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*The Center for Alternative Dispute Resolution Newsletter
State of Hawaii, Judiciary*



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Mediation in Sports

Sports is big business and like any large enterprise, disputes are part of doing business. Many sports disputes have been resolved through mediation.



- On November 26, 2011, the NBA and the Players Association reached a tentative agreement that ended the 149 day lockout. CBS Los Angeles reported that the deal followed a marathon 15-hour negotiating session.
- In July, court-ordered mediation ended the NFL's longest-ever work stoppage which had threatened to cancel the season (available at <http://www.mediate.com>). Although prior attempts at negotiation had failed, court-mandated mediation resulted in a new Collective Bargaining Agreement.
- Representatives of the Maryland Jockey Club and thoroughbred horse owners and breeders began mediation with Rosecroft Raceway in October. Unfortunately, they failed to reach an agreement and at the mediator's direction, entered into binding arbitration to resolve the dispute (see Hannah Cho, *Rosecroft, Jockey Club fail to reach simulcast agreement*, October 3, 2011, available at <http://www.baltimoresun.com/business/bs-bz-simulcasting-arbitration-20111003.561250.story>).
- In May, ESPN reported boxer Manny Pacquiao settled his defamation lawsuit against Golden Boy Promotions President, and former boxer, Oscar de La Hoya, and CEO Richard Schaefer. The first negotiation effort failed but subsequent efforts were successful. De La Hoya and Schaefer made a public apology, acknowledged Pacquiao as one of the greatest fighters of all time, and stated they had never intended to claim he had used performance enhancing drugs. Pacquiao then dropped his suit (see Dan Rafael, *Manny Pacquiao Settles Golden Boy Suit*, available at ESPN.com - Manny Pacquiao settles Golden Boy suit).



Since parties often need to maintain good working relationships, mediation is especially appropriate for sports disputes. Sometimes apologies are needed to heal ongoing relationships, as reportedly occurred in Pacquiao's case. However, mediation is not appropriate in all situations, especially if only one party is willing to work towards a settlement. Mediation is probably not suitable for drug violations, disciplinary cases, when an organization seeks to make a public example of one athlete as a deterrent to others, or when an injunction is needed or legal precedent is sought. Mediation does provide a way for players, managers, owners, and leagues, to resolve issues and preserve relationships that are vital to the identity of a team.

The CADR thanks volunteer Debbie Yeoh for her work on this article.