
Advanced Certificate in International Sports Arbitration

Drafting Sports Arbitration Awards

****Ad hoc arbitration****

In the context of sports arbitration, ad hoc arbitration refers to arbitration proceedings that are not governed by institutional rules, such as those of the Court of Arbitration for Sport (CAS). Instead, the parties to the dispute agree on the procedure and rules of the arbitration, often in the form of a separate arbitration agreement.

****Amiable compositeur****

An amiable compositeur is a type of arbitrator who has the power to determine the dispute based on equity and fairness, rather than being bound by the strict application of the law. This type of arbitration is less common in sports arbitration, as the CAS and most other sports arbitration tribunals generally apply the relevant rules and regulations, rather than relying on equitable principles.

****Applicable law****

The applicable law refers to the legal rules and principles that will be used to decide the dispute in sports arbitration. In many cases, the applicable law is specified in the relevant sports regulations or in the arbitration agreement. If not, the arbitrators will have the power to determine the applicable law based on the circumstances of the case.

****Arbitration agreement****

An arbitration agreement is a written agreement between the parties to a dispute that provides for the resolution of the dispute through arbitration. In sports arbitration, the arbitration agreement is often contained in the rules and regulations of the relevant sports organization, or in a separate agreement between the parties.

****Arbitration award****

An arbitration award is the decision made by the arbitrators in a sports arbitration case. The award typically includes the arbitrators' findings of fact, legal conclusions, and a determination of the relief to be granted to the parties.

****Arbitrator****

An arbitrator is a neutral third party who is appointed to resolve a dispute through arbitration. In sports arbitration, the arbitrators are typically experts in the relevant sport, as well as in the legal principles that govern the dispute.

****Challenge****

A challenge is a request to remove an arbitrator from a sports arbitration case due to a perceived conflict of interest or other grounds for disqualification. The rules for challenging an arbitrator vary depending on the specific arbitration procedure and the applicable laws.

****Court of Arbitration for Sport (CAS)****

The Court of Arbitration for Sport (CAS) is an independent institution based in Lausanne, Switzerland, that provides a forum for resolving sports-related disputes through arbitration. The CAS has jurisdiction over a wide range of sports-related disputes, including those involving athletes, national federations, and international sports organizations.

****Costs****

Costs in sports arbitration refer to the expenses incurred by the parties in connection with the arbitration, including the fees of the arbitrators, the costs of any experts or witnesses, and the administrative costs of the arbitration institution. The allocation of costs is typically determined by the arbitration award.

****Dissenting opinion****

A dissenting opinion is a written opinion expressing a disagreement with the majority decision of the arbitrators in a sports arbitration case. Dissenting opinions are less common in sports arbitration, as the arbitrators are typically required to issue a single, unanimous decision.

****Drafting****

Drafting in the context of sports arbitration awards refers to the process of writing and editing the award to ensure that it is clear, concise, and well-reasoned. The drafting process typically involves several iterations, with input from the arbitrators, legal counsel, and other stakeholders.

****Evidence****

Evidence in sports arbitration refers to the information and materials presented by the parties to support their respective positions. Evidence can take many forms, including witness testimony, documents, and physical evidence. The rules for presenting and challenging evidence in sports arbitration vary depending on the specific arbitration procedure and the applicable laws.

****Ex aequo et bono****

Ex aequo et bono is a Latin term that means "according to the right and the good." In sports arbitration, it refers to the power of the arbitrators to decide a dispute based on equity and fairness, rather than being bound by the strict application of the law.

****Expert****

An expert is a person with specialized knowledge or skill in a particular area who is called upon to provide testimony or other evidence in a sports arbitration case. Experts can be used to provide opinions on a wide

range of issues, including the interpretation of rules, the application of scientific principles, and the assessment of damages.

****Final award****

The final award is the final and binding decision issued by the arbitrators in a sports arbitration case. The final award typically includes the arbitrators' findings of fact, legal conclusions, and a determination of the relief to be granted to the parties.

****Jurisdiction****

Jurisdiction in sports arbitration refers to the authority of the arbitrators to hear and decide a particular dispute. Jurisdiction can be based on a variety of factors, including the terms of the arbitration agreement, the rules and regulations of the relevant sports organization, and the applicable laws.

****Jurisprudence constante****

Jurisprudence constante is a legal principle that refers to the consistent application of legal principles and precedents by a court or tribunal over time. In sports arbitration, the concept of jurisprudence constante is important, as it promotes consistency and predictability in the resolution of sports-related disputes.

****Legislation****

Legislation in the context of sports arbitration refers to the laws and regulations that govern the arbitration process and the resolution of sports-related disputes. Legislation can take many forms, including national laws, international treaties, and the rules and regulations of sports organizations.

****Mediation****

Mediation is a form of alternative dispute resolution that involves the use of a neutral third party, called a mediator, to facilitate negotiations between the parties to a dispute. Mediation is often used in sports disputes as a means of resolving the dispute without the need for formal arbitration or litigation.

****Party autonomy****

Party autonomy is the principle that the parties to a dispute have the right to determine the terms and conditions of the arbitration, subject to certain limits imposed by law. In sports arbitration, party autonomy is reflected in the arbitration agreement, which specifies the rules and procedures that will govern the arbitration.

****Precedent****

Precedent in sports arbitration refers to a prior decision or set of decisions that are used as a guide or reference in deciding a subsequent dispute. Precedent can be binding or persuasive, depending on the specific circumstances of the case.

****Procedural order****

A procedural order is a decision issued by the arbitrators in a sports arbitration case that deals with procedural matters, such as the scheduling of hearings, the exchange of evidence, and the presentation of witness testimony. Procedural orders are typically issued at the outset of the arbitration, and may be modified or supplemented as necessary throughout the proceedings.

****Reasoned award****

A reasoned award is an arbitration award that includes a detailed explanation of the arbitrators' reasoning and conclusions. Reasoned awards are important in sports arbitration, as they promote transparency, consistency, and accountability in the resolution of sports-related disputes.

****Remedies****

Remedies in sports arbitration refer to the relief that is granted to the parties in connection with a dispute. Remedies can take many forms, including monetary damages, injunctions, and specific performance.

****Res judicata****

Res judicata is a legal principle that refers to the final and binding nature of a judicial or arbitral decision. Once a dispute has been finally resolved through arbitration, the parties are generally barred from re-litigating the same dispute in a subsequent proceeding.

****Review****

Review in sports arbitration refers to the process of examining and challenging an arbitration award. The rules for review vary depending on the specific arbitration procedure and the applicable laws.

****Stare decisis****

Stare decisis is a legal principle that refers to the practice of following prior decisions or precedents in deciding subsequent cases. In sports arbitration, the principle of stare decisis is important, as it promotes consistency and predictability in the resolution of sports-related disputes.

****Stay of proceedings****

A stay of proceedings is a suspension or postponement of the arbitration proceedings. A stay of proceedings may be granted in certain circumstances, such as where there is a pending appeal or where the parties are engaged in settlement negotiations.

****Subpoena****

A subpoena is a legal document issued by a court or tribunal that orders a person to appear and give testimony or produce documents in connection with a legal proceeding. In sports arbitration, subpoenas may be issued by the arbitrators or by a court with jurisdiction over the arbitration.

****Testimony****

Testimony in