

Speaker	Dialogue
Steve Smith	Hi this is Steve Smith and Rich Young from Bryan Cave Leighton Paisner and welcome again to our podcast. Rich, today we're talking about team selection in the Olympics, and which is basically how you, uh, decide who is going to be going to the Olympics to represent the United States. Talk to us a little bit about the importance of that?
Rich Young	<p>Well, when you're selecting an Olympic team you really have your eye on two different balls. One ball is you wanna pick the team or the individual athletes for their individual events that have the best chance of winning medals.</p> <p>The other is, you wanna make sure that the process is fair, it doesn't have bias and things like that in it. Um, and so there's really, if you look at the Tokyo selection procedures for the summer sports, there's a pretty broad spectrum. Uh, on one end there's swimming and you'll hear from Tim Hinchey later, it's the fastest time in Olympic trials is guaranteed to go.</p>
Steve Smith	Uh, almost guaranteed right? That's the second fastest time.
Rich Young	<p>No, the fastest time is guaranteed to go. Second fastest time usually goes because there's a cap on the number of swimmers. And at the other extreme are sports where there is a committee, that based on try-outs and camps and things like that, they just pick the team.</p> <p>And in the middle there's something like gymnastics where they have Olympic trials and if you finish first and second in the all-around you make the four person team to compete in the team event. But then there's a selection committee that picks the other two members of that team based on criteria and they pick the individual performers for the individual apparatuses. So, it's quite a spectrum. You have drafted selection procedures for a whole lot of different national governing bodies. How, how does this whole process work?</p>
Steve Smith	<p>Well, its, uh, the bottom line is as an NGB you have to put together a written document that says to the world this is how we're gonna select our team. And ,uh, the interesting thing is technically in, in the laws of the Olympics, the USOPC is the one that selects the team, but they look to NGB's to make recommendations and very, very rarely will the USOPC ever overturn an NGB's recommendation.</p> <p>So it really comes down the NGB figuring out the best way to do that. So that involves sitting down and putting together a procedure and the USOPC is involved in that. They have a working group that will review the procedures, ask questions, make sure certain issues are covered.</p> <p>But ultimately it falls on the NGB and then it leads to, you know, a set of choices and Rich you hit on really the most important one is how will the team be selected? Is it going to be purely objective like a USA swimming where if you're, you know, if you have the best time you go, and if you don't, you don't go?</p> <p>Uh, to the other end where and especially with teams where it has to be more subjective, and in doing that you, you're gonna pick what you think is the best team, which may not necessarily be the collection of the 12 best players in that team, or the 10 best players.</p>

Speaker	Dialogue
	<p>And so then the question is how do you do that and how do you do you it in a way that's fair for the athletes?</p> <p>You know a lot of times, you will hear complaints that says: Oh well, you know, I had no chance because coach so-and-so is important picking the team and I, and he don't have a good relationship, so I'm not gonna get picked. That's always something that NGBs are very sensitive to and so you try to work to avoid that by having, uh, you know, committees involved in the selection and checks and balances for all of that.</p> <p>Uh, the, one of the things that really, uh, creates issues for national governing bodies is the selection, or the quotas that the international federations and the IOC has on the number of athletes who can compete in the Olympics. Uh, what it leads to is you know, you may want to say we wanna have the number one or the top two people in each event automatically qualify, but you may not have room on the Olympic team for all of them.</p> <p>One example I'll give is weight lifting where you'll have a certain number of categories, but you will have less than that number of categories who...of athletes who can go to the Olympics. Which then creates a real interesting dilemma. So, if Rich and I are in the same weight class, we can tell who's better between Rich and me because - by who lifts the most weight at a trial.</p> <p>But then what happens when ,uh, maybe there are eight or nine athletes who win their weight category, but only four can go to the Olympics. So how do you rank between people in different weight classes? Because, that's, that's just difficult. And in weight lifting's case, they've come up with formulas that would say: This is sort of the denominator, what you lift is the numerator, and whoever has the highest percentage goes, uh, which creates its own issues. You know, is it really fair, you know, if in the heavy weight category my denominator is a lot higher because we have an incredible world champion who lifts incredible amounts of weights?</p> <p>Uh, and so it creates a lot of issues like that. And so , uh, that's an important thing for an NGB to figure out. And then the other thing that I always encourage.....</p>
Rich Young	<p>But, but, before that, let me just, let me just do a little more background on that. So, the IOC is extremely conscious of having a certain number of athletes at the Olympic games. You know they try to hit 10,000. Because if, the more athletes, the more expensive it is and the like. So they tell the international federations, you're only gonna get a certain number of athletes.</p> <p>Then the international federation has to decide well we have all these different events and we wanna add new events. That's fine, you only get a certain number of athletes. So then they tell their national governing bodies in the Olympic committees in this case, you're only gonna get 26 men swimmers and 26 women swimmers, and we have this number of events and you're allowed two swimmers per event, but if you don't have</p>

Speaker	Dialogue
	duplicates with the relays and the number of events they have its more than 26 swimmers...
