



# The SDRCC's Jurisprudence: more than bedtime reading

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The mission of the Resource Centre of the Sport Dispute Resolution Centre of Canada (SDRCC) is to "...provide to the sport community (...) expertise and assistance regarding alternative dispute resolution".<sup>1</sup> One way the Resource Centre fulfills its mandate is to offer easy access to a jurisprudence database containing all of the decisions rendered by the SDRCC. This database is available online at [www.adrsportred.ca](http://www.adrsportred.ca), in the "Resource and Documentation Centre" section. However, you may be wondering how this tool provides expertise and assistance regarding sport dispute resolution?

## *What is jurisprudence?*

Jurisprudence is a legal term referring to **a)** all decisions rendered by a tribunal on a given subject, or **b)** the principles established following an analysis of these decisions.

## *How is jurisprudence used?*

Next to laws and regulations, jurisprudence is used by courts more than any other legal source. Rulings by the courts are often based on principles established during similar cases. Therefore, understanding the jurisprudence on a given subject can provide us with an idea of how the courts might rule on this issue.

## *Are arbitrators obliged to follow established jurisprudence?*

No, they are under no legal obligation to do so, but established jurisprudence often guides them in making a decision.

## *How can the SDRCC's jurisprudence help me?*

It can inform you of the principles followed by arbitrators in matters of selection, carding, eligibility and other sport disputes. For example, one of the principles most often cited by our arbitrators is that in matters of selection, the arbitrator's role is not to rewrite the selection criteria but to ensure that these criteria are not unreasonable and that they have been correctly applied by the committee or individuals charged with this

task, given the circumstances of the case being studied. Once this principle is understood, it is possible for anyone involved in a dispute to conduct a preliminary evaluation of his or her situation. Often, this alone will lead the parties to discuss their dispute and try to find a mutually satisfactory solution.

## *Is it possible to get information about the SDRCC's jurisprudence without having to read the decisions?*

Yes. The Resource Centre is aware that reading an entire decision can be arduous. That's why we offer **Case Summaries**, a tool created to make the task easier. These summaries recap our decisions in an illustrated, straightforward format. They make learning the facts of a case, the arguments put forward by each party and the rationale behind the arbitrator's decision simple and fast. In addition, the last page of each summary lists the "lessons learned" from the case, i.e. the principles mentioned above. **Case Summaries** are available online at [www.adrsportred.ca](http://www.adrsportred.ca), under "Resource and Documentation Centre - Jurisprudence Database."

## *How do I use the SDRCC's Jurisprudence Database?*

**a)** Visit the SDRCC Web site at [www.adrsportred.ca](http://www.adrsportred.ca);

**b)** Click on the interactive **Decision** icon at the lower left-hand side of the screen OR

click on **Resource and Documentation Centre > Jurisprudence Database** in the orange menu to the left of the screen;

**c)** Enter a few key words (names of the parties, type of dispute, etc.) to access the decisions that interest you;

**d)** Select either the full text or the case summary of the decision you've chosen;

**e)** Call us at **1-866-733-7767**, or write to us at [jduranceau@adrsportred.ca](mailto:jduranceau@adrsportred.ca) if you have questions concerning decisions.

As part of its mandate, the SDRCC's Resource Centre is continually improving through the comments it receives from members of the sport community about tools that could be developed or needs that should be addressed. All of this input helps us provide the expertise and assistance essential to the growth of amateur sport in Canada. Don't hesitate to provide us with your questions, comments and suggestions by calling **1-866-733-7767** or writing [tojduranceau@adrsportred.ca](mailto:tojduranceau@adrsportred.ca).

<sup>1</sup> An Act to Promote Physical Activity and Sport (S.C. 2003, c. 2) Art. 10 (1)

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