

## Anti-Doping – a Medico-Legal Update

“Who are you calling a cheat?”

28 June 2019 Chandos House, London

(FSEM UK accreditation to be sought)

### 0800 Registration open

0850 Meeting Opening **Dr Michele Verroken**

#### Morning - Anti-Doping regulation and legislation

Chair - **Dr Michele Verroken**

##### **Session One: Changing Times – Current and future governance in anti-doping**

Overview of the current Anti-Doping system and introduction to WADA Code 2021 with expected revisions

**0900** Therapeutic Use Exemptions: Present system and future plans

**Mr Nick Wojek**

**0930** Recreational drugs and recreational athletes - new definitions

**Dr Michele Verroken**

##### **Session Two: Athletes and their Doctors - Expected Duty of Care: Part One**

Overview of medico-legal aspects of medical care and anti-doping - expected duty of care

**1000** Risks in Medicine and Anti-Doping, governance, record keeping and career saving

**Mr Richard Booth QC**

**1030** Discussion and Questions

### 1040 Refreshments and Commercial Exhibition

##### **Session Two: Athletes and their Doctors - Expected Duty of Care: Part Two**

**1110** Expected duty of care - legal analysis of medical and anti-doping procedures

**Ms Mary O'Rourke QC**

**1140** Debate – This house believes doctors in sport should do no harm, but they do!

**Mr John Amaechi**, former NBA player now Psychologist, including interviews with athletes:

**Mr Ali Jawad** and **Ms Joanne Calvino**

**1240** Questions - **All speakers**

### 1300 Lunch and Commercial Exhibition

#### Afternoon – Athlete Welfare in Anti-Doping

##### **Session Three: Duties of Sports Doctors and their athlete patients**

Covering athlete welfare issues: Harm minimisation, injury/illness management, TUE abuse

**1400** Harm minimisation – what plan for detection and treatment of illicit recreational drugs?

**Mr Stephen Watkins**

**1430** TUEs – Friend or Foe? **Dr Rob Dawson**

**1450** Managing serious illness/injury: Case study

**Dr Richard Weiler**

**1515** Consent in medical and anti-doping matters

**Ms Kate Steele**

### 1530 Refreshments and Commercial Exhibition

##### **Session Four: Managing anti-doping discipline and athlete welfare**

Examination of approaches to disciplinary procedures and athlete welfare

**1600** Presenting athletes, athlete welfare and the impact of the Basketball Arbitration Tribunal

**Mr Mike Morgan**

**1630** Obligation to consider athlete welfare in arbitration

**Professor Richard McLaren**

**1700** Roundtable – what changes need to be made and by whom?

**All speakers**

**1730** Meeting Summary, Conclusions, Actions and Close

**Dr Michele Verroken**

We would like to thank our meeting sponsors



**Dr Michele Verroken** *LLM (Sports Law) MA (Ed) BEd Hons Cert Ed Hon DEd* is Founding Director of Sporting Integrity, the international sports consultancy specialising in integrity and governance advancement in sport. Clients include Commonwealth Games Federation, Sport Accord, International and National Sports Federations, Professional Sports (Golf, Mixed Martial Arts, ESports), as well as athletes, medical, media and law professionals. Initially a teacher and lecturer in human and sports sciences before taking a management role at The Sports Council in 1987, later UK Sport. Her first assignment with Sports Minister Colin Moynihan and Sebastian Coe was to create the UK's first Independent Anti-Doping Programme. As Director of Ethics and Anti-Doping, Michele achieved a number of other firsts (ISO certified procedures for Anti-Doping, Illicit/Recreational drugs programme, Drug Information Database and whistleblowing line). Michele is a member of several sports arbitration panels and visiting lecturer in Sports Ethics for several university MSc courses

**Mr John Amaechi** *OBE* is a leading psychologist, organisational consultant, high-performance executive coach and best-selling author. In the US and Europe, he works with aspiring and already high-achieving individuals as well as medium to large-sized organisations looking for an edge. He is often retained to help identify and implement ways to increase productivity by improving communication & leadership skills, organisational culture and climate – often where mainstream options have failed. John has proven himself adept at achieving the seemingly impossible by scaling to the heights of the best basketball league in the world, the National Basketball Association, after starting the game aged 17. From first picking up a ball, he went to a 'starting five' position on the Cleveland Cavaliers in just six years. His personal drive, perseverance and planning are augmented by his post-retirement research and education in psychology. An astute diagnostician, John can review materials and assess personnel and workplace culture and climate to provide immediate insight and pathways for progress. John is a member of the American Psychological Association (APA), the British Psychological Society (BPS), the BPS Division of Occupational Psychology and the BPS Psychological Testing Centre. He is a Senior Fellow at the Applied Centre for Emotional Literacy, Learning and Research with the well-known academic Dr Richard Majors. The challenge he most relishes is that of embedded executive advisor, working alongside leaders to analyse strategy, facilitate intra-organisational communication and highlight and tackle potential problems that diminish workplace harmony and performance