Steve Smith	So you need a Michael Phelps to come in and qualify in multiple events.
Rich Young	Yeah, yeah, and so we're gonna talk to Tim Hinchey later, but that's where those kind of problems come in and your weight lifting is a, is a perfect example. You could be the best weight lifter in the United States in a particular weight and you don't get to go to the games.
Steve Smith	That's right.
Rich Young	So sorry to interrupt.
Steve Smith	<p>No, no that's right. It creates a lot of heartbreak because, you know, gee, I'm the number two swimmer in my event, but because you know, the numbers work out, I might not go to the games. So that does make it difficult.</p> <p>So the other thing that I was gonna mention is that inevitably in selection processes crazy things happen that you ,uh, want to have thought about and to have figured out what happens if, and how do we address that problem?</p> <p>So, you know, often the biggest things that NGBs will have to deal with is what happens if one of our athletes, after he or she is qualified becomes injured and maybe can't complete in the Olympics? How do we replace that athlete? And it even gets into the level of detail of what happens if it happens before a certain date and after a certain date?</p> <p>And Rich, we had a case a number of years ago that really came down to the fact that when an athlete ended up off the team occurred after a date by which the NGB could substitute somebody; so you couldn't go and say, let's take the number three person in this event and put her in the games. You had to take somebody who was already on the team. That's an example that you want to have thought about, all these different contingencies and figure out what exactly happens. Because ultimately, you want it to be as fair and as transparent as possible and people to know what they're getting into going into the games.</p>
Rich Young	And if you think about it from the athletes' perspective, here is somebody who has made incredibly, incredible sacrifices for a lot of years. The Olympics is the deal in most sports. And all of their dreams have been tied to becoming an Olympian, and it has economic consequences to them and everything else, and they just missed making the team. And if the rules aren't crystal clear, there is a pretty heavy temptation to, if you didn't make the team on the court, you try to make the team in the court. And so, and so, they bring a contest under Article, under Article 9 or Section 9. We'll talk about that a little later, uh, let's talk to Tim Hinchey. And, uh...
Steve Smith	<p>And you know one thing Rich, before we do that, I think would be helpful that I touched on, but I think we'll talk to Tim a little bit about this is, the objectivity versus subjectivity.</p> <p>One of the things that there was a trend within the Olympic movement of you know, maybe a couple of quads ago, to try to avoid having subjective selection procedures because: a) those are the kinds of things that get challenged. You know, Rich Young doesn't like me so he's not gonna select</p>

Speaker	Dialogue
	<p>me. And it just doesn't feel as fair and you like to have the objective side of it.</p> <p>The pendulum has swung a little bit back, I would say, because then you run into the situation of, you know, what happens if you have the greatest Olympian ever? Like go back to Michael Phelps, who it was clear was gonna win lots of Olympic medals. What happens if he gets sick over the course of the trials or pulls a muscle which will be healed by the Olympics, but he can't swim in the trials? Do you really keep him off the team because you're, it's purely objective?</p> <p>One of the things that we have seen is the USOPC has said, ok we recognize you have to have subjectivity, but we want you to have defined criteria that you're gonna evaluate when you make your subjective selections. So it can't just be, I like Joe better than Barry, or Susie better than Sally. It is, I have these 10 criteria and when I go through them, I really think Sally wins out over Susie in those criteria.</p>
Rich Young	Probably easier when you have scores or times or specifics as opposed to this is an experienced athlete who is a great individual leader and brings that kind of characteristic to the team.
