

Report on the Tokyo 2020 Pro Bono Service

1. Introduction

The Tokyo 2020 Olympic Games and Paralympic Games Pro Bono Legal Advice and Representation Service (“the Service”) was formed based on those of the London 2012 Games and the Rio de Janeiro 2016 Games.

The scope of the Service was to provide free legal advice and representation from 13 July to 8 September 2021 for accredited athletes, coaches, team officials, National Olympic Committees, National Paralympic Committees, International Federations and International Paralympic Sporting Federations participating in the Tokyo 2020 Olympic and Paralympic Games. By offering legal advice free of charge, it aimed to protect the smooth running of the Games and further the spirits of the Games by assisting participants to enjoy the best possible experience in Japan.

The Service provided access to individual advocates who were on standby to provide representation before short notice hearings held during the Games, including those of the Ad Hoc Division and Anti-Doping Division of the Court of Arbitration for Sport (CAS). It also offered access to legal advice across four areas of law.

Accredited athletes, coaches and team officials from 206 countries/areas for the Olympic Games and 163 countries/areas for the Paralympic Games were eligible to seek advice and assistance, although they remained free to appoint other lawyers of their own choosing. The Service acted as a safety net for those who did not have their own legal representatives in place in Japan and who may otherwise have had difficulty in identifying representatives at short notice.

2. Description of the Service

The Tokyo 2020 Pro Bono Legal Advice and Representation Service Operational Rules (“Operational Rules”) describe the details of the Service (<https://probono2020.tokyo/operationalrules.pdf>). The Service consists of a General Section and a Sport Advocacy Section which were both managed by the Management Committee and Secretariat.

2.1 Management Committee and Secretariat

The Management Committee oversaw the appointment process and governance of the Service.

Chair

- Takashi ITO (attorney-at-law, Ito & Wasemoto Law Office)

Members

- Yoshihisa HAYAKAWA (attorney-at-law, URYU & ITOGA; Professor, Rikkyo University; Secretary General, Japan International Dispute Resolution Center)
- Masahiro TAKAMATSU (attorney-at-law, Kyobashi Law Office)
- Kazushige OGAWA (Associate Professor, Rikkyo University; Expert Staff, the Japan Sports Arbitration Agency)
- Shoichi SUGIYAMA (attorney-at-law, Field R Law Offices)
- Kei IKUTA (attorney-at-law, Ikuta Sogo Legal Office)

The Japan Sports Arbitration Agency (“JSAA”), an independent dispute resolution service for sports in Japan, acted as the Secretariat during the service period. Sena Hangartner, a PhD-Candidate from the

University of Zurich did an internship at the JSAA during the Olympic and Paralympic Games and supported the Secretariat.

2.2 General Section

A total of 43 Pro Bono lawyers (listed in Appendix to this report) were selected to provide legal advice in the following areas:

- Sports Law
- Criminal Law
- Civil Law
- Immigration Control and Refuge Recognition Law

2.3 Sports Advocacy Section

After careful selection and series of training workshops (listed in Appendix 1), a total of 30 individual lawyers (listed in Appendix 2) were listed to provide legal advice and representation on behalf of applicants before CAS' hearings, including the ad hoc and anti-doping panel of CAS.

2.4 Global Mentoring Scheme

To support the smooth running of the Service with experience and expertise and to assist pro bono lawyers in Japan, the management committee established the Global Mentoring Scheme.

The following are outstanding professionals who acted as mentors and contributed to the Service on a pro bono basis too.

- Jack Anderson, University of Melbourne (Ireland)
- Paul J. Greene, Global Sports Advocates (US)
- Gregory Ioannidis, Sheffield Hallam University (UK)
- John Mehrzad QC, Littleton Chambers (UK)
- Alessandro Olliverio, isports law (Italy)
- Joaquim de Paiva Muniz, Trench Rossi Watanabe (Brazil)

3. Access to the Service

Information on the Service, including contact details, was made available to accredited individuals via a website designated for National Olympic Committees and National Paralympic Committees by the Tokyo Organising Committee of the Olympic and Paralympic Games ("TOCOG"). Full details, including all relevant application forms, were available for download on the Service's official website (<https://probono2020.tokyo/>).

Those seeking to make an application to the Service had to satisfy all the following eligibility requirements:

- The matter had to have arisen within Japan
- The matter had to have arisen during the service period set out in Article 3 of the Operational Rules or had to have arisen within two days before or after the said period
- The representation or legal advice sought had to either relate to one of the four categories of law specified above, or to representations before the CAS

- Except in exceptional circumstances, applications to the Service were required to be lodged by the relevant delegation Chef de Mission
- The matter had to be compatible with the Service’s objective of contributing to the smooth running of the Olympic and Paralympic Games

4. Operation of the Service

Access to the Service was available 24 hours per day, 7 days a week via email and from 10:00 until 18:00 (Japanese time) via a dedicated phone line which was staffed by a team of the Management Committee and Secretariat. They handled all enquiries and conducted an eligibility check on any application for advice before an appropriate Service member to deal with the matter was appointed.

