

# *Virtual Mediation and Arbitration : from 2002 to 2020*

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Sport Dispute Resolution Centre of Canada

Online  
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Funded by the  
Government  
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The logo features a stylized green arc with a red arc crossing it, and a small red maple leaf. Below the graphic, the text 'CRDSC SDRCC' is displayed in a green, sans-serif font.

CRDSC SDRCC

# Problem Statement

“ Due to a lack of fair and consistent policies, or to the improper administration of those policies, athletes and other participants in sport are being disciplined, harassed and denied opportunities without proper recourse to a hearing or appeal.”

**Report of the Work Group  
to the Secretary of State (Amateur Sport)  
May 2000**

# Statutory Mandate

**“...to provide to the sport community a national alternative dispute resolution service for sport disputes and expertise and assistance regarding alternative dispute resolution.”**

Physical Activity and Sport Act (S.C. 2003, c.2)

# SDRCC at a Glance

S.C. 2003 c.2

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Not-for-Profit

60+

Dispute Resolution  
and Prevention



45



# Our Clients



**L** **The New York Times**  
LI

# Far From the Games, a Canadian Skater Says Russia Cost Him a Spot

By TARIQ PANJA FEB. 18, 2018

PYEONGCHANG, South Korea — It will be in the predawn hours in western Canada when William Dutton settles in to watch the men's 500-meter speedskating event at the Winter Olympics. That Dutton is on the couch and not at his second Games owes in part to the long legal drama rooted in the complex aftermath of the Russian doping scandal.

Dutton, 28, considers himself a  
Olympic skater that did

# *Proceedings at Olympic Speed*

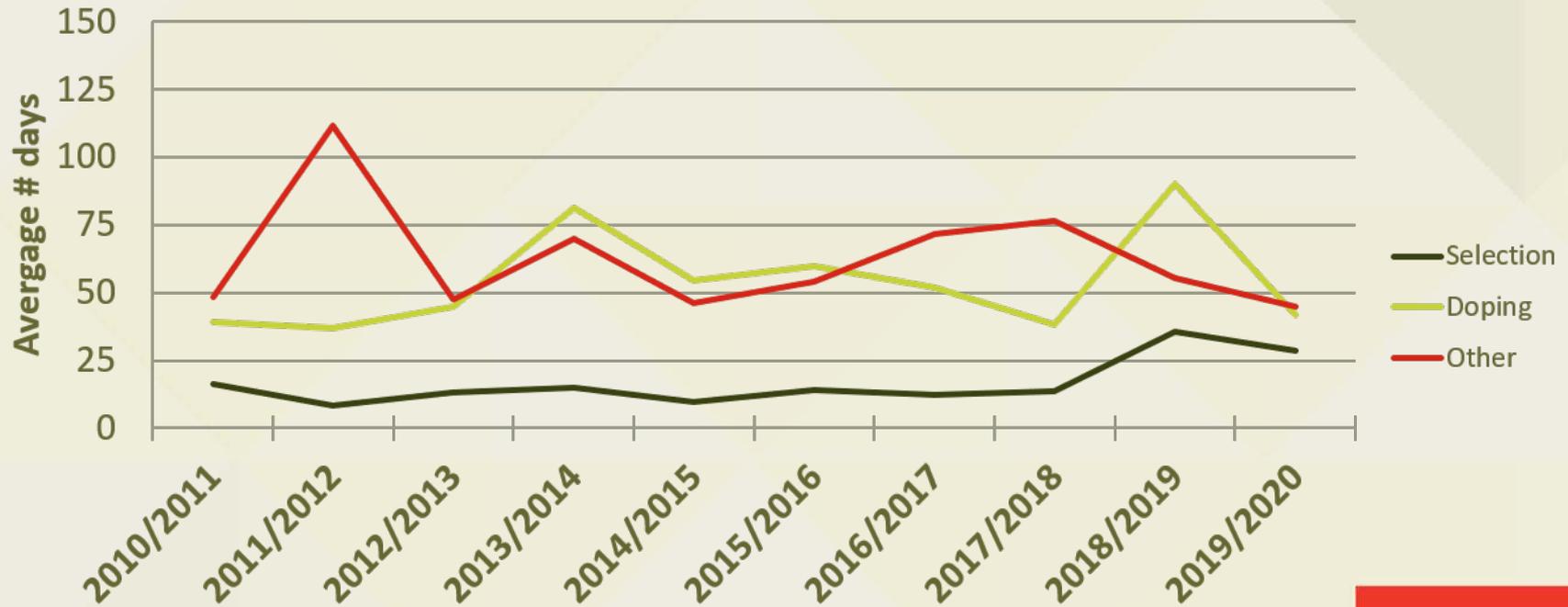
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# Average Length of Proceedings by Type of Dispute



