



## King & Spalding's Community Focus

BY MICHELLE ALDEN

King & Spalding has generously donated \$40,500 to the current Equal Access to Justice (EAJ) Campaign, supporting pro bono efforts in Dallas County. Including this gift, the firm has donated \$92,000 to legal aid for low-income people since 2020.

"King & Spalding is proud of our growth in Dallas and grateful for the ability to partner with DVAP on serving pro bono clients locally. We are excited to sponsor our first DVAP clinic this spring, and we look forward to continuing to grow our work with DVAP," stated **Josh Toll**, Pro Bono Partner at King & Spalding.

King & Spalding is an international law firm with more than 1,300 attorneys across 26 locations in the U.S., Europe, the Middle East, and Asia Pacific. The Dallas office is its third in the Lone Star state, after Austin and Houston. The Dallas office focuses on business litigation, corporate, finance and restructuring, government investigations, real estate and investment funds, and product liability and mass tort work for a broad spectrum of clients across the energy, financial services, transportation, healthcare, life sciences, and technology sectors. The firm's pro bono program is designed to address the core legal needs of the most vulnerable members of our society, advance civil rights, and promote justice. Their pro bono work spans many different practice areas and assists many distinct populations in our community.

In 2025, the firm's lawyers and staff dedicated over 56,000 hours to pro bono work.

"I have long been a supporter of pro bono work through DVAP, and I am very pleased to see King & Spalding attorneys carrying on that important work. We are proud to support the EAJ Campaign to do our part in supporting civil legal aid throughout the Dallas

community," said King & Spalding Dallas Partner **Veronica Moyé**.

Low-income residents of Dallas continue to face pressing legal challenges, and King & Spalding's donation supports the critical work of DVAP's volunteer attorneys. One such Dallas resident, "Daniel," purchased a house in March 2021 while he was living in California. Although he was unable to physically inspect the property, he observed foundation issues in a video and asked the sellers to repair the property. The sellers agreed and claimed that the repairs were completed. Daniel's realtor sent him the paperwork for the purchase of the house. Included in the documents was a transferable warranty for the foundation repairs, stating that the repairs were completed on May 5, 2020, and were covered for five years. In 2021, Daniel noticed additional foundation damage, including cracks in the walls and driveway. He contacted the foundation company and was told that they never worked on the home. Fearing that he had been scammed by either the seller or the foundation repair company, Daniel applied with DVAP for assistance.

Volunteer attorney **Wynter Scott**, of Holland & Knight, accepted the case. She gathered the necessary documentation from the sale and had lengthy discussions with both parties. The sellers maintained that they hired the foundation repair company to complete the repairs and denied any wrongdoing. The foundation company claimed that the sellers forged the warranty documents. A suit was filed against both parties for failure to honor the sale and warranty of the property. The parties settled, and Daniel received \$30,000. He was greatly relieved to have this matter resolved and looks forward to enjoying his new home for many years to come.

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## DBA's Jessica Smith Receives Distinguished Achievement Award

BY DAWN FOWLER

Jessica Smith is a true Renaissance Woman, a distinction made even more apparent when she received the "Wally" Award from NABE, the National Association for Bar Professionals, at their national communications conference in 2025.

The E.A. "Wally" Richter Distinguished Achievement Award is the highest honor presented to a NABE Communications Section Member. This peer-nominated award acknowledges outstanding achievement in the field of communications, extraordinary service to colleagues within NABE, and distinguished leadership of the Communications Section.

Wally Richter, the namesake of the award, was the director of information for the Missouri Bar for nearly 30 years, and an editor of the Missouri Supreme Court Historical Journal. He was a distinguished leader in the communications field and numerous professional, civic, and charitable organizations.

Jessica Smith, DBA Communications/Media Director, is the perfect recipient of this award. Dominick Alcid, Director of Membership Operations at the Federal Bar Association, put the award in perspective: "NABE is THE association in the country for bar association professionals, and the Wally Award is indeed the highest honor for NABE's Communications Section, which is arguably NABE's most active section." Stating further: "The reason this award is a big deal is because it celebrates an individual who has demonstrated professional excellence and leadership throughout a career full of highlights. This award is not recognition of a sprint over the last 12 months, but rather the culmination of brilliance over many, many years. And lest we forget, this is already after giving so much of yourself to your day job and to your family—which Jessica does, 100 percent."

Jessica's service at NABE has included newsletter editor, list-serve development, numerous committee and workshop committees, and council member. She has served in every officer's position, including Communications Council Chair. In addition to the Wally, she is the recipient of the Luminary Award for Excellence in Authored Articles (DBA), as well as recognition for Excellence in Websites (DBA), and Excellence in Publications (DBA).

She is a graduate of Texas A&M Commerce with a B.S. in Journalism and a minor in photog-



Jessica Smith

raphy. Her career has included Staff Photographer for the *Longview News-Journal*, Account Coordinator at *The Wall Street Journal*, Managing Editor for the award-winning multiple publications of the American Paint Horse Association, and owner of JS Photography.

Jessica joined the Dallas Bar Association in 2009. She is the Communications/Media Director and Editor of *Headnotes*, the monthly award-winning publication you are reading. In that role, she invites article submissions from DBA members, works with the DBA Publications Committee to determine which articles should be published, supervises the review and editing of articles, and finally, constructs the actual layout of *Headnotes*.

Her numerous skills have also been applied in many other areas for the DBA, including social media, advertising, media relations, press releases, e-newsletters, apps, website content management, and other duties as assigned.

Under Jessica's leadership, the DBA has received numerous awards from the State Bar of Texas, including Best Overall Newsletter, General Interest Series of Articles Award, Best Series of Articles, and Publication Excellence. The DBA swept the awards categories in many years.

Outside of her professional life, Jessica is involved in Scouting America (formerly known as Boys Scouts of America), the Golden Retriever Rescue of North Texas, and Mid-Cities Mothers of Multiples. She has volunteered for Big Brothers/Big Sisters and Habitat for Humanity and is a supporter of the DVAP Campaign for Equal Access to Justice. She

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### DBA MEMBER REMINDER:

All members who have not yet renewed for 2026 will be dropped on March 1, 2026. Renew TODAY in order to continue receiving all your member benefits.

**Thank you for your support of the Dallas Bar Association!**

# Calendar | March Events

Programs in green are Virtual Only programs. All in person programs are at the Arts District Mansion unless otherwise noted. Visit [www.dallasbar.org](http://www.dallasbar.org) for updates.

## WOMEN'S HISTORY MONTH

March is Women's History Month. For additional resources on Women's History Month, visit the ABA's website at <https://bit.ly/2Yf9pbJ>. To find out more about the Dallas Women Lawyers Association, go to [dallaswomenlawyers.org](http://dallaswomenlawyers.org).

## WEDNESDAY WORKSHOPS

### MARCH 4

Noon "First Aid at the Last Minute and Other Writing Tips," Jim Moseley. (MCLE 1.00)\* *Virtual only*

### MARCH 18

Noon "When Planes Crash and the Law Takes Off: Key Lessons from Aviation Litigation," Katie Olivier. (MCLE 1.00)\* *In person only*

## MONDAY, MARCH 2

Noon **Tax Law Section**  
"Rethinking ADR in Tax Matters - Recent Events Create Opportunities for Taxpayers," Maxine Aaronson. (MCLE 1.00, Ethics 0.25) *In person only*

## TUESDAY, MARCH 3

Noon **Child Welfare & Juvenile Justice Section**  
"Leveraging Attorney and Guardian Ad Litem Rights and Duties to Improve Child Clients' Well-Being," Carrie Chavez and Tara Green. (Ethics 1.00)\* *Virtual only*

**Corporate Counsel Section**  
Topic Not Yet Available

**Tort & Insurance Practice Section**  
"The Bench, the Bar, and the Bots: Artificial Intelligence in Modern Law - Practical Uses, Pitfalls, and Lessons Learned," Rachel Khirallah, Hon. Tonay Parker, and Hon. Rebecca Rutherford. (MCLE 1.00, Ethics 0.50)\* *In person only*

Morris Harrell Professionalism Committee. *In person only*

5:00 p.m. **Allied Bars Equality Committee Mixer**  
Join the Equality Committee and Allied Bars to mix, mingle, and network as we celebrate our differences and collective hopes for the legal profession. Appetizers and beverages provided.

**Hearsay Speakeasy**  
Join your fellow DBA members for a speakeasy style social hour with drinks and hors d'oeuvres at the Arts District Mansion. Password found on page 4.

6:00 p.m. DAYL Board of Directors

## WEDNESDAY, MARCH 4

Noon **Hello World, It's Dallas**  
"Data Centers and the Texas Landscape," Justin Chang, Madhvi Patel, Haynes Strader, and Scott Willis, and moderator Amanda Cottrell. (MCLE 1.00)\* *In person only*

**Employee Benefits & Executive Compensation Law Section**  
"Pay Equity and Transparency Primer for

Benefits Lawyers," Alan Marcuis and Erin Murray. (MCLE 1.00)\* *Virtual only*

**Solo & Small Firm Section**  
"Branding Basics for Non-IP Attorneys," Alyssa Y. Krahmer. (MCLE 1.00)\*

**Wednesday Workshop**  
"First Aid at the Last Minute and Other Writing Tips," Jim Moseley. (MCLE 1.00)\* *Virtual only*

Allied Bars Equality Committee. *In person only*

4:00 p.m. LegalLine E-Clinic. Volunteers needed. Contact [mmejia@dallasbar.org](mailto:mmejia@dallasbar.org).

## THURSDAY, MARCH 5

10:00 a.m. Membership Committee. *Virtual only*

Noon **Construction Law Section**  
"AI Comes to the AAA: the 'AI Arbitrator for Documents-Only Arbitration,'" Joseph Padjune and Rod Toben. (MCLE 1.00)\* *In person only*

Judiciary Committee. *Virtual only*

## FRIDAY, MARCH 6

No DBA events scheduled

## MONDAY, MARCH 9

Noon **Real Property Law Section**  
"Texas Title Insurance Practice Pointers" J. Edwin Martin. (MCLE 1.00)\*

## TUESDAY, MARCH 10

Noon **Business Litigation Section**  
"Neuroscience of Negotiation for Lawyers," Douglass Noll. (MCLE 1.00)\* *Virtual only*

**Immigration Law Section**  
Topic Not Yet Available

Attorney Wellness Committee. *Virtual only*

Courthouse Committee. *Virtual only*

Entertainment Committee. *In person only*

Home Project Committee. *Virtual only*

Legal Ethics Committee. *Virtual only*

5:00 p.m. **Hearsay Speakeasy**  
Join your fellow DBA members for a speakeasy style social hour with drinks and hors d'oeuvres at the Arts District Mansion. Password found on page 4.

