

Arbitration Case Study 3

Arbitrating a serious conduct dispute between a NGB and two athletes in accordance with Sport Resolutions (UK) Arbitration Rules.

Dispute Background

A dispute between an NGB and two athletes who had received lengthy bans for serious misconduct. The athletes, who were legally represented, were challenging the procedure followed by the NGB and the subsequent sanctions. To avoid the expense, delay, management time and unpredictability of going to court, the Parties agreed to arbitration through Sport Resolutions. Without referral to Sport Resolutions high court proceedings would have commenced.

The Parties

The NGB and the two athletes. All legally represented.

Service Provided by Sport Resolutions

Sport Resolutions drew up a shortlist and profiles of five arbitrators from Sport Resolutions panel of Arbitrators. The Parties reached agreement on appointing a leading commercial arbitrator with significant sports experience. Sport Resolutions drew up a draft arbitration agreement and arranged a telephone case conference to finalise matters of jurisdiction and to set a timetable for exchange of statements and a date for the arbitration hearing. Sport Resolutions confirmed the arbitrator's directions in writing with the parties and kept the process to time. Sport Resolutions also significantly reduced the cost to the Parties by providing neutral procedural guidance and facilitating all communication between the parties, which significantly reduced costs. Sport Resolutions then arranged and clerked the arbitration hearing and managed the fair and timely distribution of the final written decision. Total time recorded by Sport Resolutions was 54 hours.

Cost to the Parties

A total bill of £3400, split three ways between the parties at £1133 each. A similar service would have cost closer to £10,000 on the commercial market.

Outcome achieved

The dispute was settled in 16 weeks from first contact with Sport Resolutions to distribution of the final decision. The arbitrator handed down a final binding decision which upheld the athletes' lengthy ban. All parties felt the process had been extremely fair and reported a very positive experience. The defendant's legal representatives were especially complimentary about the speed, cost and quality of the process.

Benefits

In his written decision the arbitrator was critical of the NGBs original procedure for hearing the case. He stated that the NGB was fortunate to have avoided a large legal bill by the athletes' agreeing to resolve the dispute through Sport Resolutions' arbitration procedure.

By avoiding court proceedings the NGB and athletes were estimated to have saved £30,000 in legal costs, in addition to savings in management time.

The risks of the athletes successfully appealing the arbitration decision are very small.





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