Steve Smith	That's right, and that's something and if you were picking the team that's gonna win an Olympic medal, you need those glue people that are a lot of time referred to that really bring the team together, have the leadership, have gone through it before. But they might not necessarily be the most talented player and that can create some hard feelings if I feel like I'm more talented than you and yet you got selected. Let's talk to Tim.
Rich Young	Sounds good. So Tim, you just finished the Olympic trials in Omaha, everyone I've talked to said they were a huge success. They were very different than prior years. Tell us about it?
Tim Hinchey	<p>Now thanks first of all and foremost for having me. It's a pleasure to be here with some of our great partners. Listen it was a daunting task - right? You know 15 months ago when the announcements came that things were to be postponed. I'll be honest we went to work on trials right away. We understand that in our organization every four years, in this case five years Olympic trials in our most important event – right?</p> <p>It's the opportunity for us number one to select the Olympic team and nominate that team to the USOPC. But it's also a chance for us to showcase our sport at the highest level possible. You know, on NBC Live every night etc.</p> <p>So trying to find a way to do that understanding that none of us had a crystal ball at this point, in terms of what Covid would be like and what would take place. We had to have plans A to probably plan F. Like A, B, C, D, E, F. Like which was the way we already had it which is sell-outs.</p> <p>I'll remind you that it was sold out a year ago. That every ticket was sold prior to Covid. To, you know, what are the percentages that are safe? Working with our medical doctors and our medical experts. Working with the host city. You know, how do we make sure the athletes get safe? How do we keep our promise?</p>

Speaker	Dialogue
	<p>I think that's the area that we're most proud of Rich, is that we were able to keep our promise. Not just to the athletes that had a chance to make the Tokyo Olympic Team, but to those young athletes, those 15 and 16 year-olds that for the first time made that cut and want to get to Omaha and want to race in the Olympic trials. We also know that those 15 and 16-year-olds become very relevant four years later, after having that experience.</p> <p>So we're very blessed. I think the coaches and athletes did a wonderful job. We did over 7,500 Covid tests. Only one positive test which was an outside vendor, not even an athlete. So it just a job well done, Mike Unger and obviously Shana Ferguson from our group deserve a lot of credit. But credit to everyone that participated, our volunteers, officials, etc. So very pleased that we got it done.</p>
Steve Smith	<p>You know, it's interesting, some individual sports like gymnastics have very small Olympic trials. I think they had 17 women at their trials. How many people did we have at our trials?</p>
Tim Hinchey	<p>So in wave one this year we had just under 700 athletes compete and in wave two we had just under 600 athletes compete. Which is actually down quite a bit from 16, where they had a couple of about 300 more athletes participate.</p> <p>So it was very manageable. The coaches like that quite frankly, which is why I think we're looking at this wave, one wave, two maybe something we continue to bring forward.</p>
Rich Young	<p>Explain to the listeners what wave one and wave two meant?</p>
Tim Hinchey	<p>So you know, we basically looked at our, our group did not me, our experts on the national team division and our data analytics group took a look at what times are relevant to, you know, what was the lowest seat time that eventually made an Olympic team. And we found out that about the 41st, someone that had been 41st seated actually made the finals and made the team at one point, in a historical fashion.</p> <p>So the idea was ok let's make that wave two cut, so we know that those who are making wave two are truly in the mix for making the team – right? They can have a chance to make it. Anything below that was the wave one cut – right? So we gave people a chance to still come and be part of it.</p> <p>The unique, the nuance that we threw into this which I think was kind of fun which is why people are interested, is we still had a prelims and finals in wave one, just like we would in wave two. And that those individuals that made the final, the top two seats, the top two finishers. Much like the top two finishers of wave two made the Olympic team, the top two finishers of wave one got to go on to the second wave of trials. So it was kind of a nuance and a fun thing.</p> <p>And what the coaches like was these kids got second swims for the first time in the trials. They wouldn't have – right? They wouldn't have been seated high enough to get a second swim in a normal trials. So this first trials they got to get their name in lights, they got to come out of their lights. They got to get a second swim and they got to feel what it might feel like if they're competing for the Olympic team in three years from now.</p>

Speaker	Dialogue
	<p>So it was a nuance, but it was very cool. It was well-received. And again, we still got to give these almost 700 kids a chance to swim and compete and have their parents there and their family there and watch them. And yet we still got to keep the next 600 safely to compete in wave two. And those were the ones that were really targeted as prospects to make the Olympic team.</p>
