

News

BCLP HEADS SECOND SUCCESSFUL REPRESENTATION OF WADA IN APPEAL TO COURT OF ARBITRATION FOR SPORT

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BCLP's Sports & Entertainment Group recently represented the World Anti-Doping Agency (WADA) in its second successful appeal to the Court of Arbitration for Sport (CAS) against a decision by swimming's governing body, the Fédération Internationale de Natation (FINA).

FINA previously cleared swimmer Sun Yang, the most decorated Chinese swimmer in history, of wrongdoing in an out-of-competition drug test in September 2018 in which Sun questioned the credentials of testers and smashed vials containing his blood samples. Sun is a three-time Olympic gold medalist and 11-time world champion. FINA's hearing panel cleared Sun to continue to compete but WADA appealed, seeking a substantial suspension. Sun previously served a three-month ban in 2014 for testing positive for a banned stimulant.

CAS heard WADA's case against Sun on Nov. 15, 2019, in a public hearing at a hotel in Montreux, Switzerland. This was only the second time in the history of CAS that a hearing was held in public and the first time a CAS hearing was live-streamed, with more than 2.5 million viewers.

On Feb. 28, 2020, CAS upheld the appeal lodged by WADA and banned Sun from swimming for eight years. As a result of the ruling, Sun would be unable to defend his 200-meter freestyle title at the Tokyo Olympics, and the eight-year ban meant the 28-year-old's career was effectively finished.

However, approximately seven months ago, the Swiss Supreme Court annulled the arbitration award and CAS ordered a new hearing due to controversial comments made by one of the arbitrators in the first CAS case. Because the new hearing was held via Zoom with participants from the U.S., Switzerland and China, for three nights the BCLP team began the hearing between 11 pm and 1 am Mountain Time and continued through the night. CAS released the new decision on June 22. The decision again finds that Sun Yang committed an anti-doping rule violation, this time imposing a sanction of four years and three months due to changes made in the 2021 World Anti-Doping Code. The decision already has received prominent mention in [*The New York Times*](#) and other media around the world.

Bryan Cave Leighton Paisner's team working on behalf of WADA was led by Partners Rich Young and Brent Rychener, with support from associate Suzanne Crespo and assistant Janine Coates.

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