6:00 p.m. Dallas LGBT Board of Directors

JLTLA Board of Directors

## WEDNESDAY, MARCH 11

Noon **Family Law Section**  
Topic Not Yet Available

STEER Program. *In person only*

Bench Bar Conference Committee. *In person only*

Public Forum Committee. *Virtual only*

Summer Law Intern Program Committee. *Virtual only*

STEER Mentoring Program

DWLA Board Meeting

4:00 p.m. LegalLine E-Clinic. Volunteers needed. Contact [mmejia@dallasbar.org](mailto:mmejia@dallasbar.org).

## THURSDAY, MARCH 12

Noon **Alternative Dispute Resolution Section**  
"Legal and Ethical Issues in AI, Cybersecurity, Cloud Computing, and eCommerce," Peter Vogel. (MCLE 1.00, Ethics 0.50)\* *Virtual only*

Publications Committee. *Virtual only*

## FRIDAY, MARCH 13

Noon **Trial Skills Section**  
Topic Not Yet Available

## MONDAY, MARCH 16

Noon **International Law Section**  
"US legal issues on Overseas listings and Offerings by Foreign Companies," John Chrisman. (Ethics 1.00)\* *Virtual only*

**Labor & Employment Law Section**  
"Big Fat Paper on Noncompetes," Zach Wolfe. (MCLE 1.00)\*

Senior Lawyers Committee. *Virtual only*

## TUESDAY, MARCH 17

Noon **Antitrust & Trade Regulation Section**  
Topic Not Yet Available

## WEDNESDAY, MARCH 18

Noon **Health Law Section**  
"Healthcare M&A: Preparing for, Structuring and Negotiating Healthcare M&A Transactions," Mark Pendelton and Jessie Smith (MCLE 1.00)\* *In person only*

**Wednesday Workshop**  
"When Planes Crash and the Law Takes Off: Key Lessons from Aviation Litigation," Katie Olivier. (MCLE 1.00)\* *In person only*

Law in the Schools & Community Committee. *Virtual only*

Pro Bono Activities Committee. *Virtual only*

4:00 p.m. LegalLine E-Clinic. Volunteers needed. Contact [mmejia@dallasbar.org](mailto:mmejia@dallasbar.org).

## THURSDAY, MARCH 19

Noon **Appellate Law Section**  
"Texas Appeal Bonds Update," Dan Huckabay. (MCLE 1.00)\*

CLE Committee. *Virtual only*

## FRIDAY, MARCH 20

No DBA Events Scheduled

## MONDAY, MARCH 23

Noon **Energy Law Section**  
"When AI Meets Energy: How Legal Teams Can Anticipate Risks and Lead Proactive Governance," David Applebaum and Samir Bhavsar. (MCLE 1.00)\* *In person only*

**Science & Technology Law Section**  
Topic Not Yet Available

**Securities Section**  
"FINRA Under the Hood: Private Placements, Finders, and Alternatives," Jason Barnes and John Guild. (MCLE 1.00, Ethics 0.50)\* *Virtual only*

Golf Tournament Committee. *In person only*

## TUESDAY, MARCH 24

Noon **Education Law Section**  
"Two Lenses, One Landscape: A Joint Examination of Family and School Law Across Educational Levels," Valerie Carrillo and George Shake. (MCLE 1.00)\* *Virtual only*

**Probate, Trusts & Estates Law Section**  
"What Happens to the Estate when the Decedent Dies During Divorce Proceeding," Chad McClain. (MCLE 1.00)\* *In person only*

**ACEs and Alcohol Use Disorder in Custody Cases**  
"ACEs and Alcohol Use Disorder in Custody Cases: Practical Tools and Strategies for Family Law Practitioners," Dr. Aaron Robb and Morgan Stogsdill. Sponsored by Soberlink. (MCLE 1.00)\* *Virtual only*

Community Involvement Committee. *Virtual only*

## WEDNESDAY, MARCH 25

Noon **Collaborative Law Section**  
Topic Not Yet Available

**Entertainment, Art & Sports Law Section**  
Topic Not Yet Available

4:00 p.m. LegalLine E-Clinic. Volunteers needed. Contact [mmejia@dallasbar.org](mailto:mmejia@dallasbar.org).

## THURSDAY, MARCH 26

Noon **Criminal Law Section**  
Topic Not Yet Available

**Environmental Law Section**  
Topic Not Yet Available

**Intellectual Property Law Section**  
"Using AI in Your Day-to-Day Practice from a Litigation and Prosecution Perspective," Ben Nise and Chris Schwegmann. (MCLE 1.00)\*

Minority Participation Committee. *Virtual only*

3:30 p.m. DBA Board of Directors

5:00 p.m. DBA New Member Reception. Honoring our New DBA Members and Newly Licensed Attorneys. For more information, contact Shawna Bush at [sbush@dallasbar.org](mailto:sbush@dallasbar.org). *In Person Only*

## FRIDAY, MARCH 27

9:00 a.m. **Dallas Minority Attorney Program**  
Topics include: Voting Rights Act at 61, Using the Media to Expand Your Image, Tech Talk, Criminal Law topics, and more, plus afternoon judges' panels! (MCLE 6.00, Ethics 2.00). RSVP at [dallasbar.org](http://dallasbar.org). *In Person only*

## DBF Announces Special \$28,000 Tribute



(Left to right): Robert Tobey, Laura Benitez Geisler, Rocio Garcia Espinoza, and Gabe Vazquez. A group of DBF supporters, which included DBF Trustees, Past DBF Chairs, and Hughes Scholars made a special \$28,000 donation in December, for the Sarah T. Hughes Scholarships in honor of Gabe Vazquez, 2025 DBF Chair and Associate General Counsel at Vistra. The surprise tribute was announced at the December board meeting by Rocio Garcia Espinoza, 2026 DBF Secretary-Treasurer, on behalf of the donors—the first such tribute for a DBF Chair of the Dallas Bar Foundation—in acknowledgment of Mr. Vazquez' leadership throughout 2025.

# SAVE THE DATE

# 2026 ETHICS FEST

Thursday, May 7 • 5:30 - 8:30 pm

Hosted on Zoom

Registration open soon!

For more information contact Marcela Mejia at (214) 220-7410 or [mmejia@dallasbar.org](mailto:mmejia@dallasbar.org).

Sponsored by the DBA Legal Ethics Committee.

If special arrangements are required for a person with disabilities to attend a particular seminar, please contact Alicia Hernandez at (214) 220-7401 as soon as possible and no later than two business days before the seminar.

All Continuing Legal Education Programs Co-Sponsored by the DALLAS BAR FOUNDATION.

\*For confirmation of State Bar of Texas MCLE approval, please call the DBA office at (214) 220-7447.

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## President's Column

# Maintaining the Mission

JONATHAN R. CHILDERS

The following remarks are taken from the Inaugural Address given on February 7, 2026. The program opened with invocation remarks by Rev. Dr. Michael Waters, lead pastor, Abundant Life African Methodist Episcopal Church:

Great and gracious God, we face consequential times.

Times of books banned.

Times of history erased.

Times of professors censured.

Times of reporters incarcerated.

Times of peaceful protestors extinguished.

Times of equitable access denied.

Times of families separated.

Times of entry without warrant.

Times of conviction without due process.

Times of voting rights stripped.

Times of painted streets scrubbed.

Times of human rights denied.

If we ever needed barristers to uphold the law with “integrity and civility,” we need them now.

Amid these consequential times, we praise You for women and men who embrace as a sacred trust the vocation of preserving the rule of law.

Women and men who still embrace our nation’s hallowed creed, “We hold these truths to be self-evident that all [people] are created equal,” even as some leaders paint some people as primates.

Women and men who remain committed to protecting the vulnerable and championing the disenfranchised, who, amid threats of tyranny, are holding the line, less democracy becomes only a memory.

Grant these barristers the strength to continue the fight, the conviction to remain true to their convictions, and the confidence to know that even in times like these, we shall “hold on, hold on, for here comes the dawn.”

Amen.

## Maintaining the Mission: Lawyers’ Role in Shaping Dallas

The Dallas Bar Association is a storied institution—as old as Dallas itself.

When John Neely Bryan founded Dallas in 1841, he rode in on horseback and built a log cabin near where the Civil Courthouse now stands. Bryan was not only a pioneer—he was a lawyer.

That tradition of lawyers shaping this city continued in pivotal moments. In the spring of 1922, 14 Dallasites signed a newspaper petition publicly condemning the Ku Klux Klan for extra-legal activity and vigilante justice contravening the rule of law. Every one of those signatories was a Dallas lawyer.

And on November 23, 1963—the day after President John F. Kennedy was assassinated—Dallas Bar President **Louis Nichols** went to the city jail, with Henry Wade’s permission, to visit Lee Harvey Oswald. He went for one reason: to ask whether Oswald had a lawyer, and if not, whether he wanted help obtaining one.

Those moments tell a single story: Dallas lawyers, and the Dallas Bar Association, have long promoted the rule of law. And they have helped push Dallas from a prairie town, to a railroad town, to an energy finance hub, to one of the world’s leading economic engines.

## A Mission That Endures

The Dallas Bar Association has been, is, and always will be a mission-driven organization. Our mission is simple and powerful: to serve and support the legal profession in Dallas and to promote good relations among lawyers, judges, and the community.

Two phrases matter deeply.

First, “the legal profession.” The law is a learned and noble profession. It is self-regulated. We are fiduciaries, entrusted with putting our clients’ interests above our own. How we carry ourselves matters.

Second, “good relations.” Not just mere relations—good relations. That means engaging the judiciary, showing our work, and fostering healthy dialogue among lawyers, judges, and the community we serve.

This is exactly what the DBA will be doing in 2026.

## Relationships are the Heart of the DBA

At its core, the DBA is about relationships between real people, improving both our professional and personal lives. In an increasingly isolating era, the value proposition of the Bar is connection through meaningful relationships.

There are roughly 650 people in this room tonight—the

largest crowd we’ve had since COVID. You’re here because relationships matter.

The Harvard Longevity Study of Adult Development—the world’s longest longitudinal study on adult happiness—has followed participants for more than 85 years. Its core finding is striking: the #1 predictor of health and happiness is not IQ, genetics, income, or cholesterol score. It is the quality of our relationships.

That truth has shaped my life and my career.

I met my wife, Katie, through the Bar. I was President-Elect of DAYL; she was in the DAYL Leadership Class. The rest, as they say, is history. We’re a true partnership, and she is the cornerstone of our family. Katie, I love you. For communicating and being there: on the great days, and on the hard days. Thank you. To our children Madeline and James:

Madeline, our family CEO, I love your independence, quiet confidence, exactitude, creativity, and kindness.

