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## Vale, Saul Fridman

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## Vale, Saul Fridman

### **Abstract**

Leading Sports Law scholar and teacher **Saul Fridman** passed away on 30 June 2014. He was an influential pioneer in the field. The Journal wishes to record our fond gratitude and respect.

### **Keywords**

Obituary, Saul Fridman, sports law

## VALE, SAUL FRIDMAN

Leading Sports Law scholar and teacher Saul Fridman passed away on 30 June 2014. He was an influential pioneer in the field. The Journal wishes to record our fond gratitude and respect.

It was with great sadness that we learned of Saul Fridman's death on 30 June 2014 in Hong Kong.

Those who have worked with Saul felt a real sense of loss at the news of his passing. 'He was a spirited colleague and a gifted scholar', one email commented. Another emphasised his ability to connect with students: 'His Equity students at UWS had already nicknamed him 'Dr House of the Law School', for he was indeed brilliant and quirky.'

Renowned corporate law professor John Farrar appreciated Saul's demonstrated talent as well as his potential: 'Saul Fridman was a friend of mine for over 20 years. I knew his father when we were UK law professors. I met Saul through the Corporate Law Teachers' Association and on his visit to the Bond campus. He was a talented corporate lawyer who would have gone even further in the field if he had had better fortune. May he rest in peace. Shalom.'

Saul Fridman's teaching in corporations law and sports law are widely admired. He was already well established in the new field of law - Sports Law - when he came to Bond University to initiate the course there. He was convenor of the course design team in 2002. He was at his dynamic best, engaging for his energy and verve. The course became a remarkable success - the best-attended optional course in the law curriculum at the University. Saul also ran Corporations Law and Sports Law courses in Sydney and Canberra. Again, these courses were popular and well attended.

Gifted communicators develop empathy with their audiences. When one recalls Saul teaching, he is be leaning on the front desk, wooing his audience, casting the occasional indiscreet remark, apologising for any hints of profanity - the extrovert delivery, the clever aside, the razor-sharp wit, the emphatic gestures. He effortlessly remained ahead of his audience. He was interesting and well read. He was an internationalist. He could be provocative. These qualities made him a very engaging teacher.

Saul was in the top three or four academic writers and teachers in Sports Law in Australia, which was ahead of the field worldwide. He was a pioneer in this interesting and demanding subject area in which he soon enjoyed a national and an international reputation. He wrote a major part of the leading text in the field in

Australia - Thorpe, Buti, Davies, Fridman and Jonson, *Sports law* (1<sup>st</sup> edition Oxford University Press, 2009; 2<sup>nd</sup> edition 2013). He co-authored with Tony Buti the monograph *Drugs, Sport and the Law* (Scribblers Publishing 2001) which is used throughout the world and is still the foremost published English language work in this lively area. He was so pleased that at the Olympic Studies Centre Library – near the Court of Arbitration for Sport (CAS) headquarters at Lausanne in Switzerland – a search of the library’s catalogue under ‘Drugs and Sport’, found only one reference – Saul and Tony’s book.

In his Sports Law writings, the theme most reflected by Fridman was his steady assertion of freedom of action and the rights of the individual. He instinctively disliked the encroachment of corporatist bureaucracy and the undermining of freedom of action and speech. He was a libertarian, a champion of human rights. Not for him the too casual reversal of the burden of proof. He was deeply suspicious of the legislative weapon of strict liability, especially in the sporting sphere. It was too difficult to accommodate innocence in a strict liability regime. On doping in sports, in his last published article,<sup>1</sup> he cautioned against heavy-handed regulation, even in an apparently good cause:

However, when one considers the practical implications of the strict liability principle and the difficulty for the athlete who tests positive to a banned substance where its ingestion was inadvertent to establish his or her lack of culpability, one has to wonder whether the World Anti-Doping Code has gone too far. Placing the burden on the athlete to actively prove there was no fault (or no significant fault), combined with the difficulty and expense of proving the exact cause of contamination when the ingested sample no longer remains, may be shifting the relevant standards away from international human rights.

Saul was asked to consult, write reports and appear on radio and TV to comment on various aspects of sports law. He was a gifted commentator - to the point, a bit funny, sometimes edgy and always clever. He could not bear humbug.

Saul Fridman was highly intelligent. One of his Canadian professors described him as the brightest student he had ever taught. His views and comments were invariably interesting, often contrarian and, well-informed. He could be congenial and would create an intellectually charged atmosphere. He had an entrepreneurial dash, he admired risk-takers, and he delighted in being outspoken on pet issues, not all of which made him popular with all of his colleagues all of the time.

Saul was generous, loyal and affectionate to his friends. Tony Buti recalls:

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<sup>1</sup> Saul Fridman, ‘Contador, Doping and Strict Liability’ (2012) *Sports Law eJournal* <http://epublications.bond.edu.au/cgi/viewcontent.cgi?article=1015&context=slej>.

I was a student in Saul's first class in Australia. This led to a long-lasting professional collaboration and close friendship. Saul is one of the smartest people I have had the pleasure of being associated with and he was very generous to his friends. Saul is the Godfather of my youngest son and in typical quirky fashion at the Catholic baptism, when the priest asked the parents and godparents to impart the Sign of the Cross on the baby, Saul made the Sign of David. The priest said, 'Oh, a foot in both camps', which delighted Saul. He was a wonderful Godfather and a wonderful friend.

Bruce Welling at the University of Western Ontario writes how Saul was interesting, adventurous and spontaneous.

A day or two with Saul was constant adventure: a week would have been exhausting. His energetic enthusiasm was paired with boundless generosity. What was his was yours; what wasn't his, he'd get for you if he sensed you wanted it. Saul would wade into a crowd of strangers in a strange land and emerge either with something useful for you, or with two new friends - one for each of you. I once spent three days with him. He then went off to adventure more. I went off to sleep for a day and a half.

Saul worked at the University of Sydney Law School for many years before leaving under difficult circumstances. He soon started to run low on elasticity and bounce. He slid into depression and, fighting that debilitating condition, became a shadow of his former exuberant self. He joined Curtin Law School in Perth for a short time, before moving back to Sydney and the University of Western Sydney Law School.

He has left his family, colleagues and many friends reeling in disbelief and great sadness at his passing. He could be marvellous company, and was often generous in spirit. He enjoyed simple times with his son, Sam, who is very much a chip off the old block and whom he loved dearly. May the son carry fond memories of his father. Saul's scholarship, of course, will remain for Sam to enjoy later down the track and forever.

*The Editors\**

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