

## **Legal tips for athletes**

One in a series from the Sport Solution, a not-for-profit program at the University of Western Ontario helping Canadian high performance athletes resolve legal conflicts. The service is available at no cost to all national team athletes who are members of Athletes CAN. To receive confidential advice contact the Sport Solution toll free at 1-888-434-8883 or email [law.sportsolution@uwo.ca](mailto:law.sportsolution@uwo.ca).

### **What is evidence?**

Evidence is information that is used to prove a fact, disprove a fact or support or contradict an argument. Evidence can be in the form of writing (documents, e-mails) or verbal testimony.

### **Direct vs. indirect evidence**

Direct evidence pertains to the incident itself. Examples include a recording of an event or an eyewitness testimony.

Indirect evidence is evidence that a person must draw an inference from. Indirect evidence is one step removed from direct evidence. An example would be a letter describing the events of an incident.

Hearsay evidence is evidence obtained from third parties. Hearsay evidence is not often admitted by a panel or committee making a decision because it is often difficult to prove. Facts and details often change when the account is passed from one person to another.

Circumstantial evidence is not based on personal knowledge or observations of the facts in dispute, but on other facts and observations that, through reasoning and deduction, show the same outcome as if it had actually been observed.

Corroborative evidence supports, strengthens or confirms other evidence.

Contradictory evidence weakens other evidence.

### **What can athletes do to make sure they have all the evidence in any particular dispute?**

Follow these five steps if you ever find yourself in a position to seek an appeal.

1. Keep a journal of all the events pertaining to your sport each year. Be very specific with dates and times.
2. Never delete any e-mails pertaining to your sport.
3. If you have any important telephone conversations, make a note of what transpired immediately after hanging up. This will ensure you don't forget the details.
4. Keep a file of any mail correspondence you receive.
5. At the end of each year, print off your e-mails, gather your letters and phone call transcriptions and sit down with your journal. Order all the material and then file it away – just in case.