

Will Concussion Lawsuit Settlement Absolve NFL of Responsibilities to Players?

by Anthony Caruso on September 4, 2013

In a surprising move, the National Football League and more than 4,500 former NFL players announced that they had reached a proposed \$765 million settlement regarding concussion lawsuits. However, if this proposal is approved, how will it affect the NFL's future obligations under sports law to ensure its athletes are protected and educated about potential injuries?

Given the high costs of this ongoing litigation, the NFL may opt to publish more comprehensive safety information regarding the potential health effects of concussions. Perhaps more impact, the league may also introduce new measures to ensure that all players who have suffered head injuries are thoroughly examined and cleared to go back on to the field - a scenario that plaintiffs content was rarely followed during their playing days. Lomas Brown, a seven-time Pro Bowl offensive tackle with the Detroit Lions, Arizona Cardinals, Cleveland Browns, New York Giants, and Tampa Bay Buccaneers told the Associated Press that the NFL's uncharacteristic decision to settle indicates its acknowledgement of its own negligence.

However, other industry professionals argue that the settlement essentially absolves the NFL of any responsibility or wrongdoing, which may discourage the league from implementing new costly or burdensome safeguards to protect athletes. According to the Guardian, the NFL will have dodged a bullet if the settlement is pushed through, namely because the \$765 million sum will help players and their families deal with the repercussions, but is still small enough so as not to threaten the league's financial or reputational condition.

In the absence of a court ruling, the NFL will be free of being forced to make significant changes to its standards and health guidelines. Without these mandates in place, it will be interesting to see if the league makes new safety determinations of its own accord to avoid future litigation or chalks the settlement up as a win to continue its existing policies.