James—I love your positive attitude, joy for life, smarts, and adventurous spirit.

I’m the proud son of two educators. My father, a psychologist and Professor of Graduate Psychology at the University of Arkansas, spent his life helping people develop; my mother is a nationally recognized elementary school principal who has a school named in her honor. She was the first of many strong, smart women who have influenced my life.

I learned discipline, resilience, and the importance of rising to challenges as part of the SMU swim team. I learned what the law can be at its best while clerking for Judge **Sam A. Lindsay**. And I learned what great lawyering and leadership look like from **Michael K. Hurst**—mentor, partner, and friend for life; and **Mike** and **Hon. Barbara Lynn**—who, in addition to being two of the finest trial lawyers in the country, are also two of the finest people I know.

These relationships, many forged through the Dallas Bar Association, are the foundation for how I view this role.

## Using Relationships to Deliver Value

So how can the DBA best utilize relationships to maintain its mission? By creating and adding value.

In 2026, my goal is to make the DBA indispensable to you—something you simply cannot practice without.

How will we do that? This year, the DBA will maintain its mission by emphasizing three themes—Advocacy, Rule of Law, and Functional Wellness.

## I. Advocacy

We will elevate advocacy through programs like the Top Gun Trial Skills Academy, a one-day, elite training session led by some of Dallas’s best trial lawyers, offering learning in voir dire, cross-examination, and closing argument.

We will also confront the future of advocacy head-on with Advanced AI for Trial Practice, moving AI from abstract concept to practical courtroom tool.

And we will champion Dallas itself through programming called—*Hello World, It’s Dallas*—by convening lawyers and business leaders around the industries that define our city: data centers, financial services, and the business of sports.

We will continue to advocate for our community through the Dallas Volunteer Attorney Program, which pours millions of dollars in pro bono services into Dallas each year—an embodiment of “good relations” in action.

## II. Rule of Law

The rule of law is not a political issue—it is a legal one.

In 2026, we will launch the DBA’s first Civics Camp, bringing Dallas ISD middle-school students face-to-face with leaders from all three branches of government.

We will also mark the 250th Anniversary of the Declaration of Independence, reflecting on the legal profession’s role in preserving liberty—from 1776 to today.

## III. Functional Wellness

Attorney wellness is essential to good lawyering and taking care of our clients.

I know this personally. In 2013, when I was a senior associate shortly before making partner, I had a wellness scare. At 33 years old, I had heart palpitations tied to stress. Fortunately, I had mentors—**Michael Hurst** and **Shonn Brown**—that recognized it and helped. I learned that practicing healthy habits—boundaries, exercise, mindfulness, self-care, and eating well—are not “soft.” They are the difference between thriving and burning out.

This year, the DBA will focus on functional wellness—practical tools and strategies for lawyers to manage the stress

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## HEADNOTES

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DALLAS BAR ASSOCIATION

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Established 1873

The DBA’s purpose is to serve and support the legal profession in Dallas and to promote good relations among lawyers, the judiciary, and the community.

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## Focus | Entertainment, Art & Sports Law

# Brand Endorsement Agreements in a Fragmented Digital Landscape

BY ROBERT HOUGH AND SERENE ATEEK

The digital creator economy—where people monetize goods and services using their creativity and clout on platforms such as YouTube, TikTok, and Instagram—continues to surge in new directions, dramatically reshaping how brands should approach endorsement deals. Amy Andrews, President of Mars United Commerce, predicts that social platforms like TikTok will become the top retail media networks for brands in 2026, capturing even more marketing spend away from traditional media channels. According to industry predictions, the market of the creator economy is expected to reach \$480 billion by 2027. Brands are understanding more that creator partnerships are central to marketing strategies and revenue growth.

However, as creators build simultaneous audiences across multiple platforms, the brand endorsement landscape grows more complicated. Brands aiming to harness this influence must structure endorsement deals in a way that secures real value, while remaining flexible enough to accommodate creator growth. This article highlights three primary deal terms for brands to consider when nego-

tiating creator endorsement agreements in today's fragmented digital landscape: (1) exclusivity, (2) approval rights, and (3) conduct control.

The first, and perhaps most obvious, deal point to consider is exclusivity. Customarily, exclusivity meant generally prohibiting talent from endorsing a competitor's product, with little attention given to parsing out channels or content type, among other terms. In today's fragmented digital landscape, exclusivity provisions are far more nuanced and heavily negotiated. When negotiating exclusivity, brands should consider, among other things, format, platforms, and scope.

Creators often engage different audiences with different content styles. For example, a 10-minute makeup tutorial on YouTube will attract a different audience than a 60-second GRWM ("get ready with me") video on TikTok. Brands should consider whether exclusivity is necessary for all content formats and styles, because the economics of these differences can be significant.

Creators can also have massive audiences on one platform and significantly less on other platforms. For example, Harry Jowsey,

an Australian reality TV personality and social media influencer, has a staggering 4.4 million followers on Instagram. Meanwhile, he only has 144,000 followers on Facebook. Brands should consider whether exclusivity is necessary for all platforms (e.g., all existing and future official social media accounts operated by the creator throughout the term of the agreement) or specific platforms through which the targeted consumers are expected to engage.

As with traditional celebrity endorsement deals, brands must carefully consider the appropriate scope of restrictions. Creators often work across multiple product categories, which can make delineating exclusivity an exercise in precisely crafted, defined terms. For instance, when negotiating exclusivity within the "makeup" category, it is important to clarify whether products such as foundation primers—which some may argue are more closely aligned with skincare than makeup—are covered. Establishing clear, written boundaries for the engagement up front helps prevent misunderstandings and unnecessary expense for brands.

It is not hard to see why exclusivity is one of the most valuable and often heavily negotiated points in creator endorsement deals. Ultimately, in this increasingly fragmented digital landscape, brands will no longer be able to approach exclusivity with a "standard provision" or "one-size-fits-all" mindset.

A second deal point brands should consider is approval rights. Brands invest heavily in their image and naturally want to control how the brand is portrayed. At a minimum, brands should require the creator to comply with advertising legal standards (e.g., the Federal Trade Commission's Guides Concerning Use of Endorsements and Testimonials in Advertising). Brands

can then choose to set additional guidelines around sensitive topics or other areas of concern that are particular to the brand. However, endorsement deals that are too restrictive run the risk of undermining the authenticity and personality of the creator that made him or her popular and influential (and thus, valuable to the brand) in the first place.

Finally, brands should consider a conduct clause to mitigate the risks of unwanted attention arising out of the engagement. A conduct clause, also known as a morality clause, is a contractual provision found in endorsement agreements that affords brands certain rights and remedies if the creator engages in behavior that could be considered immoral, illegal, offensive, or harmful. Social media's speed means controversies can arise and spread globally within hours, and today's fragmented digital landscape makes these situations even harder for brands to manage. Thus, brands need—now more than ever—fast, effective levers to distance themselves quickly from creators whose conduct may trigger public backlash or harm the brand's reputation.

The rise of multi-platform creators in this fragmented digital landscape challenges brands to rethink the terms of what once may have been "standard" endorsement deals. By carefully considering exclusivity structuring, balancing brand control with creator authenticity, and crafting robust conduct clauses, brands can continue to capture the economic value of digital influence while protecting the integrity and goodwill of the brand. **HN**

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## Focus | Entertainment, Art & Sports Law

# Private Equity Investment in Professional and Collegiate Sports

BY SUNIL H. JAMAL  
AND PARKER D. COLLINS

In 2019, Major League Baseball (MLB) became the first American professional sports league to permit private equity investment directly into its teams. This initial step was a harbinger of today's robust private equity sports investment landscape. Today, every major American professional sports league—MLB, the National Football League (NFL), the National Basketball Association (NBA), the National Hockey League (NHL), and Major League Soccer (MLS)—allows private equity firms to invest directly in their teams.

Since 2014, average franchise values across the major U.S. sports leagues have delivered cumulative total returns that have outpaced the S&P 500. Beyond headline growth, the asset class appeals to investors because professional teams and their related businesses share many of the positive attributes of alternative investments, offering resilience and meaningful diversification benefits within a broader portfolio. These opportunities have drawn private equity into new sports investments beyond the traditional top American professional leagues, including overseas, in new domestic professional leagues, and in collegiate athletics.

### Initial Investments in the United States

In 2019, MLB revised its governing rules to allow institutional invest-

ors, including private equity sponsors, to acquire minority interests in MLB teams, but with restrictions: individual teams can sell up to 30 percent of their equity, while a single firm can acquire no more than 15 percent of a team. In the following years, the NBA, NHL, and MLS quickly opened their doors to private equity minority investments with similar restrictions. The NFL, for a time the sole holdout among major American professional sports leagues, ultimately allowed private equity investment in 2024 when NFL owners voted to allow certain pre-approved funds to acquire stakes in NFL teams, capping ownership at 10 percent of a team and requiring such ownership to be passive, with firms providing capital without interfering in team operations.

With all five major leagues open to private equity investment, significant capital quickly followed. Today, a substantial number of franchises in each league have private equity minority investors, and the number of private equity-partnered teams constantly grows. Private equity investors are largely motivated by a core set of benefits associated with owning professional sports teams. To begin with, the teams have strong recurring revenue from long-term agreements for lucrative TV rights, corporate sponsorships, and stadium revenues. In addition, the financial performances of the teams and leagues are largely uncorrelated to that of the larger economy. Moreover, limited investment opportunities exist in the space, driving scarcity and desirability. Team owners, meanwhile, benefit from the short-term liquidity and

strategic input and partnership provided by sophisticated private equity minority investors.

### Overseas Sports, Nascent Leagues, Collegiate Athletics

Private equity's interest in sports investment goes well beyond teams in the top American leagues. Prior to their entrance into the American sports market, private equity sponsors cut their teeth investing in European sports, availing themselves of the more laissez-faire team ownership rules in Europe beginning in the 2000s. As in the United States, private equity investment in European sports continues to grow at a breakneck pace. Private equity sponsors actively invest across Europe in a variety of well-established sports leagues and teams, from Formula One to the Premier League.

Emerging professional sports also represent an attractive opportunity for private equity sponsors. In recent years, private equity sponsors have taken stakes in a variety of teams and leagues across the globe, including in mixed martial arts via the Professional Fighters League, cricket via the Indian Premier League, sailing via SailGP, volleyball via League One Volleyball, lacrosse via the Premier Lacrosse League, pickleball via Major League Pickleball, hockey via the Professional Women's Hockey League, padel via Pro Padel, and many more.

