

How the United States Soccer Federation Got to Labor Peace and Equal Pay

By Ross Todd
May 23, 2022

It's hard to capture the cloud that was hanging over the United States Soccer Federation back in 2020 when Karen Leetzow was interviewing for the job as the organization's chief legal officer.

The USSF was entangled in litigation with members of the wildly popular and successful U.S. Women's National Team who claimed the men's team was paid more and treated better. The federation's defense lawyers at Seyfarth Shaw had argued in court papers that the players on the women's team "do not perform equal work requiring equal skill, effort, and responsibility under similar working conditions."

Those arguments spurred a public backlash, ultimately leading the Seyfarth team [to be replaced](#) by lawyers at **Latham & Watkins** and the federation's then-president to resign.

"Being a woman, I was kind of scratching my head. Do I really want to step into this?" says Leetzow, who at the time was the general counsel of NASCAR, having spent 20-plus years at stock car racing's sanctioning body.

But during the course of an interview with the new USSF president Cindy Parlow Cone, herself a former member of the women's team, Leetzow says she was convinced that the organization was ready to change.

"She basically convinced me that these aren't our core values. This isn't who we are. And this isn't who we want to be And I believed her." says Leetzow, recounting the interview, which was conducted while



Courtesy photos

(L-R) United States Soccer Federation's Chief Legal Officer Karen Leetzow, Jamie Wine of Latham & Watkins and Nicole Buffalano of Morgan, Lewis & Bockius.

the two walked in a park due to COVID concerns.

Flash forward nearly two years.

Leetzow and the Latham team led by **Jamie Wine** reached [a deal in February](#) to settle the equal pay litigation with the women's players and their lawyers at Winston & Strawn and Mayer Brown that was contingent on the players accepting a new collective bargaining agreement. Last week, the USSF, with the help of its labor lawyers led by Nicole Buffalano of Morgan, Lewis & Bockius, achieved both labor peace and pay equity as the players associations for both the U.S. men and women ratified separate collective bargaining agreements. Key to equalizing pay was the two teams' agreement to evenly split [World Cup bonuses](#) — payouts that are determined by FIFA, soccer's international governing body, and that are heavily weighted towards the men's competition.

“Without the men’s support, we would not have made it to this moment. They really championed the women here in a way that no other team in the world has done for their corresponding women’s team and made up this difference,” Leetzow said. “It’s just an exciting time now, where before it felt like we were just buried under a blanket of ugliness.”

How did USSF get from there to here in a little less than two years?

Leetzow, Wine and Buffalano made time to discuss what Leetzow termed a “Rubik’s cube” of litigation and collective bargaining that led to last week’s announcement.

Wine and Leetzow both note that the USSF withdrew its earlier arguments shortly after they were made.

“It was the first indication that U.S. Soccer really cared about changing the narrative, listening to the women, dealing with the litigation, but dealing with it in the context of credible, legitimate arguments about what the facts on the ground were and not any of that other noise,” Wine said.

But Leetzow added that “doing one thing right and apologizing is not usually going to repair the damage.”

While USSF won summary judgment on the equal pay claims in the litigation, the federation reached a settlement on the working conditions issues with the plaintiffs while their equal pay appeal was pending.

“I think that did a lot to build up trust and show that we could work together and come to an agreement on something that made both sides happy and satisfied,” Wine said.

Meanwhile, Buffalano and her team negotiated with the players association for the men, represented by Mark Levinstein of Williams & Connolly, and for the women, represented by Matthew Clash-Drexler and Adam Bellott of Bredhoff & Kaiser.

Clearly, this wasn’t a typical collective bargaining setting. Even when dealing with a single bargaining unit, Buffalano says the folks on the other side of the table are balancing a mix of competing interests. Here, that was made even more complicated by the fact the USSF was dealing with two bargaining units explicitly divided by gender. But Buffalano says even when she first sat down with the representatives for the men’s players in 2020, “equal was the goal” for the federation.

“We had proposed pooling and sharing of everything from the first day we sat down with them,” she said.

Buffalano meanwhile spent six months with representatives of the women’s players walking through the issues that were important to them before ever exchanging proposals with them.

“I think the reason why we were able to ultimately get to a successful agreement was because of that work that was put in and because we could say: ‘This is a new team. This is a new tone. This is a new federation,’” Buffalano said.

Buffalano says that one key to getting the deal done was bringing representatives for the men and the women together – something under labor law the federation had no power to do.

“We knew this wasn’t gonna get resolved if we didn’t do that,” Buffalano said. But after representatives came together last fall to consider a proposal submitted to them both by the federation, the two players associations eventually began making joint proposals of their own.

“The relationships between the parties really were what drove this deal,” Leetzow said. “I love the fact that the men and the men and the women solved this together. What a great world that could be if that were true in other arenas.”