



SARAH HARTLEY

Partner

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BIOGRAPHY

Sarah Hartley is a partner in the Washington and Boulder offices practicing in the Business & Commercial Disputes and Antitrust practice groups. She is co-lead of the Higher Education team, the head of the firm's Outdoor Industry team, and a member of the Sports and Entertainment Group. She also serves on the board of the BCLP women's affinity group.

Sarah has significant experience in complex commercial litigation and antitrust disputes, representing local, national and multinational companies in all stages of their dispute resolution process. She has represented clients in disputes related to higher education, healthcare, oil and gas development, financial products, First Amendment issues, intellectual property, trade secrets, product liability and contract matters. She has developed expertise with clients' most complex disputes in the oil and gas industry, the insurance, healthcare and financial services industries, and

the telecommunications industry, among others. She has taken lead roles in a broad range of litigation matters, including second-chair in multiple arbitrations, state and federal court trials, and jury trials.

She has worked with sports clients in the Olympic movement, professional sports, and collegiate sports, and is regularly consulted on Safe Sport matters, governance, and ethical issues. Her practice includes representing NGBs in connection with investigations and disciplinary proceedings involving allegations of sexual misconduct and physical abuse, governance issues, sponsorships, and employment agreements. She has handled numerous contentious disputes regarding allegations of sexual misconduct by coaches, athletic personnel, and others, and has assisted in the development of Safe Sport policies and arbitration procedures for the new U.S. Center for Safe Sport.

Sarah also serves as an advisor to universities on Title IX compliance, including preparing and reviewing policies and procedures, training, and consulting on the handling of allegations of Title IX violations. Additionally, she regularly serves as a hearing officer and appeals officer for Title IX complaints. She is well-situated to help universities update their policies and procedures as the regulatory environment changes, and to help institutions complete objective and timely investigations and disciplinary proceedings regarding alleged violations of Title IX.

In addition to her experience in private practice, Sarah serves as adjunct professor for a course focusing on sports governance, sexual misconduct, doping, and other sports topics for the University of Virginia School of Law, and has previously taught a similar course at the University of Colorado Law School. She also has guest lectured for the University of Oregon School of Law's Summer Sports Law Institute.

AREAS OF FOCUS

- Outdoor Industry

CIVIC INVOLVEMENT & HONORS

- Board of Directors, Colorado Outward Bound School (2015-2022)
- Board of Directors, Positive Coaching Alliance (2015-2018)
- Board of Directors, Mile High Squash (2011-2014)
- Articles Review Editor, *Virginia Environmental Law Journal*

PROFESSIONAL AFFILIATIONS

- Sports Lawyers Association
- National Association of College and University Attorneys (NACUA), Member

MEDIA MENTIONS

Quoted, "[Poll: Majority of Americans Support College Athlete Name, Image, and Likeness Monetization](#)," [Diverse Issues in Higher Education](#), March 2, 2023

ADMISSIONS

- District of Columbia, 2022
- Colorado, 2011
- New York, 2008
- California, 2005

EDUCATION

University of Virginia, J.D., 2005

Yale University, B.A., with distinction, 2001

RELATED PRACTICE AREAS

- Business & Commercial Disputes
- Antitrust
- Real Estate
- Real Estate Disputes
- Investigations
- Regulation, Compliance & Advisory
- Litigation & Dispute Resolution
- Sports & Entertainment Contract, Endorsement & Celebrity Representation Practice
- Anti-Doping Practice
- Sports & Event Venue Real Estate Infrastructure and Operation
- Naming Rights & Sponsorship Practice

- Sports & Entertainment M&A Practice
- Sports & Entertainment Litigation Practice
- Collegiate Sports Practice
- Sports & Entertainment Specialty Counseling Practice
- Entertainment Industry Practice
- Outdoor Industry
- Olympic & National Governing Body Practice
- Professional Sports Team Practice
- Campus Free Expression
- Higher Education Team
- Israel Practice
- Sports & Event Financing
- Oil, Gas and LNG
- Sports & Entertainment

EXPERIENCE

Sports

- Developed policies and procedures for investigation and arbitration of Safe Sport complaints for new U.S. Center for Safe Sport.
- Works with various NGBs on Safe Sport issues.
- Handles Safe Sport complaints, including evidentiary hearings.
- Works with various NGBs and leagues on governance issues, sponsorship deals, and employment matters.
- Successfully represented professional football team in litigation over use of trademarks.

Antitrust

- Represented telecommunications manufacturer in a seven-month jury trial and subsequent appeal regarding numerous antitrust issues.
- Represented state university in defense of antitrust claims regarding on-campus student housing.
- Won dismissal in Federal Court in Denver in a Section 1 and Section 2 gas transportation antitrust case seeking more than \$100 million. Briefed the appeal in the 10th Circuit.

Commercial Litigation

- Won trial in Colorado state court, involving control of a \$90 million natural gas pipeline. Briefed and won appeal in Colorado Court of Appeals.
- Won arbitration involving attempts to shut down a natural gas pipeline.
- Represented telecommunications manufacturer in \$30 billion patent licensing dispute regarding cell phone technology.
- Obtained favorable settlement for natural gas exploration and development company in royalty dispute.
- Represented insurance company to develop global strategy for managing and resolving multi-district and international litigation regarding defective Chinese drywall.
- Represented parties in arbitration contesting ownership of major social media platform.
- Obtained favorable settlement for transgendered Federal inmate on claims of failure to protect and failure to provide necessary medical treatment.
- Represented direct sales company in dispute regarding supply of ingredient for cosmetics line.
- Represented outside directors in indemnification action against former bank.
- Represented major retail company in trademark suit regarding parody on company marks.

RESOURCES

PUBLICATIONS

["Caster Semenya: Why is the Olympic champion challenging the IAAF's testosterone rules? A sports law expert explains," *City A.M.*, June 24, 2018](#)

["Defining Female Athletes: IAAF Gets It Wrong Again," *Law360*, June 4, 2018](#)

["Defining 'Sport' In The Age Of Competitive Video Gaming," *Law360*, November 20, 2017](#)

RELATED INSIGHTS

Insights

Feb 07, 2024

NLRB Regional Director determines Dartmouth basketball players are employees

News

Aug 31, 2023

BCLP announces dedicated DEI task force

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Aug 17, 2023

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Insights

Jun 30, 2023

Affirmative Action: Effects of the Ruling and Actions to Take Now

Insights

Apr 11, 2023

Department of Education's New Proposed Rule for Transgender Participation in Athletics

The participation of transgender athletes in youth, interscholastic, and elite sport has long been a highly charged political issue domestically and internationally, with a vast range of different approaches to regulating participation. Last week's combination of Supreme Court orders, state legislation, and a proposed rulemaking from the Department of Education's Office of Civil Rights ("OCR") confirm that this must remain a focal point for educational institutions intending to continue offering athletics participation opportunities.

Awards

Aug 18, 2022

The Best Lawyers in America© 2023

Insights

Jun 27, 2022

Proposed Changes to Title IX Unveiled on its 50th Anniversary

Insights

Jun 07, 2022

Partner Authors Article for LawInSport on Women's Soccer Pay Agreement

Insights

Apr 01, 2022

Partner Authors Article in LawInSport on Challenges Remaining for Women's US Soccer