Last year saw the most notable development in American sports investing since the NFL's authorization of sales of minority stakes in teams to

pre-approved funds. In December 2025, the University of Utah announced the first partnership between a college sports program and a private equity firm. Through an agreement with New York-based Otro Capital, the university created Utah Brands & Entertainment LLC, a for-profit company majority-owned by the University of Utah Foundation. The deal will inject over \$500 million into Utah's athletic programs for NIL and operations, making Utah the first NCAA school to accept private equity investment in its athletics by partnering to manage revenue streams like ticketing, sponsorships, and concessions for potential long-term growth.

Utah seems unlikely to be the last school to enter into this kind of arrangement. Florida State University previously engaged in discussions with a blue-chip private equity fund about a potential investment into the school's athletics department. Meanwhile, universities are not the only collegiate entities exploring such investments. The Big 12 Conference and the Big Ten Conference each have had similar conversations with private investors.

As private equity continues to explore investment opportunities across the sports landscape—from traditional top American and European leagues, to emerging sports, to American collegiate sports—there is little doubt that the space is poised for further explosive growth. **HN**

Sunil H. Jamal is a Shareholder and Parker D. Collins is an Associate at Munsch Hardt Kopf & Harr, P.C. They can be reached at [sjamal@munsch.com](mailto:sjamal@munsch.com) and [pcollins@munsch.com](mailto:pcollins@munsch.com), respectively.



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# DBA Home Project Announces Fall Build in 2026

BY SHARON HISE

Each year for more than 35 years, the Dallas Bar Association (DBA) has partnered with Dallas Area Habitat for Humanity to sponsor and build a new home for a deserving family. The DBA is currently Dallas Area Habitat for Humanity's longest-running whole-house sponsor. While the project has traditionally taken place in the spring, the build this year is scheduled for the fall—a welcome change that will allow volunteers to work in cooler weather and more comfortable building conditions.

The shift in build timing marks a new milestone and commitment to make the build more accessible, following input from participants across the project. The initiation of the fall build aims to further the DBA's long-standing commitment to bringing the legal community together to volunteer their time, resources, and effort to make homeownership possible for a local family in need.

The DBA and the members of its Home Project Committee are honored to serve the individual families whose lives are transformed through the project. Last year, the DBA helped make home ownership possible for Bakery Kafia and Colia Ndayishimiye and their two children, Howa and Noah. Bakery and Colia were both born in Sudan and came to the United States to escape a war-torn country. After 19 years of apartment living, Bakery, Colia, and their children now live in a home—thanks to Dallas Habitat and the Dallas legal community—that provides them comfort, peace of mind, and privacy.

At the end of each year, the DBA confers the Judge Merrill Hartman Support Award with the Home Project Committee at an annual Award Ceremony. The award, presented annually since 2001, recognizes individuals and organizations that exemplify Judge Hartman's passion for the DBA



Home Project and its mission with Dallas Habitat. Winston & Strawn's Dallas office received the Hartman Support Award in 2025 for its outstanding support, honoring the firm's financial contributions and hands-on volunteer efforts toward the project.

With a fall build ahead and continued momentum behind the program, the DBA and the Home Project Committee looks forward to another impactful year of service. Opportunities to volunteer, donate, and participate in build days will be announced in the coming months.

Should you seek to get involved or join the initiative in any way, please feel free to contact the Home Project Committee officers—Chair **Ted Huffman** ([ted.huffman@katten.com](mailto:ted.huffman@katten.com)), Vice Chair **Preston Rose** ([prose@winstead.com](mailto:prose@winstead.com)), or Vice Chair **Sharon Hise** ([hise@caglaw.com](mailto:hise@caglaw.com)). Your efforts and support remain always appreciated. **HN**

Sharon Hise is an Associate at Carstens Allen Gourley LLP and can be reached at [hise@caglaw.com](mailto:hise@caglaw.com).

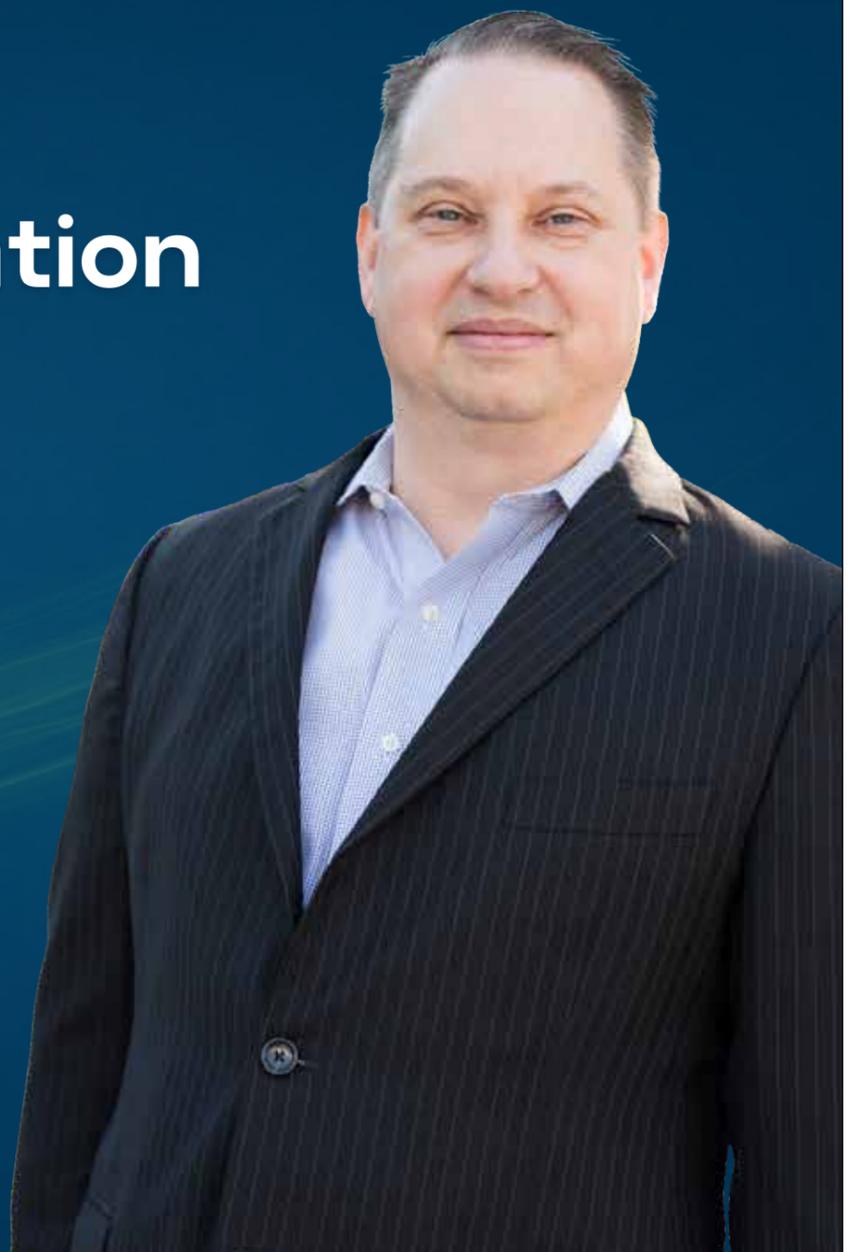


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**Focus** | Entertainment, Art & Sports Law

# The Burden of Proving Damages to Artwork

BY JAMIE K. BAKER

Seasoned litigators are well-acquainted with damages and the requisite burden of proof as an essential element to a claim. Proof of noneconomic damages must be thoughtfully and affirmatively presented to a jury—after all, a jury must have some evidence of damage to recompense a plaintiff’s injury. In claims involving damage to property, proof of economic damages are just as important. Proving the economic harm and lost value wildly varies depending on the type of property at issue.

Indeed, proving damages in property claims for fine artwork presents issues just as unique as the works themselves. While fine artwork is often insured, the coverages and terms are different than general liability policies. Valuing the loss differs as well. In a typi-

cal property damage claim, an insurer uses widely accepted software to estimate the cost of repair or replacement for damaged structures and contents. These estimator programs consistently calculate costs based on such factors as the date the damage occurred, the location of the loss to apply proper pricing, the like kind and quality of materials generally in use for such repairs, and labor costs. But these data programs often do not apply to estimating damaged artwork.

But with artwork, there is no replacement cost for a one-of-a-kind piece. Instead, valuing damage to fine art is often calculated from auction history, provenance (the work’s chronological history of ownership and custody from its creation by the artist to the present day essential for verifying authenticity, determining legal title, and establishing market value), and even the potential for

acceptable professional restoration. Unlike a typical property damage claim, the very definition of “damage to artwork” is often hard to discern.

In some instances, identifying damage to artwork is straightforward. An Andy Warhol print depicting Queen Beatrix of the Netherlands included in a Dutch museum exhibit was mistakenly thrown away. A Jeff Koons Balloon Dog sculpture was accidentally shattered when a Miami art fair visitor bumped into the pedestal on which the piece rested. In Chicago, a pickup truck slammed into an art gallery, destroying a large-scale sculpture for sale.

In these examples, the damage evidence is clear. However, gathering the requisite evidence to prove damage to artwork in other contexts can be elusive. Consider when artist James Turrell declared one of his ‘Skyspace’ series owned by the Nasher Sculpture Center in Dallas to be officially destroyed after a neighboring high-rise building “visually contaminated” the work’s intended unobstructed view of the sky. Another example involves the Lascaux Cave in France which was closed to the public in 1963 to protect its 17,000-year-old Paleolithic paintings from damage caused by visitors’ breath. Neither of

these claims have damages calculable by traditional estimation methods.

The issue of damage to artwork may also arise in the course of weather-related losses where artwork is destroyed by *force majeure*. For example, the Visual Artists Rights Act (VARA), provides enforceable “moral rights” to artists and artworks under limited circumstances. VARA enables qualifying artists to prevent the intentional distortion, mutilation or other modification of a work that is harmful to their honor or reputation. Where the work is of “recognized stature”, VARA includes the right to prevent any intentional or grossly negligent destruction of the work. VARA provides for monetary damages, but what constitutes “damage” is not well established in the interpreting case law.

Artwork—investment pieces or otherwise—embodies both personal and aesthetic features that prove difficult to value in the event of property loss. Investment in fine art is increasingly prevalent, and with it, the issue of damage to artwork is developing too.