# 2013 CANADA GAMES CASE TIMELINE



# *Virtual Proceedings*

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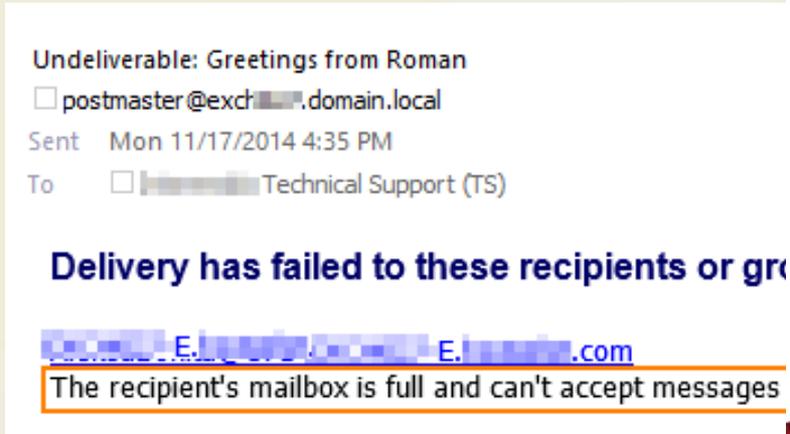
The logo features two stylized, overlapping curved lines, one red and one green, forming a shape reminiscent of a smile or a stylized 'C'. A small red maple leaf is positioned between the two 'S' characters in the text below.

# Challenges in Case Management

1. Time-sensitive Proceedings
2. Geography and Linguistic Duality in Canada
3. Clients :
  - ▶ Limited financial resources / unrepresented
  - ▶ Travelling worldwide extensively
  - ▶ Mostly comfortable with technology
4. Limitations of email and conference calling...

# Virtual Proceedings 1.0 (2002-2007)

## 1. Communications by Email:



## 2. Standard Conference-calling:



# Web Conference Calling (from 2007)

1. Web Interface to Manage Conference Calls

2. Sub-Conferencing

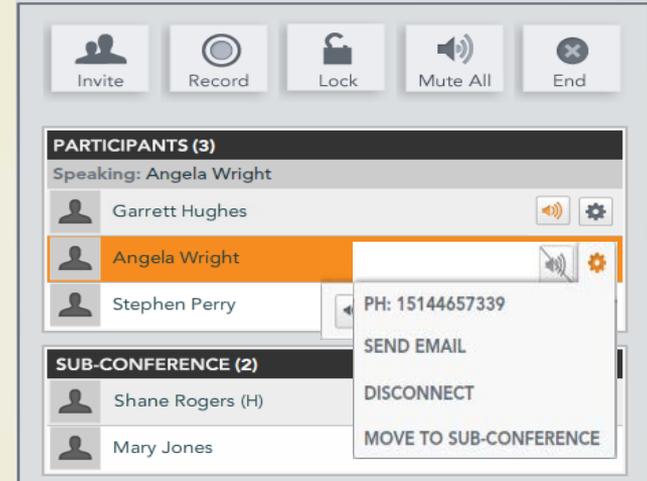
3. Control Participants:

- ▶ Rename
- ▶ Increase / decrease sound individually
- ▶ Mute / disconnect

4. Dial Participants Into the Call

5. Toll-Free Numbers from 60+ Countries / Skype

6. Record / Playback & Videoconferencing



# Virtual Proceedings 3.0 (2011) Case Management Portal

1. 24/7 Online Access From Anywhere in the World
2. All Documents on the Record:
  - ▶ Party filings (submissions, evidence, etc.)
  - ▶ Administrative correspondence
  - ▶ Orders and awards
3. Highly Secure
4. Interactive Calendar of Proceedings
5. Compatible with Mobile Devices

