



Arbitration CAS 2012/A/2696 Steve Mullings v. Jamaican Anti-Doping Commission (JADCO), order of 4 May 2012

Athletics

Request for legal aid

Conditions for granting legal aid

In application of the general principles of law, legal aid shall be granted to any natural person who requests it, provided that his/her income and capital are not sufficient to allow him/her to cover the costs of proceedings before CAS without drawing on that part of his/her assets necessary to support him/herself. The applicant shall however establish that his/her claim has a legal basis and that he/she would have begun the proceedings at his/her own expenses.

Whereas Steve Mullings filed an application for legal aid dated 26 January 2012;

The President of the International Council of Arbitration for Sport, ruling in camera, hereby considers:

1. On 19 December 2011, Steve Mullings (the “Applicant”) filed a statement of appeal (completed on 11 January 2012), with the Court of Arbitration for Sport (the “CAS”) against a decision taken by the Jamaica Anti-Doping Disciplinary Panel, pursuant to which Mr Mullings was declared ineligible for life for a repeat anti-doping rule violation (presence of the prohibited substance Furosemide in his bodily samples).
2. The Applicant completed and returned the Legal Aid Application Form to the CAS Court Office on 26 January 2012.
3. The Applicant is a Jamaican national and was born on 28 November 1982. He is married and is the father of one child, who is a minor. His sports activity is track, specifically 100m and 200m events. He has no monthly income. Furthermore, he declares that he does not receive any payment from sponsors, from sports organizations, state social security benefits, or bonuses. The Applicant’s monthly rent is USD 1,250, including utilities (USD 300). The Applicant states that he has assets of a car on which he makes monthly payments of USD 535; he lives in Clermont, Florida where he rents a house; he owns a house in Gainesville, Florida, on which he pays a mortgage. The Applicant has debts of USD 140,000. The Applicant’s spouse works as a sales associate with a monthly income of USD 1,200.

4. Pursuant to Article S6 paragraph 9 of the Code of Sports-related Arbitration (the “Code”), if it deems such action appropriate, the ICAS creates a legal aid fund to facilitate access to CAS arbitration for natural persons without sufficient financial means.
5. In application of the general principles of law, legal aid shall be granted to any natural person who requests it, provided that his/her income and capital are not sufficient to allow him/her to cover the costs of proceedings before CAS without drawing on that part of his/her assets necessary to support him/herself. The applicant shall however establish that his/her claim has a legal basis and that he/she would have begun the proceedings at his/her own expenses.
6. On the basis of the evidence submitted with the request for legal aid, it appears that the Applicant’s income is not sufficient to allow him to cover the costs of proceedings before the CAS without drawing on that part of his assets necessary to support him and his family.
7. The grounds of the appeal filed by Steve Mullings have a legal basis and it is accepted that the proceedings would be pursued by a reasonable litigant conducting his case at his own expense.
8. Considering the above and the nature of the present case, the ICAS President decides to grant legal aid to Steve Mullings in the procedure *CAS 2011/A/2696 Steve Mullings v. Jamaican Anti-Doping Commission (JADCO)* as follows:
 - (1) To bear the totality of the arbitration costs, if any, that the Applicant would be ordered to pay by the CAS at the end of the procedure, including the CHF 1,000 Court Office Fee which will be reimbursed, in due course.
 - (2) To bear the Applicant’s own travel and accommodation costs in connection with any CAS hearing up to a maximum amount of CHF 2,500.

ON THESE GROUNDS

The President of the International Council of Arbitration for Sport:

1. Grants legal aid to Steve Mullings in the procedure *CAS 2011/A/2696 Steve Mullings v. Jamaican Anti-Doping Commission (JADCO)* as follows:
 - a. To bear the totality of the arbitration costs, if any, that the Applicant would be ordered to pay by the CAS at the end of the procedure, including the CHF 1,000 Court Office Fee which will be reimbursed, in due course;
 - b. To bear the Applicant’s own travel and accommodation costs in connection with any CAS hearing up to a maximum amount of CHF 2,500.
2. Declares that the present order is pronounced without costs.