The Service’s operation was managed by the Management Committee and JSAA in cooperation with TOCOG, the Japan International Dispute Resolution Center, the Japan Federation of Bar Associations and other relevant organisations. The Service was funded by the Japan Sports Agency.

All initial applications to the Service via the JSAA were required to be in English. Once basic details of the case had been taken, the JSAA could at that point refer the matter to the relevant legal member.

5. Summary of Cases

5.1 Olympic Games

	Matter type	Applicant	Outcome	Summary
1	Selection dispute before CAS	Athlete from St Kitts & Nevis	Application accepted. So Miyamoto and Yoko Maeda were appointed.	By decision of the St. Kitts & Nevis Olympic Committee dated 12 July 2021, the athlete was not selected to represent St. Kitts & Nevis at the Tokyo 2020 Olympics Games. She requested to the CAS Ad Hoc Division that the St. Kitts & Nevis Olympic Committee be directed to nominate her for the Women’s 100 meters backstroke at the Tokyo 2020 Olympic Games under the “Universality System”. Her appeal was dismissed. The decision can be read in full at: https://www.tas-cas.org/fileadmin/user_upload/AWARD_FINAL_OG_20-03.pdf
2	Eligibility appeal before CAS	Georgian athletes	Application accepted. Aina Ono and Shinichiro Abe were appointed.	On 21 July 2021, the athletes submitted their application to the CAS Ad Hoc Division arguing that in accordance with the applicable rules they were eligible for entry into the Women’s Doubles Tennis event at the Olympic Games Tokyo 2020 and that the Revised Entry List published by the ITF on 16 July 2021 should be amended to include them. Their appeal was dismissed. The decision can be read in full at: https://www.tas-cas.org/fileadmin/user_upload/Award_CAS_OG_20-05.pdf

3	Enquiry on the service overview	Athleten Deutschland	Briefing session was held.	The service overview was explained by one of the members of the Management Committee.
4	Enquiry on the service overview	Center for Sport and Human Rights	Briefing session was held.	The service overview was explained by one of the members of the Management Committee.
5	Enquiry relating to accident in hotel	Chef De Mission for a National Olympic Committee	Communication discontinued.	The enquiry was related to an accident in a hotel where athletes were staying during the Games. The secretariat contacted the Chef De Mission but no response was received.
6	Legal advice relating to anti-doping rules	Ethiopian athlete	Application accepted. Jin Watanabe and Kazue Tanaka were appointed.	The pro bono lawyers provided legal advice relating to anti-doping rules to the athlete.
7	Eligibility appeal before CAS	Belarusian athlete f	Application accepted. Taku Inoue and Sunao Tsubakihara were appointed.	The athlete filed an urgent application and request for provisional measures in the morning of 2 August 2021 seeking to overturn the decision taken by the NOC of Belarus not to let her participate in the Women's 200m qualifying event at the Tokyo 2020 Olympic Games. Federation coaching staff based the withdrawal of the athlete from the Games upon a doctors' report on her mental and emotional health. The athlete further submitted that the explanations given by the respondent to exclude her from the Games are wrong and based on political reasons, and should be considered as arbitrary and discriminatory. Her request for provisional measures was dismissed. The decision can be read in full at: https://www.tas-cas.org/fileadmin/user_upload/OG_20-13_Order_for_publication.pdf

5.2 Total figures

Number of enquiries to the Service during the Olympic Games: 7

Number of applications to the Service during the Olympic Games: 4

Number of acts of pro bono advice and representation provided by the Service during the Olympic Games: 4

Number of enquiries to the Service during the Paralympic Games: 0

Number of applications to the Service during the Paralympic Games: 0

Number of acts of pro bono advice and representation provided by the Service during the Paralympic Games: 0

6. Feedback of the Service

Feedback from service users was very positive.

‘The attorneys that assisted me were very nice, helpful, responsive and went above and beyond working long hours into the night. I am grateful for their assistance. Despite not getting the result I wanted, they tried their best and I am thankful.’

‘We commend Advocate X and his legal team for contribution made for the protection of the athlete’s rights before the Ad Hoc Division of the Court of Arbitration for Sport and express our best wishes for further productive work.’

