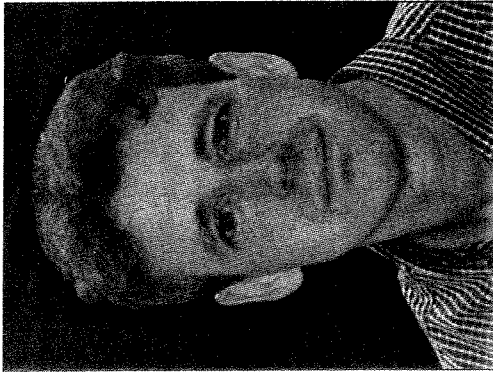


Athletes, coaches and organizations are offered an alternative to litigation

By Benoit Girardin



sport disputes, which for many years either went unresolved or wound up in Canadian courts.

This facet of sport has very particular demands. The world of sport moves at breakneck speed, and its decision deadlines are tight. The dynamics of national teams, anti-doping regulations, sport organizations, technical criteria specific to each sport, gruelling schedules for athletes and coaches, and financial considerations all led the federal government to scrutinize how disputes were being settled within the Canadian sport community. After consulting with the country's sport community, the government passed legislation to create the Sport Dispute Resolution Centre of Canada. The Canadian government had come to realize that the Canadian judicial system could no longer respond to the reality of sport in this country.

The Sport Dispute Resolution Centre of Canada (SDRCC) was created by an Act of Parliament,

the *Physical Activity and Sport Act* (the Act). The SDRCC, one of only a few such alternative dispute resolution (ADR) programs worldwide, officially opened its doors to members of the Canadian sport community on April 1, 2004. Its office is located in Laval, Quebec.

The mission of the SDRCC is

The SDRCC not only resolves disputes by offering ADR services, but also educates the sport community

to encourage and develop a culture of fairness within the sport community by better educating and assisting users in the avoidance and resolution of their disputes. The SDRCC not only resolves disputes by offering ADR services, but also educates the sport community. Tools as varied as a jurisprudence database, website,

newsletters, guides on ADR and sport-related disputes, presentations, and training workshops help members prevent and resolve disputes in both official languages.

The SDRCC is an independent not-for-profit corporation funded by Sport Canada (Canadian Heritage).

The board of directors of the SDRCC is comprised of athletes, coaches, lawyers and ADR specialists. Allan J. Stitt, arbitrator, mediator and president of the ADR Chambers and Stitt, Feld, Handy Group, was appointed president of the SDRCC. Gordon Peterson of Carlyle Peterson in

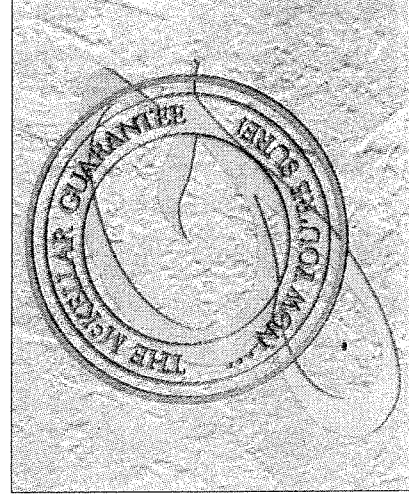
twenty-five mediators and arbitrators from across Canada act on behalf of the SDRCC. Co-chief arbitrators Yves Fortier (Ogilvy Renault LLP) and Richard McLaren (Innovative Dispute Resolution), both international sport arbitrators, guide the SDRCC to offer high-quality ADR services. Arbitrators and mediators of the SDRCC include Richard Pound (Stikeman Elliott LLP), Ed Ratushny, Marc Lalonde (Stikeman, Elliott), Bernard Roy (Ogilvy Renault), Michel Picher (Adjudication Services), John Welbourn, Ross Dumoulin, William Warren, John Watson Brooke, Benjamin Greenberg (Stikeman Elliott), Stephen Drymer (Ogilvy Renault), Dale Stynes, Jean Guy Clément, Jane Devlin (Arbitration services), Paule Gauthier (Desjardins), Ducharme, Stein, Monast), John Sanderson (Sanlaug communication), James Hedley (Swystun, Karasevich, Windsor), Graeme Mew (Gowlings), David Elliott, Stewart McInnes, Tricia Smith (Barnes, Craig), Patrice Brunet (Brunet lawyers), and Peter MacKeigan (MacDeigan & Associates). Their decisions can be

see SDRCC p. 13

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Future games and increase of doping issues mean more work

SDRCC

—continued from p. 9—

found at www.adrsportred.ca. The SDRCC also offers a list of lawyers who can assist parties before the SDRCC.

In 2004-2005, the SDRCC handled more than 52 disputes (as of March 31, 2005) in matters such as team selection, athlete carding, discipline and doping. The average time it took the centre to resolve disputes was one month from the filing of the application. Some cases were resolved in 24 hours through an expedited procedure. With upcoming major games that include the 2006 Olympic and Paralympic Games in Torino, Italy, and the 2006 Commonwealth Games in Melbourne, Australia, as well as the increase of doping issues following the inclusion of new banned substances on the prohibited list of the World Anti Doping Agency (WADA), the projected annual caseload for the SDRCC is more than 70 cases for

2005-2006.

With respect to education, the SDRCC has offered more than 15 workshops through its publications and website to better educate the sport community about ADR. In addition, the centre has trained arbitrators and mediators on doping matters and other sport-related disputes.

Canadian athletes, coaches and national sport organizations can now benefit from a unique, new centre designed to prevent and resolve sport-related disputes.

Benoit Girardin is CEO of the SDRCC. He obtained his law degree in Ottawa in 1994 and is also trained in arbitration and mediation. He has acted as arbitrator in many sport-related disputes and has also represented athletes before the International Court of Arbitration for Sport. He is a former national tennis coach and has been a lawyer for athletes at the Olympics and Pan-American Games.