Steve Smith	<p>Great. And so Tim one of the things that's really neat about USA Swimming is that you're criteria are purely objective. But when you look across the range of NGBs, you have purely objective to purely subjective and all sorts of things in between.</p> <p>Talk about USA Swimming's philosophy on being purely objective and then I wanna talk a little bit about on whether has been any kind of pressure or second guessing, given what could happen in the worst case scenario?</p>
Tim Hinchey	<p>Well that's a good question. You know, Steve I think part of this is that this year and then going back to Covid and thinking about all the potential circumstances that could have arisen. You know, the last thing we wanna do was select a team on paper – right? That's our, at USA Swimming that would be our worst case scenario. Not to have this objective opportunity where the athletes compete against one another and the fastest person, no matter what the time was, that fastest person gets to go to the Olympic team. That is really, really important to who we are at USA Swimming and the integrity of our sport.</p> <p>You know, there's a nuance with, because of some extra events this year. Kids qualifying for two events provide an opportunity for more relay swimmers. So, there's a couple complications that go into how we select our team overall. But ultimately, if you win your race individually, you are going to the Olympic team, at the trials, in the finals, boom that's it.</p> <p>The second place finisher again, in many cases you'll have to wait and see if there's a spot open where they rank in the world. Do they have their A-cut for the Olympics? But overall, I would say it's pretty clear that the first and second place position on an individualness get a chance to go to the Olympics and we want to maintain that. Again it's truly, I think remarkable to our sport that we get to do this.</p>
Rich Young	<p>So this is, I mean interesting Tim, you talk about fairness and integrity of the sport in the approach. There are a lot of countries who do that differently. And there are other sports in the U.S. who do that differently.</p> <p>So let me give you a hypothetical and I think I know what your answer is going to be. Katie Ledecky has not lost an 800 freestyle race since she was 15. That makes her more than a prohibitive favourite to win a gold medal for the United States in that event.</p> <p>The morning, hypothetical, the morning of finals of the 800 freestyle, she becomes deathly ill with food poisoning. Does she get to make the team to swim the 800 meters to win a gold medal for the United States?</p>
Tim Hinchey	<p>No, she would not – right? And so you're correct and the reality is, the good news is hopefully, she'd already made the team [<i>Laughs</i>].</p>

Speaker	Dialogue
	<p>But let's go back to Gwang Ju in 2019 and I was there when she got ill. And she pulled out of several races at the Royal Championship. We were not able to you know, put an alternate in and she couldn't swim. So we simply lost that opportunity as a country to medal, and we were ok with that because Katie's health is more important to us – right?</p> <p>And that's, and I like that, I like to again go back to integrity, go back to what our priorities are, our priorities are our athletes at USA Swimming. So in that case, that's important.</p> <p>Similarly, you know at trial, you could probably make the argument this year Rich that in the women's 200 IM [<i>inaudible</i>] – right? We had two women who have medalled or have been on major international teams that lost by a hundred, a couple hundredths of a second. Wouldn't we like to have Melanie Morgalis or Madison Cox, veterans on the team? Of course we would. They're wonderful athletes and incredible women. They have incredible careers. But they didn't make it, they lost – right?</p> <p>And so instead we have two young women learning to represent us for the first time in this event. And I would argue that Madison and Melanie would absolutely be medal favourites at Tokyo. And yet, they're not going. And that's hard – right? But that's who we are and we've been consistent like that as a sport for decades and I think that's really important.</p>
Steve Smith	<p>Isn't that a testament really to the depth of swimming in the United States that yeah you can lose a great athlete who doesn't win, but they're getting beaten by somebody who's a little better, which and if you somebody ends up having to withdraw you got another great person ready to fill the spot?</p>
Tim Hinchey	<p>Yeah it's a great point – right? And obviously, I had my four years, four year anniversary here this past Monday and it's been a crazy four years.</p> <p>So to finally be at my first Olympic next week will be exciting. But to your point you know, being a swimmer myself, being a former coach myself, knowing what our sport is all about, the depth like you just talked about, you know we haven't lost an international competition since 1956, and that's a credit to our athletes and coaches of this great sport for decades and decades and decades.</p> <p>And it is just mind blowing to even come to this year's trials and see that happen again, where we have 11 teenagers joining the team in Tokyo this year. We have 16 first timers, the most ever on an Olympic team this coming year. And it's a credit to the clubs and the coaches and the athletes that, you know, continue to want to excel in our sport and that's what makes it special.</p>
