



**TAS / CAS**  
TRIBUNAL ARBITRAL DU SPORT  
COURT OF ARBITRATION FOR SPORT



# Pursuing Excellence in Sport Dispute Resolution



**A PUBLIC SEMINAR HOSTED BY CAS AND SDRCC**

MARRIOTT VANCOUVER PINNACLE DOWNTOWN HOTEL  
1128 WEST HASTINGS STREET  
VANCOUVER, BRITISH COLUMBIA, V6R 4R5  
FEBRUARY 11, 2016 / 8:30 - 17:00 (PST)



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# A MESSAGE FROM THE MINISTER OF SPORT AND PERSONS WITH DISABILITIES



As Minister of Sport and Persons with Disabilities, and given my long history of active involvement with the Sport Dispute Resolution Centre of Canada, I am very proud to welcome you to this seminar, "Pursuing Excellence in Sport Dispute Resolution." I hope everyone taking part will benefit from the productive discussions and the opportunity to engage with their colleagues.

Throughout my career in both sport and law, I've been an active advocate of the use of alternative dispute mechanisms to ensure a respectful, inclusive and constantly evolving national sport system. I am so pleased to see that my friends and colleagues at the Sport Dispute Resolution Centre of Canada and the Court of Arbitration for Sport have joined together to bring this full day of sessions on sport and resolution—the first of its kind in Canada's sport community—to fruition.

I encourage every delegate to use this gathering to increase your understanding of the concepts presented here and expand your networks. This will allow you to take the experience and incorporate it into your own interactions with constituents at home, including athletes, coaches, parents and administrators in your region, province or territory, and at the national and international level.

A handwritten signature in black ink, which appears to read "Carla Qualtrough". The signature is fluid and cursive.

The Honourable Carla Qualtrough,  
Minister of Sport and Persons with Disabilities

## DETAILED PROGRAM

Unless otherwise specified,  
all plenary sessions are in **Pinnacle I & II**

8:30 - 8:50

### Opening Speeches

*Michael Lenard (Vice President, ICAS)*  
*David de Vlieger (Chairman, SDRCC)*

8:50 - 9:20

### Presentation of the CAS System

*Matthieu Reeb (Secretary General, CAS)*

Historical overview of Court of Arbitration for Sport operations, including its mission, constitution, organizational structure and underlying principle of independence. Introduction to the CAS funding model and other financial issues. Discussion on jurisdictional issues and appeals of CAS awards.

9:20 - 9:40

### Addressing Cost and Time Issues in Sport Arbitration

*Joseph de Pencier (Chief Executive Officer, Institute of National Anti-Doping Organisations)*

An overview of the importance of timely proceedings and cost-control in sports-related disputes. The presentation will draw on the experience of national/regional anti-doping organizations, and of international federation tribunals, in conducting doping-related hearings and suggest that the sport dispute system needs to be more efficient without compromising fairness. It will suggest practices that enhance timeliness and manage costs.

9:40 - 10:45

## Panel: Success Stories in Quick and Affordable Hearings

*Ulrich Haas (Arbitrator, CAS)*  
*Marie-Claude Asselin (Chief Executive Officer, SDRCC)*  
*Richard McLaren (Arbitrator, CAS and SDRCC)*  
*Daniel Brent (Arbitrator, CAS)*

Using as examples the Ad Hoc Division of the CAS, the Case Management Portal of the SDRCC, the Basketball Arbitral Tribunal and the American Arbitration Association, four speakers will showcase, how the sport community is successful in conducting timely and affordable proceedings and contrast those with regular court proceedings. The speakers will present data to demonstrate how the sport programs have adapted their processes in order to achieve this.

11:15 - 12:15

## Mediation in Sport: Perspectives and Constraints

*Despina Mavromati (Head of Research and Mediation, CAS)*  
*Paul Godin (Mediator, CAS and SDRCC)*  
*Graeme Mew (Board Member, SDRCC)*

Overview of the use of mediation in resolving sports-related disputes in a variety of contexts internationally, including CAS, the SDRCC and other institutions. Panelists will discuss the unique aspects of mediating in the sports context, including applicable advantages and challenges. Successful practices in resolving sports-related disputes by consent settlement will be shared, with real life examples. Prospects for extending mediation usage into underserved areas like disciplinary and doping issues will be explored.