# Benefits of the CMP



## 1. For Travelling Parties:

- ▶ No Need to Carry Paper Files
- ▶ Calling Numbers, Event Calendar at Fingertips
- ▶ Automated Reminders of Events
- ▶ Intuitive and User-Friendly



## 2. For Case Managers:

- ▶ No More Bulky emails to Send
- ▶ No Parties Misfiling emails or Documents
- ▶ Reduced Risk of Errors

# Virtual Proceedings 4.0 (2012)

## 1. Basic Requirements:

- ▶ Internet connection
- ▶ Free add-ons required
- ▶ Web-cam

## 2. Meeting Invitations Sent by Email

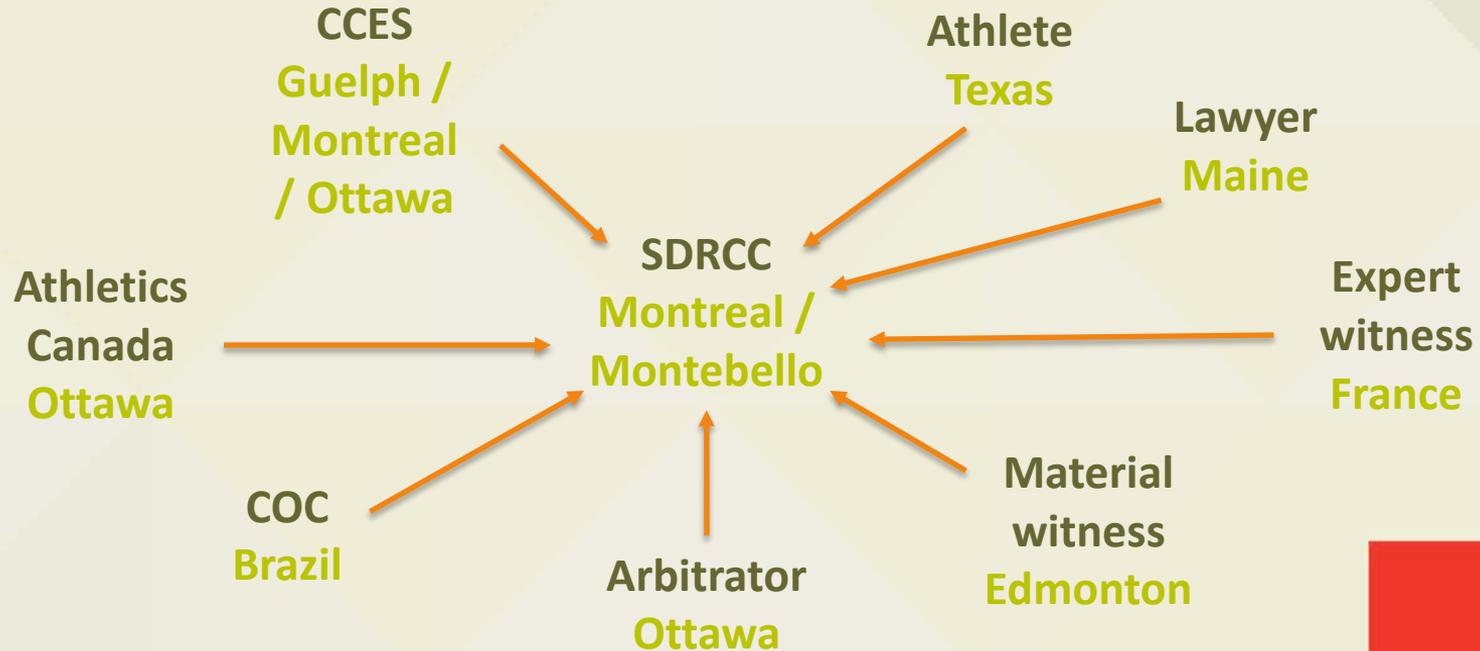
## 3. Participants Join in a Click / Mobile-Friendly