**HN**

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# PERSPECTIVE MATTERS



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# House v. NCAA: Revenue Sharing's Impact on HBCUs

BY AMANDA KAY HENDERSON

*"You can be anything you want to be if you're willing to pay the price."*

Eddie Robinson, the legendary football coach at Grambling State University, understood the price of success in America. Throughout his career, he taught that great opportunities require significant sacrifice and effort. This lesson remains relevant today as institutions, such as Grambling, navigate the aftermath of *House v. NCAA*. For Historically Black Colleges and Universities (HBCUs), revenue sharing may not only offer opportunity but also pose an untenable choice between competitive irrelevance and fiscal challenges.

## The Dawn of a New Era

*House* is presented as a measure that supports equal opportunity and athlete empowerment. Under the terms of the settlement, schools may legally share revenue directly with student-athletes, but this reform assumes that all institutions have comparable financial resources. Starting in 2025, schools can share up to \$20 million annually with their athletes. That figure was determined by calculating roughly 22 percent of the average athletic revenue of the Power Four conference schools. In addition, participating schools are responsible for contributing portions of the \$2.8 billion in back damages owed to former athletes for restrictions on Name, Image, and Likeness (NIL) opportunities. Schools may opt in to or opt out of the revenue-sharing program,

but only those that opt in receive the NCAA's antitrust protection.

Advocates of the new system characterize it as flexible, allowing institutions of different sizes and resource levels to participate according to their capacity; however, this purported flexibility is misleading. In college athletics, revenue sharing quickly becomes a baseline requirement for recruiting. Prospective student-athletes are unlikely to interpret a school's decision to forgo revenue sharing as a principled stance, but rather as a financial disadvantage.

## The Financial Imbalance

HBCUs enter this new environment from a position of considerable systemic disadvantage. While Power Four schools maintain athletic budgets exceeding \$100 million, many HBCUs operate with budgets of only \$10–15 million. In some cases, HBCU athletic programs rely on institutional subsidies that cover 70–80 percent of their budgets, with general funds often derived from tuition.

A \$20 million revenue-sharing commitment would nearly double the athletic budget at many HBCUs, and even partial participation would result in severe reductions in other areas. HBCUs that opt out of revenue sharing risk losing their most talented athletes to better-funded programs. Conversely, HBCUs that attempt to participate in revenue sharing face equally severe consequences. Allocating millions of dollars to revenue sharing could result in reductions in programs and services that benefit hundreds of student-athletes. This approach may highlight the financial interests of revenue-generating sports, such as football, at the expense of other teams. Additionally, allocating revenue-sharing funds to predominantly male sports risks violating Title IX, which requires proportional distribution.

## Implications Beyond Athletics

The implementation of revenue sharing risks transforming HBCUs into developmental systems for wealthier programs, with little benefit accruing to the originating institutions when athletes transfer to more affluent schools. The settlement further accelerates the ongoing trend toward consolidation within collegiate athletics. As the disparity between well-resourced and under-resourced programs widens, the system increasingly resembles a tiered structure in which only the wealthiest programs compete at the highest level. HBCUs risk permanent relegation to a lower tier, competing primarily among themselves and being excluded from the national discourse and the exposure that drives donations, enrollment, and institutional prestige.

## The Overlooked Question

*House v. NCAA* accurately recognizes the exploitation of athletes' labor by educational institutions. However, the proposed remedy assumes a level of institutional equity that does not exist. By establishing a system in which compensation is based on institutional wealth, the settlement reinforces existing hierarchies rather than addressing them. While athletes should share in the revenue they generate, market-based solutions ignore profound disparities that may produce uneven outcomes across collegiate athletics.

A critical question remains unaddressed: whether meaningful athlete compensation can be achieved without addressing the systemic underfunding of historically Black institutions. The irony of the aftermath of *House* echoes Eddie Robinson's legacy: opportunity comes at a cost.

HN

Amanda Kay Henderson is the Senior Contract Specialist at Sally Beauty. She can be reached at [ahenderson@sallybeauty.com](mailto:ahenderson@sallybeauty.com).

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# King & Spalding's Community Focus

BY MICHELLE ALDEN

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Michelle Alden is the Director of the Dallas Volunteer Attorney Program. She can be reached at [aldenm@lanwt.org](mailto:aldenm@lanwt.org).

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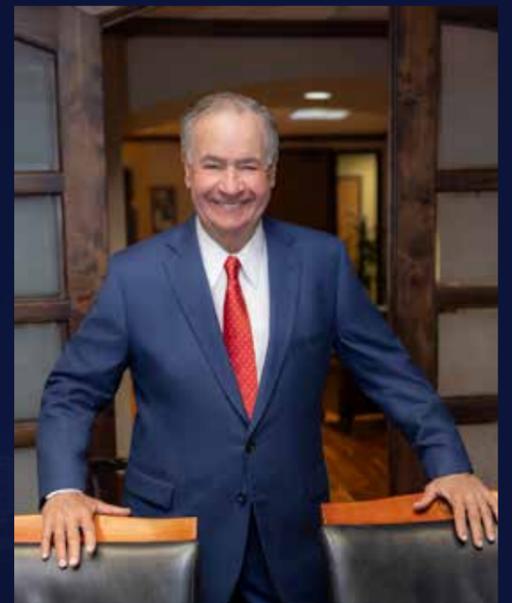
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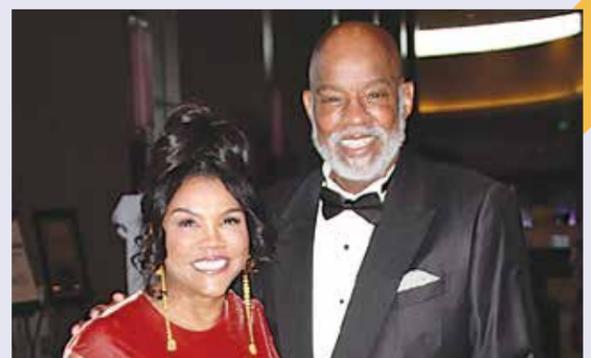
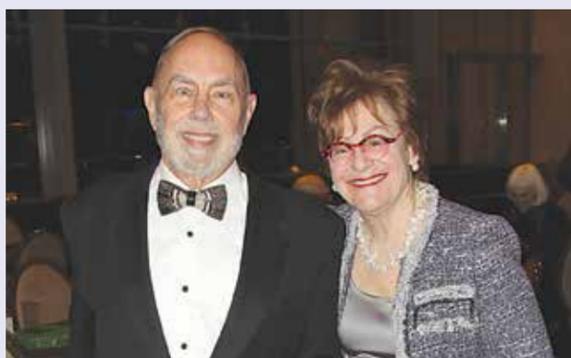
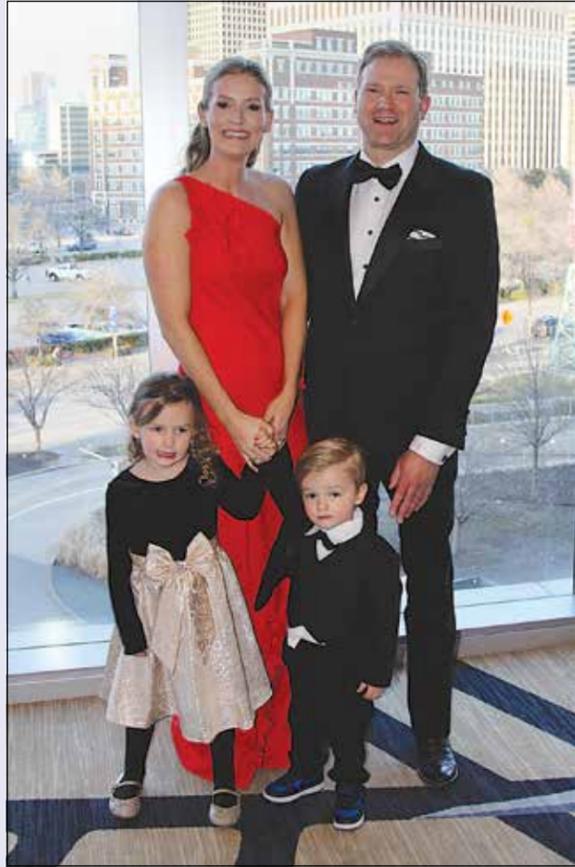
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# ★ The Inaugural of Jonathan Childers ★

The Inaugural of **Jonathan Childers**, DBA's 117th President, was held February 7, 2026. From dancing and casino games to the SMU band, cheerleaders, and mascot, it was a high-spirited night to remember. Each year, the Inaugural is the culmination of the Campaign for Equal Access to Justice. This year, more than **\$1.38 million** was raised for the Dallas Volunteer Attorney Program. Congratulations to this year's Ticket to Drive Raffle winner: **Allison K. Vest**, who will take home a 2026 Lexus NX 350, and runner up **David Moseley**, winner of the vacation travel package. **HN**



## Maintaining the Mission

CONTINUED FROM PAGE 4

and anxiety inherent in every-day law practice, so they can sustain meaningful careers practicing law. From mindfulness programs led by **Lisa Blue** to candid conversations about balancing professional, personal, and family life, this work is essential.

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The DBA does not operate in a smoke-filled room; it is a city on a hill, well-positioned and visible to its members and the community. What you'll find—if you walk into a Board meeting—

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And for those already involved: thank you—but you're not done yet. A new generation needs your mentorship, insight, and leadership.

I ask three simple commitments:

Attend at least one DBA event this year (the Inaugural doesn't count).

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Tell a non-lawyer about the important work the DBA is doing.

In closing, as we approach the 250th anniversary of our nation's founding, Benjamin Franklin's words still ring true: *"We must all hang together, or most assuredly, we shall all hang separately."*

Unity matters—especially for the well-being of our profession. We have a shared responsibility to help ensure and safeguard the independence of the judiciary and our profession. People look to us—lawyers—to see how we carry ourselves, in deciding how they will carry themselves.

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*\*Speakeasy password – DBA: A place for you*

Jonathan



# DBA's 117th President



# Introducing the 2026 Class of DBA WE LEAD

**STAFF REPORT**

Entering its ninth year, the DBA WE LEAD: Women Empowered to Lead in the Legal Profession, is welcoming a new talented class of participants. DBA WE LEAD, which began in 2017, is a leadership program designed to address the challenges of high-performing women who have practiced law for 8 to 15 years. The purpose of DBA WE LEAD is to address the unique challenges facing women in the legal profession; to empower, educate and uplift women



lawyers to take an already successful law practice to new heights; and to prepare lawyers for active professional leadership within their law firm, the business community, and the community at large.

Class members are assigned to a mentoring circle with senior lawyers

and DBA We Lead alumni who will be available to provide small group advising, support and guidance and meet monthly.

Program leadership includes Co-Directors **Ophelia Camiña** and **Mary Scott** and two Assistant Directors—all

DBA We Lead alum—**Amanda Cottrell**, Assistant Director of Mentoring; and **Lisa George**, Assistant Director of Programing.

