



The Right to be Represented by Carol Roberts, Arbitrator/Mediator

October 2007



As a party to a hearing, you have a right to “natural justice”. This means that you must be informed of the case against you and have the opportunity to respond to it. It also includes the right to have a case heard by an unbiased decision maker.

There are a number of reasons parties appear at a legal proceeding without the assistance of a lawyer or an advocate. One reason may be that the party cannot afford counsel. Also, some people believe that they are able to represent themselves better than anyone else. The proliferation of television programs that make the conduct of legal proceedings appear simple and straightforward may also be another reason people chose to represent themselves. Sometimes a party has had a lawyer in the past and found that experience to be less than satisfactory.

The fact is that many self represented parties underestimate the challenges involved in presenting their case, often making simple cases difficult and difficult cases even more complex. As an arbitrator on a wide variety of matters, I have witnessed non-lawyers who have ably represented themselves in various legal contexts. However, that has been the exception rather than the rule.

Unfortunately, I have also witnessed a number of hearings where a self represented party had an excellent case but failed to prevail because he/she misunderstood the important and “winning” issue and focused on an “unwinnable” one. And in other instances, I have observed individuals make an excellent presentation on an entirely irrelevant issue.

While facts of a case are best known to the athlete, the law and relevant arguments are best appreciated by an experienced advocate. Your sporting career is far too important for you not to prepare fully and properly for any SDRCC hearing you might find yourself involved in. This is your best assurance that your case will be advanced in the best way possible.

When I was a young lawyer I asked a seasoned litigator what his advice would be for a young advocate who was preparing her first case. His reply was: “Three things come to mind: preparation, preparation and preparation”. There is simply no substitute for hard work whether in administrative law or athletics. It can trump many other shortcomings.