**Mr Richard Booth** *QC* has practised at 1 Crown Office Row since being called to the Bar by Middle Temple in 1993. He is now Head of Chambers. He grew up in South Wales before taking degrees in Cambridge and Brussels. He specialises in clinical negligence, disciplinary/regulatory law, personal injury, sports law, inquests and costs. He was appointed Queen's Counsel in 2013. He is recognised as a 'Leading Silk' in Clinical Negligence and Professional Discipline by Chambers & Partners. He held the appointment of Junior Counsel to the Crown (Attorney-General's Regional Panel) from 2000 to 2012. He has sat as a Recorder on the Wales Circuit since 2008. He was nominated as Professional Discipline Silk of the Year in the Chambers Bar Awards 2019

**Ms Joanne "Jo" Calvino** is a British female weightlifter, competing in the 48kg category and representing England or Great Britain at international competitions including world championships

**Dr Rob Dawson** *MB ChB (Edin)* is Medical Director of NECA (North East Council on Addiction), ex responsible medical officer of DISCUS, UKAD TUE review panel member, Co-opted member of ACMD anabolic steroid working group and General Practitioner. As the responsible medical officer for the harm minimisation clinic DISCUS (Drugs in Sport Clinic and Users Support) he has dealt with in excess of 1500 patients who were using anabolic steroids and other image and performance enhancing drugs. Rob is Interested in the dilemmas facing doctors both in sport and the community he has written articles such as "Drugs in sport the role of the physician", in the journal of endocrinology, "Doctors' duties and doping dilemmas" (co-authored by Professor Mike McNamee), in the text Elite Sport, Doping and Public Health. He has also been published in the lancet, BMJ, BJSM, Practitioner, Body Image and New Scientist. Rob remains passionate about the duty of care that the doctor owes the patient, particularly in the field of performance sport where the pressure to perform can, in his opinion, impact on not only the patients' judgement but perhaps the doctors'

**Mr Ali Jawad** is a British athlete who is a Silver medallist in Paralympic Powerlifting and a keen anti-doping advocate promoting athlete representation and the global athlete voice within anti-doping. Ali is a Founding member of the newly formed Global Athlete movement and championed the WADA reform paper titled the Alternative

**Professor Richard H McLaren** *HBA (Western University) LLB (Western University) LLM (London) CARb. Barrister & Solicitor with the Law Society of Upper Canada* was appointed an Officer to the Order of Canadian 2015 by the Governor General of Canada, is the recent recipient of the Sir William Osler Medal. In 2017, Huron University College bestowed an honorary degree of Doctor of Divinity on Richard. Professor McLaren is a distinguished international sports lawyer and professor in the Faculty of Law at Western University and legal counsel to McKenzie Lake Lawyers, LLP. He is sought out by amateur and professional sports associations in Canada and abroad to resolve such issues as contract negotiations, salary arbitrations, Player/Agent disputes, sports governance problems and doping and corruption allegations. He champions for integrity in sports and is President of the European Basketball Arbitral Tribunal and an Anti-Corruption Hearing Officer for the Tennis Integrity Unit. A member of the Court of Arbitration for Sport, he has served as an arbitrator at five Olympic Games. Professor McLaren has played leadership roles in major investigations including the Mitchell Report on Steroids in Major League Baseball; chaired an inquiry with USA Track and Field for the United States Olympic Committee. In 2015, he was one of three Commissioners on the World Anti-Doping Agency (WADA) Independent Commission (IC) examining corruption in track and field in Russia and the international federation governing track and field. In 2016, WADA appointed him the sole commissioner known as the Independent Person (IP) to investigate the sport cheating and manipulation of the anti-doping controls of the Russian Federation. His reports have been a game changer in the world of international sport governance and anti-doping controls. He is attributed with bringing greater transparency and better governance to international sporting organizations. Richard is a sought-after speaker and educator who is Chairman emeritus of the Advisory Board, National Sports Law Institute at Marquette University Faculty of Law Milwaukee where he was the recipient of the Master of the Game Award in 2017 exemplifying his contributions to the sports industry and who exemplifies the highest level of professionalism in his field

**Mr Mike Morgan** founded Morgan Sports Law LLP in 2013. He specialises in sports arbitration and litigation, with a particular focus on doping, corruption and selection disputes. Mike has acted for some of the world's highest profile athletes and sports executives, in proceedings before the Court of Arbitration for Sport, the American Arbitration Association, the High Court, the National Anti-Doping Panel (UK), a range of sports tribunals worldwide and the FIFA Dispute Resolution Chamber

