



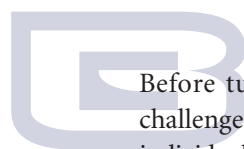
# in the NEUTRAL ZONE

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## 2006 Major Games RETROSPECTIVE



Before turning the page on the 2006 Major Games and take up new challenges, the SDRCC suggests to look back at lessons learned from those individuals who had the responsibility to make sure that the rules were applied respectfully by and within the Canadian delegations: Patrice Brunet, Karolina Wisniewska and Mike Smith. These 3 lawyers accompanied the Canadian delegations in Torino and Melbourne in order to insure that legal conflicts would not taint our athletes' or mission staff's concentration. Patrice Brunet and Mike Smith have kindly accepted to reveal their training schedule prior to the Games.

### PATRICE M. BRUNET

Mr Patrice Brunet is one of SDRCC's arbitrator since its debut in 2002. Called to the Quebec Bar in 1992, he has successively sat on the boards of Triathlon Quebec (president), Triathlon Canada (vice-president), the International Triathlon Union and the Canadian Olympic Committee. He is a member of the Court of Arbitration for Sport since 1995 and of the United States Anti-Doping Agency since 2001. He acts as legal counsel for the International Triathlon Union.

### MIKE SMITH

Michael was a member of Canada's national Greco-Roman wrestling team from 1995-2001. He is the president of Athletes CAN and an associate lawyer with the firm of Langevin Morris LLP, practicing in the areas of Criminal and Civil litigation. He has acted on behalf of athletes at the Olympic Games, the Commonwealth Games, including the latest ones in Melbourne, and the Pan American Games.





# Olympic Ombudsman 2006

Patrice Brunet

Since the 1995 Pan American Games in Argentina, the Canadian Olympic Committee (COC) has reserved a position among its mission staff for a legal representative. Initially labelled *Athlete Advocate*, the title of the position was later changed to *Team Ombudsman*. After filling this voluntary role in 1996 and 2002, I had the privilege of holding the position for a third time during the most recent Olympic Games in Torino.

The role of team ombudsman is first and foremost one of legal support. The assistance provided generally focuses on difficulties encountered by athletes and mission staff or COC personnel. The primary task of the team ombudsman is to facilitate the resolution of real or potential problems within a collaborative team spirit.

My experience at three Olympic Games has allowed me to identify four key areas in which the services of the team ombudsman may be sought: international sport disputes, local criminal matters, internal administrative issues, and internal administrative sport disputes.

International sport disputes during the Olympic Games inevitably involve the services of the ad hoc Court of Arbitration for Sport (CAS). To this end, the ombudsman must have in-depth knowledge of arbitration procedures before the CAS, be familiar with the precedential summaries of CAS decisions, and visit the on-site CAS offices a few days before the opening ceremonies in order to make a copy of the rules of procedure in force during the Games. The COC

may require the ombudsman to represent it before the CAS, should a request for arbitration be submitted. Within this context, it is essential that the ombudsman be familiar with international sport arbitration proceedings. The ombudsman must also closely monitor the decisions rendered by the ad hoc division of the CAS throughout the Games.

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The COC sends hundreds of athletes, employees and volunteers to each Olympic Games. It is therefore to be expected that one or more of these members might experience difficulties with local authorities with the application of the country's laws. For this reason, it is important for the ombudsman, upon arriving at the Games, to make contact with a reputable legal office or lawyer in the city. In my case, 24 hours after my arrival in Torino, I had already met three lawyers who specialize in Italian criminal law. I was provided with their mobile phone numbers, and they made themselves available at all times throughout the Games on a pro bono basis.

The ombudsman may also be consulted on internal administrative issues, and his or her role is to put members of the Canadian team in contact with the right people, whether for matters involving insurance, transportation, or even claims related to the

COC's various insurance policies. Upon arrival, the ombudsman must immediately identify the chef de mission, assistant chef de mission, CEO of the COC, COC sport director, and the COC communications director. Identifying these people and obtaining their mobile phone numbers are important preliminary steps that will help assure a prompt and effective response to any situation that might occur.

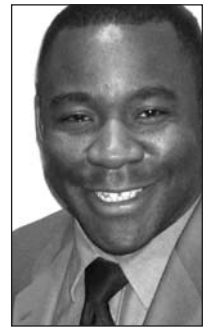
And finally, while unfortunate, it may happen that coaches and athletes become part of disputes requiring the application of the COC's harassment policy. The team ombudsman must guide each of the parties and ensure they remain well informed, while keeping in mind that the ombudsman role ends with the closing ceremonies and therefore does not extend beyond the Olympic Games.

The role of the team ombudsman is important in that it is a contributing factor to allow the Canadian team to perform to its full potential. A great deal of concentration is required by both athletes and their support personnel to earn medals, and external factors must be effectively eliminated to the greatest extent possible. Even today, the COC is one of the few National Olympic Committees to recognize the impact unexpected legal factors can have on a team's balance; in my opinion, our ever-increasing medal is a tribute to the COC's vision and leadership.