Steve Smith	<p>So Tim has there ever been any, you know, the argument that you hear is something like what happened, it goes back to what Rich mentioned earlier. You know, what happened if Michael Phelps pulled a muscle the week before trials or something? Has there ever been any pressure or thought within USA Swimming to go to a more subjective selection procedure?</p>
Tim Hinchey	<p>That's a great question and you're right, I think you've both used the two best possible examples in Michael Phelps [<i>Laughs</i>]. But that's because we know the facts – right? The facts are that they are the best, they've been the best ever, there are the two of the greatest Olympians ever; Michael</p>

Speaker	Dialogue
	<p>arguably the greatest Olympian ever. And I think Katie is on her way to be in that same conversation easily.</p> <p>So it's worthy of consideration – right? But the reality is no. And I give credit to Lindsay Mintenko and the Mike Ungers and Chuck Wielgus and everyone before me that has always maintained the integrity of how we select the team. And so, it's a great and fun thing to talk about maybe over an adult beverage, but the reality is we're gonna stick with our plans and this is how it works. It's worked forever and I think that is why people compete so hard to get to Olympic trials. That's why they prepare themselves and that's why they work hard to be, to try to get themselves on the medal stand.</p>
Rich Young	<p>And that's an interesting comparison for example to China who decided that even though Sun Yang didn't compete in the trials, if he became eligible in his doping case, as a former, as the current gold medal holder in the Olympics, he wouldn't get to compete.</p>
Tim Hinchey	<p>Not this year!</p>
Steve Smith	<p>Well Tim, one of the things, let's talk a little bit about selection procedures. One of the reasons why selection procedures becomes so important is because athletes who feel that they've been wrongfully denied an opportunity to make the Olympic team and go into arbitration before the American Arbitration Association. One of the things that, you know, for USA Swimming that's nice is that because it's so objective it really cuts down on the possibility that somebody is gonna challenge it because, hey you either won or you lost.</p> <p>Talk a little bit about that though in your thinking, you know, when it comes time to put together selection procedures. You deal with face issues like replacements, you know, what happens if somebody gets injured, somebody gets sick. How does that work within USA Swimming and what's the thought behind that?</p>
Tim Hinchey	<p>Well it's a good question and probably you know, Lindsay Minteko and [<i>inaudible</i>] Roberts would be able to give you much better answers than I can. You know, I'm involved, I got to sit in the room this year after the first night of trials and become a fly on the wall and watch Lindsay and Coach Dave Durden, the head men's coach and Greg Meehan our head women's coach talk about some of the complexities as it relates to obviously our selection process.</p> <p>And I think that one of the unique parts that happened this year was our 400 freestyle, men's 400 freestyle. We only had two swimmers that were actually, that were entered in the entire competition that have the A-cut for the Olympics; so Zane Grothe, and Karen Smith.</p> <p>Karen went on to win – right? The finals and therefore, and had the A-cut therefore was an immediate selection to the team – right? And that's stuff that we planned.</p> <p>The next seven finishers in the finals, which did not include Zane, he did not make the finals, did not have the A-cut. So to sit there in that room and listen and watch about the scenarios that would take place here, which were quite difficult and quite challenging.</p>

Speaker	Dialogue
	<p>So number one, and I hope this example is relevant to your question. The reality is number one, they can all come back and do a time trial over the week, ok the next seven finishers. But wait, but Jay Mitchell was the second place finisher, should go first, because if you look at our selections, it's one or two. We want one and two to make it.</p> <p>Yet, let's say he did it all week, they all went that week, they all do a time trial and they all still don't make the cut. Zane Grothe has this cut, but he finished 11th. Do we decide after June 27th which was the cut-off at the times that we appoint Zane, or actually nominate Zane, I should say, we nominate Zane to the team, so that FINA and the Olympic folks could approve him?</p> <p>That could have possibly happened. But the reality was, we made a determination that we want to provide the time trials in the order so that we could try to find a way to again, meet our criteria, which is the first and second place finisher, with the cut going to the Olympics.</p> <p>And in this case, if you get a chance on YouTube or find it on our website, the second night, the next night, Jake decided to go by himself, in a time trial, after the rest of the finals took place that night. The crowds came down and stood, and he had to get up there by himself, drop two seconds of his best time to make the cut, so that we could maintain this integrity, maintain kind of our process the way we wanted it. And the kid did it, and the place went nuts!