Since its inception, DBA WE LEAD has been supported by a variety of Dallas-area corporate sponsors. Corporate sponsors host a half-day session on their campus and their executives often participate in panel discussions and otherwise interact with DBA WE LEAD class members. To find out more about DBA WE LEAD, contact Judi Smalling at [jsmalling@dallasbar.org](mailto:jsmalling@dallasbar.org). **HN**



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**Focus** | Entertainment, Art & Sports Law

# Navigating Visa Requirements for Big Sporting Events

BY CECILIA LAI

Mega international sporting events set the stage for more than just athletic excellence—they are logistical marvels requiring seamless global mobility. Behind the scenes, immigration planning is as critical as stadium construction.

With millions of athletes, coaches, media professionals, sponsors and fans crossing U.S. borders for the 2026 FIFA World Cup and the 2028 Summer Olympics and Paralympics Games, understanding visa requirements is essential for organizers and participants alike.

## Requirements for Teams, Fans, and Volunteers

Most travelers for mega sporting events, from participants to fans, will be able to enter the U.S. via the Visa Waiver Program or B-1/B-2 visa. The Visa Waiver Program allows eligible nationals of 42 participating countries to travel to the U.S. for tourism or business with a valid passport and Electronic System for Travel Authorization (ESTA) approval. Eligible fans, volunteers, athletes, and other event participants can travel to the U.S. without a visa as long as they stay for 90 days or less and are not being paid by a U.S. entity. Most other mega sport attendees will qualify for a B-1/B-2 visa, which also enables travel to the U.S. for tourism and business purposes, but often involves lengthy processing times.

Teams, including athletes, coaches and other support personnel, can also qualify for O visas (individuals who meet strict criteria for “extraordinary” ability) and P visas. Athletes may want to apply for a P-1A visa to earn a salary outside of prize money, as

P-1A visa holders can be paid by U.S. entities, including through promotional activity. Essential personnel supporting P-1 visa holders can apply for a P-1S visa. This includes coaches, trainers, equipment managers, and other direct support staff whose work directly impacts the event.

## Requirements for Those on the Sidelines

Sponsors and vendors face their own set of visa considerations. If they are coming to the U.S. for hands-on work and are paid by a U.S. entity, they will need a work visa. The L-1 intracompany transfer visa is particularly useful for operational staff if the organization has an entity abroad and the employee qualifies as a manager, executive or specialized knowledge worker. Organizations with a Blanket L visa arrangement can transfer employees from any entity who can apply for the visa directly at the U.S. Consulate. Other viable work visa options include nationality-based visas like TN, H-1B1 and H-3 visas, which can be applied for any time of the year and allow immediate entry to the U.S. once the visa stamp is received.

Representatives of foreign media typically qualify for I visas, which are managed directly through the U.S. Consulate. This category includes journalists, broadcasters, production workers and camera operators working for non-U.S. companies. The content produced must be for informational and educational value, not solely for entertainment or commercial purposes.

Referees and technical officials can generally travel on B-1/B-2 visas or under the Visa Waiver Program. The U.S. State Department has recently clarified that B visas are suitable for certain referees, judges,

and technical officials, especially for events like the World Cup and the Olympics.

## Key Considerations when Traveling

Applicants should keep several key considerations in mind when preparing to travel to the U.S. for the World Cup, Olympics, or other mega sporting events.

- First, it is crucial to start the visa application process early, as backlogs at U.S. embassies and consulates can cause significant delays.
- Understanding which visa category applies to the applicant’s role—whether athlete, media, sponsor, official, volunteer, or fan—is essential, as each has specific requirements and limitations.
- Immigration rules can change rapidly, especially during election cycles or in response to global events, so staying informed about potential changes that could affect an application is important.
- Visa petitions often require detailed documentation, including proof of role, credentials and sometimes biometric data, with

interviews and security checks being standard for many visa types.

## How Immigration Attorneys Keep Mega Sports in Play

Government agencies that manage immigration are not accustomed to these massive, international events involving participants in roles that do not typically arise when a typical professional team plays a single game or tournament. On the participant and attendee side, there are no “mega sporting event” visas or exceptions to the immigration system that allow companies and teams to simply bring whomever they want across U.S. borders.

In both cases, immigration attorneys who specialize in mega sporting events are crucial to educating all involved and taking a creative approach to ensure the right people get to the right place at the right time. Because when the world stops to watch your teams play, there is no room for visa delays. **HN**

Cecilia Lai is a Senior Associate at BAL, a corporate immigration law firm. She can be reached at clai@bal.com.

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**Focus** | Entertainment, Art & Sports Law

# Considerations When Representing High-Profile Clients

BY BRENT TURMAN

Landing your first opportunity to represent someone in the public eye is exciting. An actor, a musician, a pro athlete—someone who is already a household name. Before getting wrapped up in the excitement, it is important to realize this is not just another case. This specific client isn't more important than your others, but there are unique considerations you should keep in mind. When your client lives in the limelight, your job expands beyond traditional legal advocacy. You're not only practicing law in a court or an arbitration; you are also battling in the court of public opinion.

From day one, you should assume that everything you file is part of a larger narrative. You are always telling a story, and you can't forget that.

Of course, your primary responsibility is to protect your client's legal inter-

ests. That never changes. But with high-profile clients, it's not enough to file pleadings that simply "check the box." Petitions, motions, and responses are all public-facing documents, and they often shape how your client is perceived long before a judge or jury ever rules. Strong advocacy means telling your client's story intentionally from the beginning, not figuring it out through the case's progression.

Every motion and brief should explain not just what happened, but who your client is. That story should align with your client's brand, persona, and the image they've worked hard to build. This looks different depending on the client. For example, if you represent a musical artist in a genre built on confidence, toughness, and ego, you likely don't want pleadings that portray them as weak or overly sensitive. The legal arguments don't have to change,

but the framing might. In the court of public opinion, tone, word choice, and style matter.

You can make the same legal points while shaping them in a way that fits your client's voice. When appropriate, subtle adjustments in language can make pleadings feel authentic rather than generic or boilerplate. The primary goal isn't theatrics (although there's always an opportunity for that). Instead, a reader should feel that the legal strategy and the client's public persona are pulling in the same direction.

Relationships with opposing counsel can become especially important in these cases. High-profile disputes can invite unnecessary hostility, and some lawyers use filings as a weapon to embarrass or apply undue pressure beyond the merits of the case. Inflammatory language often has nothing to do with the legal issues and everything to do with causing stress or reputational harm.

This is where professionalism, ethical practice, and credibility can pay off. When you have strong (or at least amicable) relationships, you can often resolve these issues quietly. On multiple occasions, I have persuaded opposing counsel to remove language that served no legal purpose and only existed to "twist the knife." That kind of intervention can spare your client unnecessary public damage, distraction, and personal frustration.

Always remember: the media may be watching. Publicly available pleadings are easily quoted, summarized, and turned into headlines. What you write

today could appear in an article tomorrow and live online forever. When someone searches your client's name months or years later, those articles will still be there. For that reason, telling your client's story isn't optional, even when certain explanations aren't strictly required by law.

This is also why involving the "business team" is critical. Managers, agents, and publicists are not outsiders; they are key partners. They often know what projects, endorsements, or announcements are coming next, and that information can shape timing and strategy in ways that protect your client's interests in the bigger picture, beyond the lawsuit.

For true celebrities, time is their most limited resource. They rely on their team—including you—to keep things moving. Build relationships with the people around them. Learn who can get you information quickly and who understands the broader strategy. When deadlines are tight, as they often are in litigation, it's usually this team that keeps everything on track.

Representing someone in the spotlight requires thinking beyond the courtroom. Of course you have to do the legal work well; that's the baseline. But great advocacy for high-profile clients means protecting more than legal interests. It means telling the right story, in the right way, at the right time. **HN**

*Brent Turman is a Partner at Bell Nunnally and former chair of the State Bar of Texas Entertainment & Sports Law Section. He can be reached at bturman@bellnunnally.com*

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## Focus | Entertainment, Art & Sports Law

# Defamation by AI: An Old Tort Meets A New Technology

BY MARC FULLER

Defamation is a centuries-old tort. From time to time, as technological innovations increase the speed and scope of communications, courts must apply longstanding defamation doctrines to new media. With the advent of generative artificial intelligence, we are at such a moment. Large language models (LLMs) and similar AI programs generate content at an astonishing pace, and the technology is rapidly being woven into the fabric of speech, commerce, and our daily lives.

With defamation, the AI concern is that LLMs frequently generate fictional outputs. A Stanford University study found that even bespoke legal AI tools that draw from a database of documents generate false outputs almost 20 percent of the time. What's more, these fabrications often have a veneer of plausibility. It can be difficult at first glance to distinguish fact from hallucination. Hence, the almost daily news reports of hallucinated case cites and holdings—and even “factual” recitations—that make their way into filed legal briefs.

But what happens when hallucinated AI output is both false and reputationally damaging to an individual or business? Professor Eugene Volokh coined the term “Large Libel Models” in recognition of the potential for LLMs to generate defamation claims. So far, only a handful of such cases have been filed, but they raise important questions about levels of culpability when hallucinated AI content defames others.

### The First AI Defamation Case

In 2023, a Georgia radio talk show host, Mark Walters, learned from a jour-

nalist friend that he had been the subject of an AI hallucination. After several prompts from the journalist, ChatGPT falsely stated that Walters stood accused of fraud and embezzlement. The journalist did not actually believe the report, and his skepticism was confirmed when he contacted Walters directly. But Walters still sued, alleging a claim for defamation against Open AI, the maker of ChatGPT. Two years later, Walters lost on summary judgment, for reasons that illustrate some of the challenges of applying traditional defamation law to claims against AI companies.

As background, the threshold requirement of a defamation claim is the defendant's publication of a false and defamatory statement of fact to a third party. State of mind also plays an essential role. A public-official or public-figure plaintiff must prove actual malice, *i.e.*, that the defendant knew the statement was false or entertained serious doubts about its veracity. A private figure usually only needs to show negligence.

The actual malice standard, which governed Walters's claim, presents a conceptual challenge in cases involving AI companies. How can a doctrine focused on a human's subjective state of mind apply to an LLM? Regardless of whether such a showing is even possible, Walters failed to make it. He could not prove that Open AI knew that its output about him was false, and the company's general awareness that hallucinations sometimes occur was insufficient. In addition to no actual malice, the Georgia court also held that Walters had failed to prove defamatory meaning or to identify any

damages based on an output that the journalist never actually believed.