During the 2006 Olympic Games in Torino, Patrice Brunet has dealt with five issues that arose within the Canadian delegation and presented one case before the *ad hoc* division of the Court of Arbitration for Sport.

# Athletes Advocate

## at the 2006 Commonwealth Games



Mike Smith

The Athletes Advocate role has been assumed by many lawyers in the past and for each Games, we take on new challenges while gaining valuable experience. It is the accumulation of these valuable lessons that has made Canada effective in support of its athletes and Mission Staff. I have had the wonderful opportunity of fulfilling the Athlete Advocate role at Major Games and the following approach is something new that was used at the 2006 Commonwealth Games, and an approach I anticipate using in future Games.

By way of background I should note that prior to each Major Games, an orientation session is held for team managers and members of the Mission Staff team. These meetings are normally held at a conference centre and provides an opportunity for Team Canada to meet and greet each other. During these sessions, the Athlete Advocate is given an opportunity to present to the group about his/her role. We normally get about 20 minutes to present at these meetings.

Although these meetings provide an opportunity to meet with the team managers, a challenge that we face relates to the lack of time to explain the role in full detail. The other issue that we have to face is the situation where the person who assumes the team manager role at the Games is not the one who attends at the orientation. So although we make

some good friends, the information that was presented usually ends up getting lost in the mix.

To rectify this situation, I took a different approach for the 2006 Commonwealth Games, after I arrived in Melbourne. When each team arrived, I met with the athletes to explain my role. This is normally what is done at the Games. I then asked each team manager and coach to attend at a private individual meeting with me so we could explore areas of concerns, determine protocol for dealing with issues as they arise and more importantly, ensure that they all had their rule books for their particular sport. It was also vital for me to make sure that the

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coaches and team managers were aware of the steps they would have to take in the event that there was a problem off and on the competition field.

Each session lasted 20-30 minutes and the coaches and team managers were asked to bring the rule books for their sport with them. This was also an opportunity for me to identify what problems the coaches and team managers may have had with an athlete or athletes leading up to the Games, as well as areas of concern during the Games.

This approach had not been taken before at the Games, but was extremely well received by the coaches and team managers. They felt confident and prepared to deal with issues as they arose and I felt confident that the team's interest were being looked after. This approach was of great benefit to the overall team and I anticipate using it again at future Games.

**Lesson learned :** make sure that each coach and team manager has a copy of the rule book with them as they leave for competition, but more importantly, make sure that they know what is in it. Although a lot of time may be spent for the initial on-the-ground sessions, it will help reduce the amount of time that the Athlete Advocate will spend trying to understand the rules of a particular sport if and when things go wrong.

Mike Smith's expertise has been required in one selection case presented before the SDRCC prior to the 2006 Commonwealth Games (Longpré & CABA : available online at [www.adrsportred.ca](http://www.adrsportred.ca) in our Jurisprudence database)

# Latest News at the SDRCC

- 1** The new **Canadian Sport Dispute Resolution Code** available online at [www.adrsportred.ca/tribunal/code\\_e.cfm](http://www.adrsportred.ca/tribunal/code_e.cfm)
- 2** A **Resolution Facilitator** to help you deal with your disputes free of charge, quickly, easily and at any time. To get more information about this new service, consult our website at [www.adrsportred.ca](http://www.adrsportred.ca) or communicate with the Resolution Facilitator of the SDRCC, Julie Duranceau  
**1.866.733.7767 ext. 222 / 514.796.8221 / [jduranceau@adrsportred.ca](mailto:jduranceau@adrsportred.ca)**
- 3** A new process to resolve disputes before the Dispute Secretariat of the SDRCC that mixes both the mediation and arbitration processes : **Med/Arb**. For more information about this process : [www.adrsportred.ca/tribunal/index\\_e.cfm](http://www.adrsportred.ca/tribunal/index_e.cfm)
- 4** **Decisions rendered** by the Dispute Resolution Secretariat in 4 cases and regarding issues related to jurisdiction, interpretation of rules, selection, eligibility and doping, available on-line at [www.adrsportred.ca/resource\\_centre/jurisprudence/index\\_e.cfm](http://www.adrsportred.ca/resource_centre/jurisprudence/index_e.cfm)

Don't miss our next issue of **IN THE NEUTRAL ZONE** on August 15, 2006

To receive a copy of **IN THE NEUTRAL ZONE** by mail or by e-mail, send us an e-mail at [info@adrsportred.ca](mailto:info@adrsportred.ca)



## Don't miss

- > A new logo
- > A new lay-out and addition of sections on our website
- > Report on the operations of the SDRCC for 2005-2006

## Latest News in the neutral zone

- > A great initiative from **Sport Newfoundland & Labrador** to offer dispute resolution services to its members and to use the resources available through the SDRCC to achieve its educational and awareness objectives :  
[www.sportnl.ca/programs/dispute\\_resolution.html](http://www.sportnl.ca/programs/dispute_resolution.html)
- > A new « **legal** » **section** on the World Anti-Doping Agency's website at  
[www.wada-ama.org/fr/dynamic.ch2?pageCategory.id=379](http://www.wada-ama.org/fr/dynamic.ch2?pageCategory.id=379)

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