</p> <p>He had to go out in a 200, it's 200 cut and to be better than his personal best in the 200, and then he had to hold on to make the 345 cut, and he did it. And it was the most amazing thing I've ever seen in our sport, quite frankly.</p> <p>But even then, even then, because of this time and his selection, we need to make sure enough other American men had doubles, so that we knew that second place time would count and he actually, even though he had did it on Tuesday night, he wasn't actually named to the team until Saturday.</p> <p>So again, a lot of complexities and hopefully that shed a little bit of light on what can or cannot happen. But that was an integrity moment – right? And Zane is a terrific national team member, and has been. But it would have been really difficult to jump him across that process without finishing second.</p> <p>And that was, that was a real, a lot of heartache and discussion and the coaches' thoughtful and very considerate fairness, got emotional, all of it. And we're very fortunate that it worked out the way it did.</p>
Steve Smith	That's a great example, thanks Tim.
Rich Young	So Steve that was interesting talking to Tim. I'm impressed with the integrity point where if Michael Phelps or Katie Ledecky doesn't touch the wall first they're not guaranteed to swim that event in the Olympics, even though in Katie's case, she hasn't been beaten in the 800 since she was 15.

Speaker	Dialogue
Steve Smith	Yeah, not an easy decision to make.
Rich Young	<p>Yeah, I mean you're giving up, I mean maybe the woman who swims in her place will win a gold medal, but you're giving up a pretty darn sure thing. Even then though USA Swimming with their integrity and first to touch the wall has had selection procedure disputes, where you've talked about Section 9 and how an athlete who didn't make the team can challenge. Between us, how many selection procedure cases do you think we've had to do?</p>
Steve Smith	<p>Well, I would say over 100, working with probably 25 or more sports over the years. You know this is, these come up, you know, obviously in the Olympic years, but even in off Olympic years you'll get challenges to making the world championship team or you know, a world cup or something. The Pan Am games.</p>
Rich Young	<p>The Pan Am games and those take on even more importance when they end up being considered in the process to select who goes to the Olympics, so they become really important.</p> <p>So in the cases you've done, what takeaways do you have from this, I mean they're all different, they're all different facts, but any general takeaways?</p>
Steve Smith	<p>Yeah, you know and sometimes just the craziest things happen. You know, I guess a few things I would think of. I mean number one it's the, the selection procedures become really important, and I think it also becomes important to have an objective or fresh set of eyes look at those because sports people understand that you know, in our sport this is the way we do things.</p> <p>And so, you may not write an expressly on paper that this is the way we do things, but when you get to a challenge, it's gonna be heard by an arbitrator who does not know your sport. And the arbitrator is gonna look at your selection procedures and say: Well this is how I read it. And it may not incorporate what everybody in the sport knows. So that becomes important.</p> <p>A couple of areas where I've seen challenges, one is that comes up from time-to-time, is what I call an all-star team versus the winner in competition. And by that I mean, in an NGB has a multiple player sport, take rowing where you have, you know, in addition to singles, but you also have doubles and quads in eight person boats.</p> <p>And in some of the smaller, we had a number of challenges where the NGB wanted to bring the best athletes together, mix-and-match them and say: This team is the best team, gives us the best team to win our medal. Whereas some of the athletes wanted to say: I want to pick my buddy and I'll race against anybody and I think I'll win and therefore I should go to the Olympics.</p> <p>And I've seen that very similar thing in like synchronized swimming and so we've been able to be successful and to be able to protect the ability of the NGB to put together the all-star team. But, you know, it creates tough feelings because somebody will inevitably feel like I should be able to pick my team and I want to be able to qualify with that team.</p>

Speaker	Dialogue
	<p>The other thing is that it becomes very important to be able to show your work in the selection process, especially when you get into subjective selection. And so by that I mean, we talked a little earlier Rich about you want to have the criteria that you're going to make your selective subjection by and the arbitrator is gonna say: Ok these are the 10 criteria you're using, walk me through your evaluation. Why did you pick Steve Smith over Rich Young?</p> <p>And we had a situation where a coach would say: Oh you know I think this team was the best, and it would not be better to mix-and-match, you know, going back to the earlier example.</p> <p>But we were able to go back, look at the rankings, and the plusses and minuses that they gave to each of the athletes and we could show that very coach in her evaluation actually found another athlete, paired with somebody else who was better and more likely to have a better team and because we were able to show that work, that was really important.</p>
Steve Smith	Rich how about for you? You've done a lot of these, what are some of the things you've seen?