### Republication Claims

The Walters case is just the first court to answer these questions. In future cases, courts may consider whether an LLM qualifies as a “publisher” under defamation law. Some scholars, including Professor Lyrisa Lidsky, argue LLMs may resemble distributors—like bookstores and libraries—more than traditional publishers.

The “publisher vs. distributor” dichotomy also highlights an important, if slightly more mundane, point: even if the LLM is a “publisher,” it might not be the only one. While the few cases filed so far have targeted AI companies—Open AI, Meta, and Google—future plaintiffs might choose to sue the person responsible for the prompts that led to the LLM's output or for any republication of that output.

Republication cases fit more naturally into traditional defamation doctrines. Courts have long considered claims based

on the republication of factually dubious information. Defendants who republish hallucinated LLM outputs may have defenses, including privilege and state of mind, but questions of what constitutes actual malice and negligence in this precise context remain unanswered. And because issues of actual malice and negligence often require expensive discovery, even a successful defense can become a financial burden.

This is where Professor Volokh's coined term, Large Libel Models, resonates. Even if Walters turns out to be the first in a drumbeat of cases definitively rejecting defamation claims against AI companies, the potential remains for an explosion of claims against re-publishers of hallucinated content. To avoid becoming the next cautionary tale, AI users would do well to understand their technology and its potential for hallucination, and to exercise care in the use and repetition of its output. **HN**

Marc Fuller is a Partner at Jackson Walker LLP. He can be reached at [mfuller@jw.com](mailto:mfuller@jw.com).

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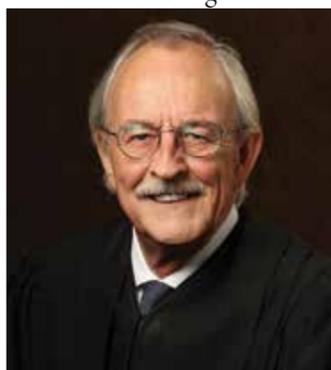


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**Focus** | Entertainment, Art & Sports Law

# The Business of Women’s Basketball

BY JO-NÁ A. WILLIAMS

The Women’s National Basketball Association (WNBA) operates under a collective bargaining agreement (CBA) that governs player compensation, benefits, work conditions, and other considerations, which expired on October 31, 2025. The league and the players (represented by the Women’s National Basketball Players Association (WNBPA)) were in negotiations to determine a multitude of factors, including salary caps, revenue sharing, and off-season exclusivity, yet they failed to reach a final agreement as of January 9, 2026, when the last CBA negotiation period expired (this was the second extension).

Both parties have now entered a “status quo.” This refers to the period of time after a CBA has expired and before a new agreement has been signed. During “status quo,” the employer (here, the league/teams) must maintain the existing terms and conditions of employment and shall not make any unilateral changes to such terms while the parties continue to negotiate a new CBA or until they reach a bargaining impasse.

A main sticking point for both par-

ties is the fixed compensation range for the players. Within the current offer, the range is significantly lower than that of the NBA, while WNBA revenue is higher than it has been in the past 30 years. The WNBA salaries are tied to certain financial benchmarks the league must meet, and the incremental increases in the players’ salaries are tied to years of continued performance. Many players feel it is not enough, given the professional demand on the players both physically and financially because these caps remain in effect even if individual players experience significant increases in popularity, endorsements, or media exposure. As a result, player compensation inside the league does not automatically track with broader commercial interest in women’s basketball.

Additionally, the CBA offers other benefits, including health care, housing stipends, travel allowances, and retirement contributions. While these features help some players have financial stability, for other players it does not replace direct cash compensation that could be derived from higher compensation and a less restrictive system.

Another main sticking point of the

CBA is the league’s prioritization rules. The WNBA’s imposed restrictions significantly limit players’ ability to derive other sources of income through participation in off-season leagues, playing overseas, and other professional commitments during the WNBA season. Prioritization rules were adopted to address scheduling conflicts and to ensure player availability. Under this system, players could also be suspended for arriving at training camp late and receive fines and other penalties. Players agreed to the rules as a trade-off for a salary increase in 2023.

As a result of the recently expired CBA (adopted pre-COVID-19 era) the players had to source other means in compensation alongside basketball-related income, namely through endorsements, speaking engagements, licensing agreements, podcasts, modeling, creating brands, physical, and digital products based on their name recognition. Some have started creating content or becoming streamers on digital platforms like the very popular duo the “StudBudz” comprised of the Minnesota Lynx’s players Courtney Williams and Natisha Hiedeman, whose 72-hour Twitch Livestream during the 2025 WNBA’s all-star weekend amassed 754 watch hours, around 300,000+ total views and peaked at nearly around 50,000 concurrent viewers.

Additionally, new offseason leagues, including *Unrivaled* (a 3x3 league founded by WNBA players Napheesa Collier and Breanna Stewart) and Project B, have emerged with business models that empha-

size higher compensation for the players, ownership or participation in revenue sharing, and more media exposure opportunities. These leagues have sought to avoid conflicts with the WNBA prioritization rules. Their existence reflects both the fan demand for more women’s basketball content and the economic reality and valuation needs of the players.

While these leagues offer some benefits for the players, for the WNBA it raises contractual concerns for players’ availability, injury risk, and poses a conflict of interest. As a result, *Unrivaled* sought to engage the WNBA as an investor to mitigate or even eliminate some of the concerns to which the league declined.

As it stands, the future of the WNBA’s 2026 season remains unclear while negotiations have come to a halt. While both parties want to move forward and ensure fans of the league continue to have a positive watching experience, the negotiations seem to have reached an impasse. It appears that while the league is growing at a faster pace, the players’ entrepreneurial pursuits have also, and will continue to increase as a means to supplement their league pay. For some, it may even replace it if both parties cannot reach an agreement that will reflect the value the players bring to the league. **HN**

Jo-Ná A. Williams, Esq. is the Principal Attorney/Founder of J.A. Williams Law and a Certified WNBA Agent. She can be reached at [info@jwilliamslaw.com](mailto:info@jwilliamslaw.com).



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**How did you first get involved in pro bono?**  
I became involved my first semester of law school by drafting compassionate release motions for incarcerated women and girls with inadequate medical care. As a 3L, I joined a clinic that supports nonprofit organizations, which **deepened my understanding of how legal services can empower communities**. I was first introduced to DVAP as a 1L Summer Associate at Winston & Strawn when we volunteered at the South Dallas clinic. When I returned to law school in Virginia, I was able to stay involved with DVAP by volunteering with the Virtual Intake Clinic!

**Which clinics have you assisted with?**  
I have volunteered with the Virtual Intake, South Dallas, West Dallas, East Dallas, and Veterans Clinics. **It is a privilege to get to know members of the community in person at clinics!**

**Describe your most compelling pro bono case.**  
One of the most compelling cases I assisted with at DVAP was drafting an estate plan for a widow with a special needs adult son. DVAP Mentor Attorney Kristen Salas taught me how a special needs trust can provide long-term support and protection for the client’s son. **It was a powerful reminder that legal assistance can shape someone’s future in profound ways**—not just for the client, but for her family.

**What impact has pro bono service had on your career?**  
Pro bono work allowed me to begin developing legal skills within my first month of law school. Now, as a practicing attorney in Dallas, it continues to **help me expand my skillset, learn from diverse clients, and stay closely connected to the community**.

**What is the most unexpected benefit you have received from doing pro bono?**  
**The sense of community among volunteers.** I have greatly enjoyed working alongside fellow clinic volunteers and the DVAP team, whose dedication and mentorship have been invaluable to both the community and young attorneys like me.



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# Mind the Cap: NCAA Restrictions and the Future of College Sports

BY YAMAN DESEI  
AND DANIELA VERA HOLMES

In June 2025, the National Collegiate Athletic Association (NCAA) finalized a landmark settlement with athletes that dramatically changed the landscape of college sports. In *House v. NCAA*, the NCAA for the first time agreed to allow its member institutions to pay direct compensation to athletes, tied to a hard salary cap and restrictions on pay-for-play above and beyond the cap. Nevertheless, loosening the knot still came with strings attached. Overall, athlete pay was limited to a percentage of average institution revenue, capped at 22 percent—approximately \$20.5 million—for the 2025-2026 academic year. And while individual Name, Image, and Likeness (NIL) deals are still permitted, they are required to be true marketing deals, not end runs around “pay-for-play” prohibitions.

To enforce these restrictions, the NCAA created the College Sports Commission (CSC), charged with vetting NIL deals. To do so, the CSC set up “NIL Go,” a clearinghouse tasked with verifying that NIL contracts are both for a “valid business purpose” and within a “reasonable range of compensation” for the services provided. For appeals of contract determinations, the CSC established an arbitration system with due process protections.

To lead the CSC, the NCAA hired a former federal prosecutor with years of investigative experience, Bryan Seeley, who had spent over a decade with Major

League Baseball, including as head of the league’s investigations department. Before that, the Harvard Law graduate was an Assistant U.S. Attorney in Washington D.C., prosecuting federal white-collar fraud and corruption cases. The CSC also hired another former federal prosecutor, Katie Medearis, as its Head of Investigations.

The CSC quickly put its wheels in motion, establishing limitations on NIL deals by collectives (university-affiliated third-party organizations previously used to pay athletes). It also moved to bolster its own power, asking universities to agree to a memorandum that prohibited Article III court challenges of CSC determinations by schools and athletes, mandated cooperation with CSC investigations by school officials and boosters, and discouraged school cooperation with any future legal challenges to the CSC by state attorneys general.

But the pushback was just as swift. The CSC was forced to walk back its curtailment of collectives. It faced political blowback from state officials who viewed the CSC as impeding its sovereign authority. And schools declined to sign on to the CSC’s memorandum, leaving the CSC with many of the same enforcement problems that have plagued the NCAA for years.

Instead of agreeing to the stricter enforcement mechanisms, schools appear to be spurning the rules altogether. There is no better example than Louisiana State University. In the hunt for a new head coach and eager to entice top target Lane Kiffin, LSU reportedly

offered not only a nearly \$100 million contract, but a guaranteed \$25 million roster as well. That football roster budget alone exceeds LSU’s total revenue sharing pool across all sports.

Exceeding the cap means relying on third-party NIL deals. For example, LSU reportedly offered transfer quarterback Brendan Sorsby a \$4.5 million compensation package buoyed by \$3.5 million from a third party in exchange for a loosely defined “marketing guarantee.”

While the LSU-Sorsby deal was never consummated, many others have been. Desperate to fill out their rosters and compete for championships, schools across the nation are offering athletes multi-million-dollar contracts. And the top teams in the sport are amassing rosters approaching \$40 million.

