

Brady vs. the NFL: What happens now?

After nearly seven months of dubious media reports, posturing and press conferences, a resolution in the ongoing Deflategate saga is in sight. Maybe.

Last week, presiding judge Richard M. Berman set a schedule that will allow him to render a decision on or by September 4, nearly a week before the Patriots' Sept. 10 season-opener. But if Berman has his way, the sides will settle well before that.

"Ideally the league and the player association and Tom Brady and his representatives will sit down and try to come up with a framework for a settlement," said Gabe Feldman, director of the sports law program at Tulane University. "It remains to be seen whether that's possible, but that's certainly in the best interest of all parties involved, and it's also what the federal judge essentially ordered them to do."

That could come Aug. 12, when both sides (including Tom Brady and Roger Goodell) are set to meet at the settlement table to hash out a resolution. Every judge conducts settlement discussions differently, Feldman said, but generally they'll begin with a joint session involving both parties followed by private sessions with each. These are held to take the emotion out of the case and to determine whether there exists a "zone of possible agreement," or a range of outcomes that both parties would agree to.

Or, the resolution could come sooner: in his Friday memo, Berman said Magistrate Judge James C. Francis would be available to assist in "comprehensive, good-faith settlement discussions" before the Aug. 12 meeting.

Given how each side has presented its case as unimpeachable to this point, it would seem neither believes it has cause to settle — but that could be for appearances' sake, or it could change. For the latter, the judge could sow doubt by suggesting neither party has as ironclad a case as they think.

"[He would suggest] that they both have nicks, not that one has the advantage over the other, but that there are risks in both cases," Feldman said.

If the sides don't come to an agreement by Aug. 19, they will meet a second time for further settlement talks or, if such talks have already fallen apart, oral arguments. Here, the sides would present their cases: Brady's being that the commissioner overstepped his bounds by imposing and upholding the suspension, and the league's being that it operated within the scope of its powers by finding Brady was "at least generally aware," of the "more probable than not" attempts by two staff members to deflate footballs, as the Wells report found. From these, Berman would render his decision — not on Brady's guilt or innocence, but on whether the league was fair in suspending Brady.

Should this get to the point where Berman is forced to rule, and should that ruling prove unsatisfactory to the losing side, the case could be appealed to the U.S. Second Circuit Court, which might result in a months-long fight.

Brady or potentially Robert Kraft could also file a defamation suit against the league, according to sports law expert and University of New Hampshire professor Michael McCann, with those hypothetical cases having their own set of moving parts and procedures distinct from the arbitration appeal.

In short: This could be over soon, or it could take months.

By Braden Campbell