility question with two Tennessee decisions, decided close in time, reaching very different results.

**6. Charles Bediako (Alabama):** *Bediako v. Nat’l Collegiate Athletic Ass’n*, No. CV-2026-900089 (Tuscaloosa Cty. Cir. Ct. Ala. Feb. 9, 2026).

The Charles Bediako case further illustrates that the

home court advantage is not an absolute guarantee, though it required a significant procedural shift to reach a neutral result. The case questioned whether a college player who turned professional (but never played in the NBA) could return to play college basketball. Prior to the “NIL Era,” a player was deemed to have forfeited their eligibility once they signed with an agent. However, with agents being prominent in a collegiate athlete’s career in the NIL era, the NCAA has seemed to lack strict guidance on when a player loses their eligibility.

Initially, the case followed the standard script: Judge James H. Roberts Jr.—a prominent Alabama donor with over six figures in lifetime contributions to the university—granted a Temporary Restraining Order allowing Bediako to play.

However, after a forced recusal due to the appearance of impropriety, his successor, Judge Daniel Pruet—a University of Alabama alumnus—issued a stunning ruling denying the injunction. This represents the main other high-profile instance in this wave where a local judge actively decided against the local school and athlete. The fact that it required a media firestorm and a second local judge to buck the trend only underscores how deeply institutional bias has permeated the system.

### **The Institutional Dilemma: The Requirement of a “Neutral Site”**

The current jurisdictional chaos reveals a fundamental structural flaw in the professionalized college model. In contractual disputes like those of Darian Mensah or Damon Wilson II, lawyers can attempt to mitigate home court advantage risk through forum selection clauses. By mandating a specific venue in the contract, parties can theoretically pre-determine their legal battleground.

However, the eligibility cases—the primary engine of the current wave—offer no such escape. Because eligibility is an administrative determination by the NCAA rather than a creature of contract, there is no underlying agreement to dictate venue. This leaves the NCAA perpetually stuck in the home court advantage of the athlete’s choosing.

Can we blame the players or their lawyers? Certainly not. It is the hallmark of zealous advocacy to seek out

the most favorable venue to gain an edge. This is not a new concept; lawyers will always look for the most favorable venue to get any edge that they can.

Yet, this strategy places local judges in a nearly impossible position. While a judge can—and in the Bediako case, did—recuse themselves, finding a truly neutral local judge is a Herculean task in college towns. In regions where college sports are essentially a religion, nearly every judge has a tie-in to the local community, whether as an alum, a donor, or a neighbor. These judges are asked to make rulings that could economically or competitively harm the very community in which they live. Allowing this path to persist creates bad optics all around.

This model is unsustainable for a multi-billion dollar professional industry. For example, in the NBA, if a player for the New York Knicks has a dispute, they do not run to a New York County judge to seek a local advantage; they go to a neutral arbitrator mandated by the Collective Bargaining Agreement. The professional model relies on internal dispute resolution to ensure that player disputes involving the Knicks follow the same precedent as those involving the Celtics, Lakers, or Bulls.

It is precisely this instability that has led to recent national roundtables to figure out a uniform framework. Depending on your side of the aisle, you can view this instability as a good or bad thing, but what is clear is that it is very different than what we have grown accustomed to for athletes making seven-figures. It remains a striking oddity that college sports has fallen into a system akin to free agency with lucrative contracts, yet we lack the same professional-level system for dispute resolution.

If collegiate athletics is to thrive in this transition, the legal “rules of the game” cannot be subject to regional whims. The pursuit of a national championship remains a hollow exercise when any given player’s eligibility can be dictated by a local alumnus in robes rather than a uniform standard, reducing the “National” in NCAA to a legal fiction and the trophy itself to a product of jurisdictional bias.

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