These massive deals beg the question: Will the CSC enforce the rules and void these contracts? It is still too early to draw any conclusions, as executed third-party NIL deals will not be submitted to the CSC for clearance until this spring. But the brazen conduct manifested in these deals suggests that the schools, players, and agents do not think the CSC will take action.

The CSC, however, is signaling otherwise. On January 9, 2026, the CSC issued guidance expressing “serious concerns” about publicly reported “third-party NIL deals that likely do

not comport with the rules arising from the *House* settlement.”

Whether the CSC will follow through and refuse to clear those deals remains to be seen. Recent history suggests the NCAA has little appetite or ability to meaningfully enforce restrictions. An inquiry the CSC opened this January into LSU NIL deals (reportedly unrelated to football) was closed with little fanfare and no repercussions. And if the CSC does void NIL deals it deems lacking a “valid business purpose” or outside of the “reasonable range of compensation,” it could be inviting further antitrust scrutiny from courts that have already been skeptical of the NCAA model.

This first college football off-season since the CSC’s formation poses a pivotal challenge to the nascent organization. With TV ratings (and resulting TV revenue) at all-time highs and player mobility ever increasing, schools are hungry to spend big and test limits. The disregard for CSC regulations poses the question of whether pay-for-play is the de facto rule, or whether player compensation restrictions exist. How the CSC ultimately responds will significantly shape the future of college athletics. **HN**

Yaman Desai is a Partner and Daniela Vera Holmes is Of Counsel with Lynn Pinker Hurst & Schwegmann. They can be reached at ydesai@lynnlp.com and dholmes@lynnlp.com, respectively.



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## Focus | Entertainment, Art & Sports Law

# Navigating Legal Challenges in the Age of Machine Creativity

BY DAVID W. CARSTENS

In an era where artificial intelligence (AI) is reshaping how we create and consume content, questions about intellectual property—particularly copyright—take center stage. Generative AI, powered by large language models (LLMs), can produce text, images, music, and more that mimic human output. But this innovation clashes with traditional copyright laws designed for human authors.

AI isn't just a tool; it's a new paradigm of "programming" that learns from vast datasets, often including copyrighted works like books and music, raising thorny issues about authorship, infringement, and fair use. At its core, a copyright protects "original works of authorship fixed in a tangible medium of expression," encompassing literary works (including software), music, art, and more. Owners enjoy exclusive rights: reproduction, derivative creation, distribution, public display, and performance. However, copyright doesn't cover ideas, procedures, or concepts—only their expression. This distinction is crucial: Is

a user's prompt the "idea," while the AI's output the protectable "expression"? And in some instances, infringement could be excused as "fair use" if the purpose is less focused on profit and the underlying works used are more fact than fiction.

A pivotal question is whether AI can be an author. In 2023, a Washington D.C. district court upheld the U.S. Copyright Office's denial of registration for "A Recent Entrance to Paradise," generated by Stephen Thaler's Creativity Machine. The ruling emphasized that authorship requires humanity; machines can't qualify. If AI output is purely machine-generated, it's ineligible. Yet, if humans select, modify, or arrange AI material, protection may apply. This nuance complicates hybrid creations, where prompts guide but don't fully dictate results.

Equally contentious is whether training LLMs infringes copyrights. Building these models involves ingesting millions of works, copying them into memory for analysis. Does this violate reproduction rights? Comedian Sarah Silverman's 2023 lawsuit against OpenAI alleged her book and others were used to train ChatGPT without

the copyright owner's consent. ChatGPT generated output alleged to be unauthorized copies and derivatives. The court dismissed much of the claim, noting LLMs don't directly "recast" specific works but predict text probabilistically. Judge Vince Chhabria called the derivative work argument "nonsensical," though plaintiffs were allowed to amend to show a more direct link between the training data and actual harm. OpenAI has pushed for multidistrict litigation to consolidate similar suits.

In *Thomson Reuters v. Ross Intelligence* (2024), an AI legal research tool trained on Westlaw's proprietary headnotes and key numbers faced infringement claims. Ross used third-party memos derived from Westlaw, blurring lines between copyrighted compilations and public-domain judicial opinions. The case invoked fair use, weighing factors like the work's nature (factual vs. fictional), use purpose (commercial vs. educational), amount copied, and market impact. Ultimately, the Delaware court found Ross's use infringing, rejecting fair use due to commercial competition and substantial copying.

Shifting to 2025's *Bartz v. Anthropic*, a California court ruled that training AI on

legally acquired books (even from sources like LibGen) could be allowable fair use but certified a class action for 500,000 books that were not legally obtained, leading Anthropic to offer a \$1.5 billion settlement to those copyright owners. This highlights the financial stakes in data sourcing.

Internationally, perspectives differ. China's Beijing Internet Court ruled in 2023 that AI-generated images are copyrightable if they reflect human intellectual input via prompts, viewing AI as a tool rather than an independent creator. This pragmatic approach fosters innovation, contrasting U.S. human-centric restrictions.

As AI evolves legal frameworks must adapt. We are entering a new "industrial revolution" that will shift wealth to innovators and power to the countries that adapt the quickest. While the U.S. grapples with infringement risks, China's tool-based view may accelerate progress. Ultimately, balancing creativity and rights will define AI's future, ensuring humans remain at the helm of machine ingenuity. **HN**

David W. Carstens is a Partner at Carstens Allen Gourley. He can be reached at [carstens@caglaw.com](mailto:carstens@caglaw.com).



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## DBA's Jessica Smith Receives Distinguished Achievement Award

BY DAWN FOWLER

received the Pathfinder Compass Award from the Pathfinder District Scouts BSA in 2023.

First and foremost to Jessica is her family. She and her husband, Andy, are constantly on the move and involved with the various activities of their 14-year-old twins Andrew and Ava. And, somehow, Jessica finds time to enjoy photography and reading.

Ever humble and always supportive of others, upon accepting the Wally, Jessica said: "Receiving the E.A. 'Wally' Richter Distinguished Achievement Award is one of the greatest honors of my career. The wonderful people who are part of NABE's

Communications Section have been a source of friendship, mentorship, and support. I am deeply grateful for this recognition and for the opportunity to serve alongside so many dedicated professionals—in NABE and at the DBA."

The award itself is a beautiful hand-calligraphed work of art. Stop by to see it and congratulate Jessica in person the next time you are at the Arts District Mansion. And be sure to smile—her camera is still never far from her side. **HN**

Dawn Fowler is a member and past Co-Chair of the Publications Committee. Board Certified by the Texas Board of Legal Specialization in Family Law, she can be reached at [dawn@dawnfowlerlaw.com](mailto:dawn@dawnfowlerlaw.com).

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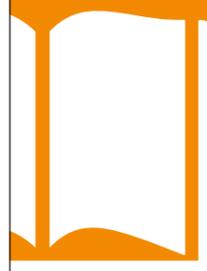
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-Julie Pettit



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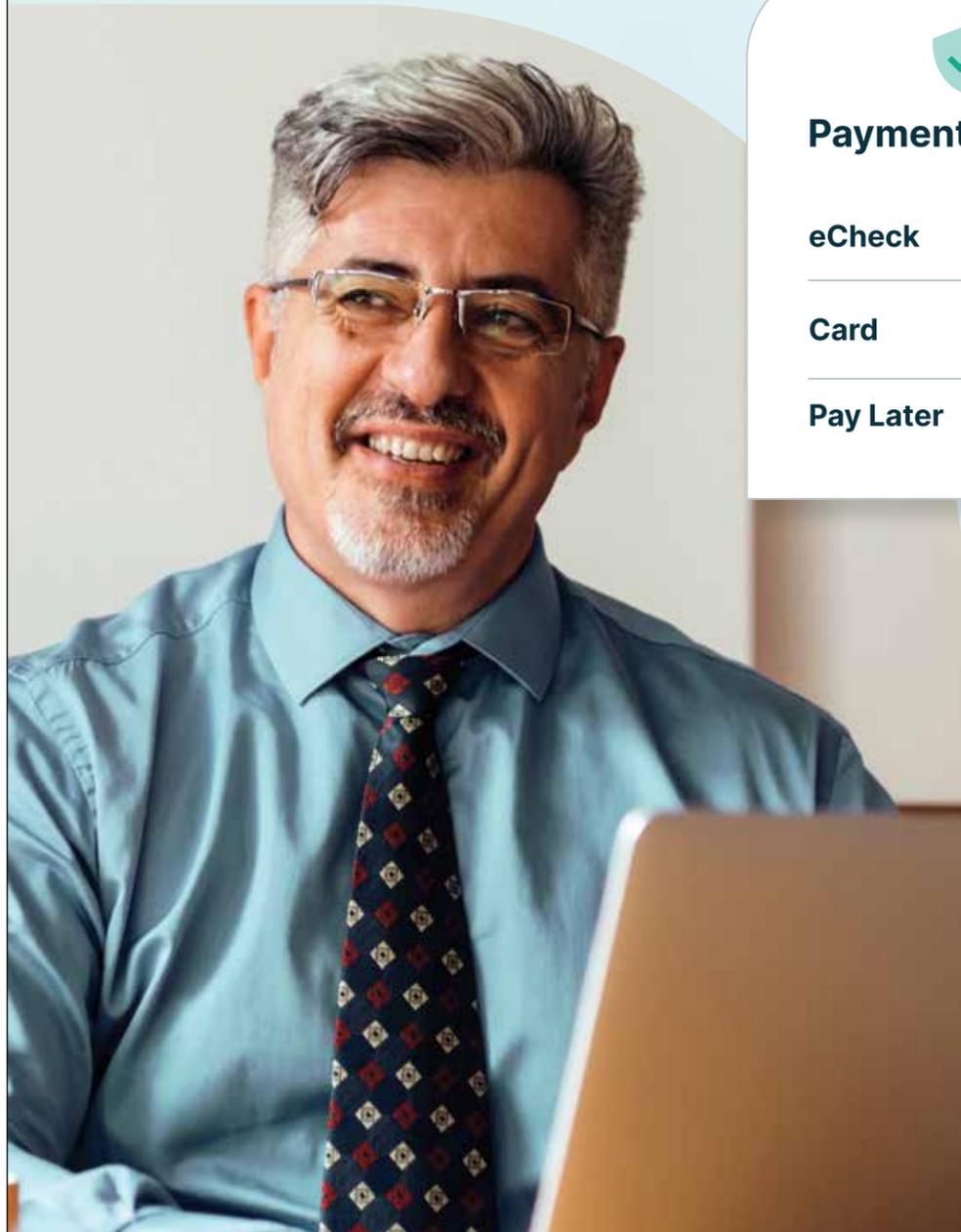




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