Rich Young	<p>I think Tim gave us a pretty good example of the men's 400, and what you do if your top two finishers don't have the A-cut, which means that if you don't make the A-cut FINA rules you don't swim in the Olympic games and that again is one of those things that you'd hardly ever think about, but it needs to be in your selection procedures.</p> <p>It is all those unforeseeable things that happen and I think they came up with a very fair solution there. When you're doing these cases sometimes it's really hard to have objective criteria. I was a mediator in a women's softball case where they had lots of, they had camp, they had lots of inter-squad scrimmages and the question was the head coach picked one in-fielder and another in-fielder thought she should be picked.</p> <p>And when you went back to the statistics, they were almost useless because at that particular time, we had the two best women pitchers in softball, maybe ever. And they struck everybody out. Virtual every game was a no-hitter and so, you know, batting averages were, you know, you're both zero, but how many balls did you get in play?</p> <p>And there weren't many balls in play, so you didn't have a lot of fielding opportunities either. And then you get into something that coaches and I think most athletes recognize as being really important, is your glue to the team and experience and leadership and all of that. But that's also beauty in the eyes of the beholder, so that's a problem.</p> <p>I mean one of the things that I have found important in team selection cases is to get the athlete who will lose their spot on the team involved. In the Section 9 process, it is the athlete who didn't make the team filing a challenge against the national governing body.</p> <p>So the parties are the unhappy athlete and the national governing body. But if the unhappy athlete wins, somebody who is on the team, gets booted</p>

Speaker	Dialogue
	<p>off. And so it's really important to bring them into the proceeding so they have a right to say their peace as well.</p> <p>In fact the procedure, the process has a procedure to do just that, to make sure it is fair. Because a number of years ago, I know there was, in wrestling we know we had this situation where one athlete would go to this court and got a favourable ruling. Another athlete went to another court and got a favourable ruling. And then what do you take and you know, there's never at that point, one unified hearing that decided for everything. So that's become a very important thing.</p>
Steve Smith	<p>And there other, there's the timing of somebody has, who's on the team has a positive doping test. They're still on the team until their case is heard, but their case doesn't get heard until after the entry deadline. What do you do then?</p>
Rich Young	<p>There's the situation where in women's hockey it was pretty clear that we were going to have, it was gonna be the U.S. and Canada in the finals. And the coaches' decision that one woman who is a defenseman, would be better against the Canadians, than another. It's pretty subjective, but it may be the key to beating the Canadians in the gold medal game.</p>
Steve Smith	<p>That's right. I mean you think back to it, the greatest upset in the history of sports probably was the U.S. men's hockey team beating the Russians in 1980. And that was largely selected by the coach, Herb Brooks and he had his guys that he wanted and it turned out to be successful. But obviously it's gonna leave some people unhappy that they didn't get selected.</p>
Rich Young	<p>There may have been better hockey players who weren't on the team.</p>
Steve Smith	<p>That's right. Yep.</p>
Rich Young	<p>Well Steve that was a lot of fun. Tim Hinchey was great. Thanks to everyone who is listening and we invite you to join us on our next podcast.</p>
[END OF TRANSCRIPTION]	