Appendix 1

1. Training by domestic lecturers

- (1) Part 1: Overview and procedures of the CAS Ad Hoc Division
Date & Time: 11 October 2019, 18:00-20:00
Venue: Conference room in Tokyo
Lecturer: Shoichi Sugiyama
- (2) Part 2: Study on case law of CAS Ad Hoc Division (1) - Eligibility (including Selection)
Date & Time: 6 December 2019, 18:00 - 20:00
Venue: Conference room in Tokyo
Lecturers: Kei Ikuta and Shoichi Sugiyama
- (3) Part 3: Study on case law of CAS Ad Hoc Division (2) - Field of Play
Date & Time: 24 January 2020, 18:00 - 20:00
Venue: Conference room in Tokyo
Lecturer: Kazushige Ogawa
- (4) Part 4: Basics for anti-doping regulations
Date & Time: 15 December 2021, 18:00 - 20:00
Venue: Japan International Dispute Resolution Center (in conjunction with online)
Lecturers: Yoshihisa Hayakawa, Shoichi Satake and Akira Kataoka
- (5) Part 5: How sanctions are determined under the 2021 Code
Date & Time: 22 January 2021, 18:00 - 20:00
Venue: Japan International Dispute Resolution Center (in conjunction with online)
Lecturers: Kazushige Ogawa and Shoichi Sugiyama
- (6) Part 6: Perspectives from an counsel's perspective and the jurisdiction of CAS Anti-Doping Division
Date & Time: 5 March 2021, 18:00 - 20:00
Venue: Japan International Dispute Resolution Center (in conjunction with online)
Lecturers: Masahiro Takamatsu and Shoichi Sugiyama
- (7) Part 7: Playbook
Date & Time: 12 July 2021, 18:00 - 18:30
Venue: Online
Lecturer: Shoichi Sugiyama

2. Training by overseas lecturers

- (1) CAS Ad Hoc Division and Anti-Doping Division
Date & Time: 11 February 2020, 13:00-17:30
Venue: Toranomom Hills Forum
Lecturers: Mr. Michael Lenard, Vice President, ICAS
Prof. Ulrich Haas, Professor at the University of Zurich and CAS arbitrator
Mr. Brent Nowicki, CAS Managing Counsel, Head of Anti-Doping Division
- (2) Doping arbitration representation under the 2021 Code.
Date & Time: 1) 19 February 2021, 18:00-20:00
2) 26 February 2021, 18:00-20:00
Venue: Online
Lecturer: Dr. Gregory Ioannidis, Sheffield Hallam University

Appendix 2

List of Pro Bono Lawyers for Representation Service

Lawyers' Name	Area
Aina Ono	Tokyo
Izumi Tabuse	Tokyo
Eiji Tomita	Osaka
Go Fujii	Tokyo
Hisashi Yamada	Osaka
Jin Watanabe	Tokyo
Kazue Tanaka	Tokyo
Kazuo Isshiki	Tokyo
Kengo Iida	Tokyo
Masachika Sawano	Tokyo
Masanori Horiguchi	Tokyo
Naokazu Tsuneishi	Tokyo
Naoki Maekawa	Osaka
Naoki Okumura	Tokyo
Noriko Itai	Tokyo

Lawyers' Name	Area
SaeByok Yu	Tokyo
Seigo Okishio	Tokyo
Shinichiro Abe	Tokyo
Shoko Miura	Tokyo
So Joishi	Tokyo
So Miyamoto	Tokyo
Sunao Tsubakihara	Tokyo
Takashi Tokushige	Tokyo
Taku Inoue	Tokyo
Yan Sun	Tokyo
Yasuhiro Sato	Tokyo
Yasumasa Sakamoto	Osaka
Yasuyuki Suzuki	Tokyo
Yoko Maeda	Tokyo
Yumiko Honma	Tokyo

List of Pro Bono Lawyers for General Legal Advice Service

Immigration Control and Refugee Recognition Act		Criminal Law		Sports Law		Civil Law	
Lawyers' Name	Area	Lawyers' Name	Area	Lawyers' Name	Area	Lawyers' Name	Area
Hideo Oka	Osaka	Chieko Yanagihara	Tokyo	Ayako Sekiya	Shizuoka	Akimichi Oikawa	Tokyo
Hikaru Kikuchi	Tokyo	Chihiro Makishi	Tokyo	Hiroshi Yokoyama	Tokyo	Atsuko Endo	Tokyo
Kotaro Tanaka	Tokyo	Fumi Shimizu	Tokyo	Kazuki Shishido	Tokyo	Meisei Kure	Tokyo
Noriko Itai	Tokyo	Jinpei Ueno	Tokyo	Mamoru Yamamoto	Tokyo	Mihoko Kawamizu	Tokyo
Seigo Okishio	Tokyo	Kota Yamamoto	Tokyo	Marisa Fernandez Nakajima	Tokyo	Miyuki Abe	Tokyo
Seiji Yamaura	Tokyo	Mako Sato	Kanagawa	Satoshi Shono	Tokyo	Naoyuki Tanaka	Tokyo
Shohei Sugita	Tokyo	Masataka Fukuda	Saitama	Shinji Kusuda	Tokyo	Shinichiro Abe	Tokyo
Takashi Tokushige	Tokyo	Megumi Wada	Tokyo	So Miyamoto	Tokyo	Shintaro Hagiwara	Tokyo
Takuro Awazu	Tokyo	Shuntaro Takahashi	Tokyo	Tomonori Sugimoto	Osaka	So Miyamoto	Tokyo
Yosuke Shimamura	Tokyo	Yota Tahara	Tokyo	Yuichiro Shimma	Tokyo	Takehiro Mishiri	Tokyo
				Yuki Matsumoto	Tokyo	Takeshi Nemoto	Tokyo
						Yasuyuki Suzuki	Tokyo
						Yusuke Tani	Tokyo