



Conseil International de l'Arbitrage
en matière de Sport

International Council of Arbitration
for Sport

Guidelines on Legal Aid before the Court of Arbitration for Sport (in force as from 1 September 2013; amended on 1 January 2019)

General provisions

Art. 1 The aim of the present rules, established in accordance with Article S6.9 of the Code of Sports-related Arbitration (hereinafter, the “Code”), is to guarantee the rights of natural persons without sufficient financial means, to defend their rights before the Court of Arbitration for Sport (CAS).

The Guidelines set out the conditions according to which legal aid may be granted.

Art. 2 The Guidelines apply to both ordinary and appeal procedures before the CAS.

Art. 3 The ICAS Legal Aid Commission decides on requests for legal aid.

Art. 4 The International Council of Arbitration for Sport (ICAS) is responsible for financing legal aid before the CAS. To this end, it ensures that the legal aid scheme it creates is sufficiently well-funded.

Art. 5 Legal aid is granted, based on a reasoned request and accompanied by supporting documents, to any natural person provided that her/his income and assets are not sufficient to allow her/him to cover the costs of proceedings, without drawing on that part of her/his assets necessary to support her/him and her/his family.

Legal aid will be refused if it is obvious that the applicant's claim or grounds of defence have no legal basis. Furthermore, legal aid will be refused if it is obvious that the claim or grounds of defence are frivolous or vexatious.

Art. 6 According to an applicant's needs and the decision of the ICAS Legal Aid Commission, legal aid may apply as follows:

- The applicant may be released from having to pay the costs of the procedure, or to pay an advance of costs;
- “Pro bono” counsel may be chosen by the applicant from the list established by the CAS;
- The applicant may be granted a lump sum to cover her/his own travel and accommodation costs and those of her/his witnesses, experts and interpreters in connection with any CAS hearing, as well as the travel and accommodation costs of “pro bono” counsel.

Application Procedure

Art. 7 Legal aid may be requested by the Appellant/Claimant once the statement of appeal/request for arbitration is filed; a Respondent may request legal aid as soon as she/he receives the statement of appeal/request for arbitration. Following this, legal aid may be requested at any time in the procedure, but will only cover future costs and cannot be granted retroactively.



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Art. 8 A request for legal aid should be sent in writing to the CAS Court Office, enclosing the signed and completed Legal Aid Application Form, available on the CAS website (www.tas-cas.org).

Art. 9 The applicant shall supply all the elements necessary to establish her/his financial situation, accompanied by supporting documents, e.g., tax returns, contract of employment, statement of salary, lease. The applicant shall also set out, in a summary fashion, the grounds of her/his appeal/defence to establish that her/his appeal/defence has a legal basis.

The applicant is requested to authorise state institutions and third parties to provide confidential information on her/his financial situation.

In the absence of the above requirements, the request for legal aid will be refused.

Art. 10 The ICAS Legal Aid Commission decides on requests for legal aid and shall give brief reasons for her/his decision.

The decision is communicated to the applicant and, as the case may be, to his "pro bono" counsel. The decision is not subject to appeal.

If the assistance of counsel is requested and granted, the applicant may choose "pro bono" counsel from the list established by the ICAS/CAS.

The procedure for requesting legal aid is free.

Art. 11 All beneficiaries of legal aid agree to immediately advise the CAS Court Office of any change in circumstances on which the granting of legal aid was based, as well as the occurrence of any other fact relevant to the granting of legal aid.

Art. 12 An applicant for legal aid may request that her/his application be reconsidered in circumstances where her/his financial situation deteriorates significantly after her/his initial request for legal aid was considered and refused.

The provisions governing requests for legal aid shall apply *mutatis mutandis* to reconsiderations of requests.

Art. 13 Legal aid takes effect from the day it is requested and ends, except where it is revoked by the ICAS Legal Aid Commission beforehand, at the end of the proceedings before the CAS.

Art. 14 The ICAS Legal Aid Commission may withdraw legal aid if it finds that the beneficiary is no longer entitled to it, or if legal aid was improperly granted.

The withdrawal of legal aid has a retroactive effect.

Costs

Art. 15 In accordance with Article R64 of the Code, at the end of the procedure, the CAS Court Office shall determine the final amount of the costs of arbitration.

In accordance with the Code, the Panel shall determine in the final award which party shall bear the arbitration costs or in which proportion the parties shall share them. As a general rule, the Panel has discretion to grant the prevailing party a contribution towards its legal fees and other expenses incurred in connection with the proceedings.



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Art. 16 At the conclusion of the arbitration proceedings, the beneficiary of legal aid can be ordered to pay costs. However, the CAS will waive its right to claim the costs from her/him. The beneficiary can also be ordered to pay a contribution towards the legal fees of the prevailing party. In this case, the beneficiary must discharge this amount herself/himself, and the CAS does not pay this amount on her/his behalf.

Art. 17 If the beneficiary of legal aid is successful in her/his appeal/arbitration and the other party is ordered to bear the costs of arbitration, the other party shall pay the required amount to the CAS.

Role of “Pro Bono” Counsel

Art. 18 The CAS Court Office shall establish a list of volunteer lawyers ("pro bono counsel"), competent in international arbitration and/or sports law and able to work in the official languages of the CAS. If deemed appropriate, the CAS Court Office may publish this list. The list is given to the beneficiary of legal aid so that she/he can freely choose his counsel.

The beneficiary of legal aid may terminate the legal relationship with the pro bono counsel at any time. The pro bono counsel may be released from such legal relationship with the authorization of the President of the Panel. If necessary, the beneficiary may request from the CAS Court Office the assistance of replacement “pro bono” counsel.

Neither the ICAS nor CAS can be held in any way responsible for the activities undertaken or the advice given by "pro bono" counsel in favor of the beneficiary.

Art. 19 When the ICAS Legal Aid Commission authorizes the appointment of "pro bono" counsel, counsel agrees to work for free, within the scope of her/his mandate to represent the beneficiary before the CAS. Counsel cannot refuse to accept a case without good reason and may not ask the beneficiary to pay any fees or expenses, nor to accept any payment from her/him.

Counsel limits her/his activity to what is necessary to protect the interests entrusted to her/him, taking into account the nature, importance and difficulty of the case, and the professional services expected of him.

Art. 20 Counsel receives no remuneration for her/his work. However, if the ICAS Legal Aid Commission so decides, counsel may request that all or part of her/his travel expenses and accommodation be reimbursed, to the extent that they are reasonable.

Conditions for Reimbursement

Art. 21 Except in exceptional circumstances, the ICAS/CAS does not pay the expenses of the beneficiary of legal aid or her/his counsel in advance.

At the conclusion of the arbitration, provided that the ICAS Legal Aid Commission has so decided beforehand, the beneficiary and/or counsel may request a refund of all or part of the expenses incurred by them in accordance with Art. 6 above. The claim must include receipts for expenses for which reimbursement is claimed.



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Unless otherwise determined by the ICAS Legal Aid Commission, the ICAS/CAS pays the amount claimed for reimbursement up to the lump sum awarded in the decision to grant legal aid. The decision on reimbursement is not subject to appeal.

Confidentiality

Art. 22 The procedure for granting legal aid is confidential. The CAS Court Office shall not disclose any part of the legal aid application or any supporting documentation to third parties, subject to requests from state judicial authorities. The CAS Court Office must however inform the other parties involved in the arbitration and the Panel that legal aid has been granted to the applicant.

Transitional and Final Provisions

Art. 23 These Guidelines shall apply to proceedings initiated after their entry into force.

These Guidelines enter into force on 1 September 2013.