**Ms Mary O'Rourke** QC specialises in acting for healthcare professionals whether in cases before their Regulators or concerning matters of professional discipline or in civil (clinical) negligence claims and also advises healthcare professionals in employment related issues and acts for them in internal disciplinary hearings and employment tribunals. As someone with a keen interest in Sport having attended a number of summer and winter Olympics and being a 25 year season ticket holder at Manchester United she started accepting instructions in sports related cases and specifically sports medicine related cases as long ago as 1997 when she represented the Sunderland AFC footballer Kieran Brady in his claim arising out of the non-diagnosis of popliteal artery entrapment syndrome. Since then her high-profile sports medicine cases have included Appleton v El Safty and West Brom v El Safty plus Bloodgate (at the ERC and GMC) and Dr Eva Carneiro v Mourinho and Chelsea FC. Her most recent high-profile sports doc client is Dr Richard Freeman whose case before the GMC/ MPT is currently ongoing. She is regularly invited by sports bodies and sports medicine organisations to speak on issues pertaining to medicine in sport and has published for Football Medic on topics such as "who is my patient"

**Ms Kate Steele** LLB BSc (Hons) is a Partner in the Regulatory team at Capsticks Solicitor LLP. Kate specialises in conduct, competence and health investigations on behalf of a number of health, social care and legal regulatory bodies, including the General Dental Council, Solicitors Regulation Authority and General Pharmaceutical Council. She also handles judicial reviews and other High Court cases in the professional and medical disciplinary arena and provides bespoke advice to regulatory bodies on procedure and published guidance and policy documents. Clients describe Kate as "a very able individual who deals with complex cases in an effective, fair and balanced manner". Kate regularly appears as an advocate before the committees of a number of regulatory bodies. Kate's regulatory work is complimented by her work for NHS clients in general civil litigation matters, with particular focus on disputes involving fraud, public law and healthcare law issues. Kate also works alongside the specialist team at Capsticks advising on healthcare governance in elite sport

**Mr Stephen Watkins** LLB (Hons) joined the RFU in 2010 from Sport Resolutions UK where he worked as the Case Manager. During his time at Sport Resolutions he dealt with over 40 Anti-Doping cases and a variety of sporting integrity matters including match fixing, selection and safeguarding. Since joining the RFU he has overseen nine seasons of the Anti-Doping & Illicit Drugs Programmes and educated thousands of players and support personnel. He has also had involvement in a number of high profile complex Anti-Doping cases. His team run the only testing and education programme in global rugby which targets aspiring junior academy players. Stephen is currently researching rugby union players who have committed Anti-Doping Rule Violations to try and better understand the motivations around doping behaviours

**Dr Richard Weiler** MBChB FFSEM (UK) MSc SEM MRCPG PGCMF FHEA is a Consultant Physician in Sport, Exercise & Musculoskeletal Medicine. He is the Club Doctor at West Ham United Football Team, Senior Sports Physician at the British Olympic Association and English Institute of Sport Intensive Rehabilitation Unit and Honorary Consultant, University College London Hospitals. He also lectures and is an external tutor at the UCL Institute of Sport Exercise and Health. Richard treats musculoskeletal conditions and sports injuries at any age and level of activity and has a particular interest in lower limb rehabilitation following injury or surgery, tendon injuries and groin pain. His focus is on helping patients return to function and reach their goals. He has wide experience in the non-operative management of sports injuries, rehabilitating athletes of all abilities, from all summer and winter Olympic and Paralympic athletes to International and Premier League footballers and rugby players. He also works with teams of healthcare professionals to rehabilitate non-athletes with musculoskeletal conditions, such as back pain and joint pain. Recent and current appointments include Senior Sports Physician at the British Olympic Association Intensive Rehabilitation Unit and English Institute for Sport, Medical Officer Paralympics GB (London 2012 and Rio 2016), Lead Medical Officer, England and Team GB Disability Football, The Football Association, Honorary Consultant, University College London Hospitals, Consultant Sport and Exercise Medicine, West Hertfordshire NHS, Lecturer and external tutor, UCL Institute of Sport, Exercise & Health, Board of Trustees, American College of Sport Medicine, Board Member, The Institute of Sports Medicine Fellows Board, Map of Medicine, Patron, Wheelchair Dance Sport Association, Ambassador DT38 Foundation

**Mr Nick Wojek** MSc BSc has eight years' experience in anti-doping and represents UKAD at scientific and medical meetings worldwide. As Head of Science and Medicine at UKAD, he provides scientific direction for the organisation's testing programme, leads on the implementation of the Athlete Biological Passport, and advises on policy recommendations to WADA in relation to the Prohibited List and Therapeutic Use Exemptions. He also works closely with the Drug Control Centre at King's College London, the UK's WADA-accredited laboratory