## 4. Document Sharing for References to Evidence

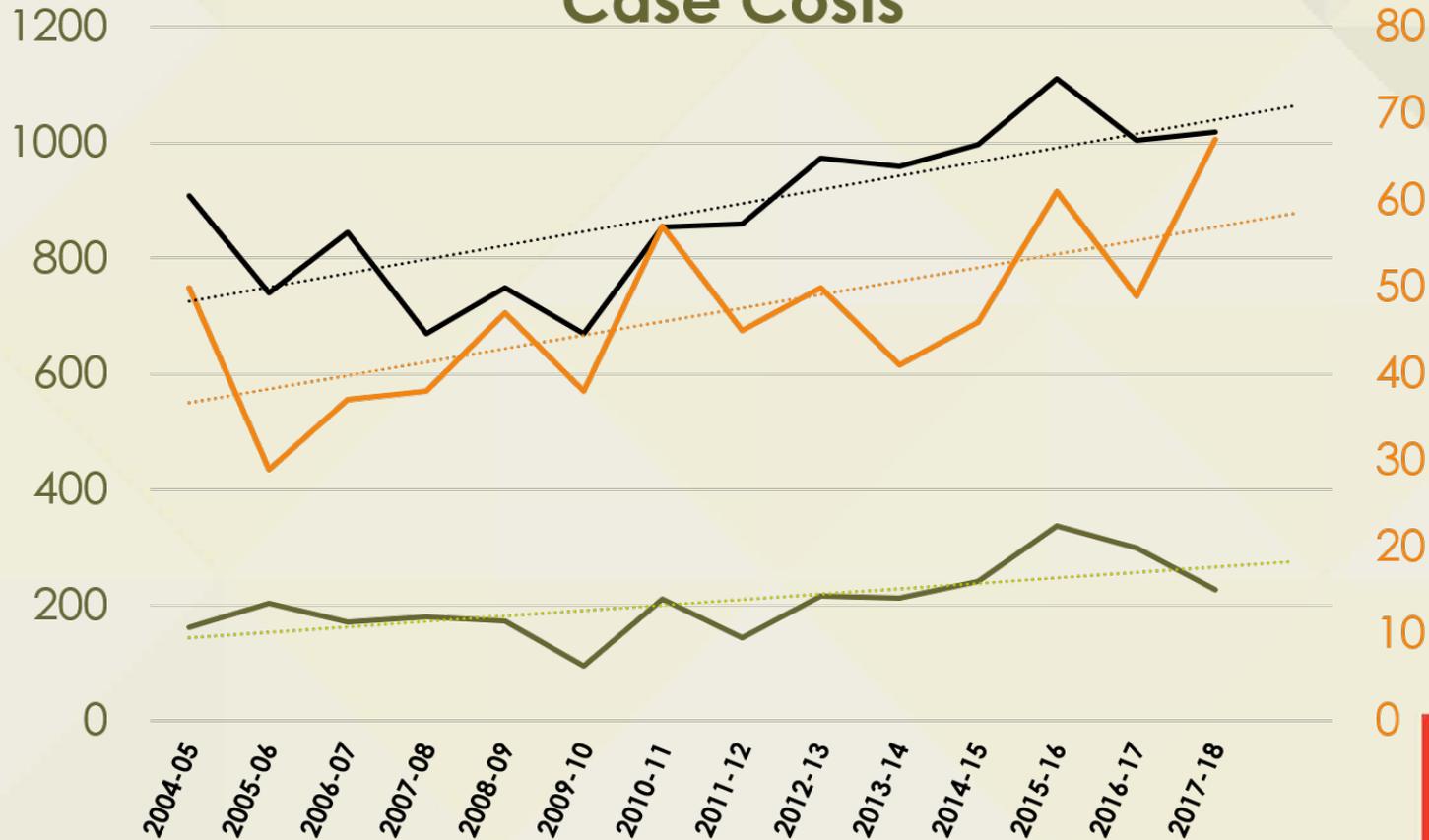
## 5. Toll-Free Numbers from 60+ Countries

# First Case 100% by Videoconference (2016)

## CCES v. Barber



# Annual Budget / Caseload / Case Costs



**Technology-enabled DR**

to render **faster** and  
more **affordable** results

**Not to replace the DR Professionals**

to make them **better**

**Carbon footprint**

# Disadvantages / Ethical Considerations

## 1. Mediator/arbitrator needs to develop new skills

- ▶ Master technology
- ▶ Adapt practice

## 2. Less control of remote environment

- ▶ Distractions / disruptions
- ▶ Unknown presence of others

## 3. Security / confidentiality matters

- ▶ Important to choose proper tools
- ▶ Always keep security top-of-mind

# Questions?

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[www.sdrcc.ca](http://www.sdrcc.ca) /  
[www.crdsc.ca](http://www.crdsc.ca)

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