12:15 - 13:15

## Lunch / Pairing Program for Students – Pinnacle III

13:15 - 14:15

## Breakout Discussions on the Future of Alternative Dispute Resolution (ADR) in Sport

### Session A: Professional Pathway to Sport ADR – Pinnacle I & II

*Tricia Smith (Member, ICAS and Arbitrator, SDRCC)*  
*Carol Roberts (Mediator and Arbitrator, SDRCC and CAS)*

Discussion about what credentials are regarded as important by sports tribunals in the composition of their roster, including an assessment of professional development opportunities available to aspiring sports arbitrators and mediators. Recommendations for the design of a professional pathway to alternative dispute resolution in sport.

### Session B: Mediated Solutions During Major Games – Pinnacle III

*John Ruger (Mediator, CAS), Gordon Peterson (Arbitrator and Mediator, SDRCC)*

This session will explore various forms of mediative processes which have the potential of enhancing dispute management and resolution in the specific context of Major Games. A discussion will follow about prerequisites for a successful mediation, especially when final resolutions are necessary in a very short timeframe.

### Session C: Use of Technology in ADR – Point Grey

*Steven Gaon (Mediator, SDRCC), David Bilinsky (Board Member, SDRCC)*

Internet is changing human interaction in profound ways. More than 100 million disputes are filed and resolved online each year around the world, with the number continuing to grow every year. This presentation will look at the growing field of online dispute resolution (ODR), its advantages and challenges for the resolution of sports-related disputes as well as other types of disputes, the range of tools available and the growth of both public and private means to implement ODR.

14:15 - 14:30

## Brief Overview of New Anti-Doping Rules

*Alexandre Maltas (Counsel, Canadian Centre for Ethics in Sport)*

A primer on the fundamental principles behind the World Anti-Doping Code and discussion of the most significant amendments to the 2015 edition.

14:30 - 15:15

## Recent CAS and SDRCC Jurisprudence in Doping

*Jeffrey Benz (Arbitrator and Mediator, CAS)*

*Stephen Drymer (Arbitrator and Mediator, SDRCC)*

One year after the coming into force of the 2015 World Anti-Doping Code, this session will highlight the most recent decisions rendered by the Court of Arbitration for Sport and the Sport Dispute Resolution Centre of Canada under the amended Code.

15:45 - 16:45

## Breakout Discussions on Doping Matters

### Session A: Differences in Doping Rules of North American Professional Sports and NCAA – Pinnacle III

*Matt Mitten (Arbitrator, CAS)*

*Peter Lawless (Counsel, Canadian Centre for Ethics in Sport)*

An overview of the similarities and differences between North American professional and college sports anti-doping rules and adjudication processes and a comparison with those of the World Anti-Doping Agency, including an interactive discussion of the challenges and consequences that differing rules create for sports governing bodies and athletes contemporaneously participating in professional, college, and/or Olympic and international sports competitions.

### Session B: Issues Arising from New Doping Rules – Pinnacle I & II

*Cameron Myler (Arbitrator, CAS)*

*Patrice Brunet (Arbitrator, CAS and SDRCC)*

A follow up discussion from the presentation on recent doping jurisprudence, highlighting changes to the World Anti-Doping Code and the Canadian Anti-Doping Program that have the potential to raise challenges in their eventual interpretation and application by arbitration panels.

### Session C: Mediated Solutions in Doping Cases – Point Grey

*Paule Gauthier (Arbitrator and Mediator, SDRCC and CAS)*

*David Bennett (Arbitrator and Mediator, SDRCC)*

Referencing the Sport Dispute Resolution Centre of Canada's adapted resolution facilitation process in doping proceedings, this session will stimulate a discussion on the benefits of using mediative processes in doping matters, including in the application of the provisions for substantial assistance, for the start date of ineligibility period, for the prompt admission, and for the explanation of the entire process.

16:45 - 17:00

## Closing Remarks

*The Honourable Carla Qualtrough (Minister of Sport and Persons with Disabilities)*

*Michael Lenard (Vice President, ICAS)*