



PROTECTING YOUR POSSIBILITIES PODCAST WITH LUKE FEDLAM

Episode 40: The “2020” Olympic Games in a Global Pandemic | May 12, 2021

The following is a transcription of the audio podcast recording. It is largely accurate but in some cases it is incomplete or inaccurate due to inaudible passages or transcription errors.

Luke: I'm sports attorney Luke Fedlam, and welcome to the Protecting Your Possibilities podcast. Each conversation we focus on sharing information and having conversations around how athletes can best educate and protect themselves or their life outside of their sports.

Thank you so much for tuning into the protecting your possibilities podcast. I'm your host, Luke Fedlam, back for another episode, and this time, I want to take a dive into the Olympics. As you know, in our Protecting Your Possibilities podcast, a lot of the conversation is around professional athletes in the United States, how to best protect themselves, decision making, and really what can be done to make sure they don't get taken advantage of.

But in this episode, I really want to focus a little bit on our Olympic athletes with the 2020 postponed Olympic Games taking place in Tokyo, scheduled to begin July 23, of this year 2021. Now, what's interesting, obviously, we all well know that the 2020 Olympics were postponed from 2020 due to COVID. And so in these new Olympics, this new year of 2021, COVID is still an issue. And thinking about the athletes competing has really brought up a lot of interesting conversation over the past weeks and months.

And so now we are well under 100 days away from the Olympics kicking off and I thought it would be good to have a conversation around what to expect in this new Olympic experience, this pandemic type of experience of the Olympics and most recently, here, just over the last day or two, some well-known athletes have spoken out against some of the challenges that a COVID protected Olympic experience could create. And so I just wanted to dive into that a little bit.

So first of all, one of the biggest changes to the Olympics this year is that there will be no fans allowed from anywhere outside of Japan. That is really interesting, because that's kind of what the Olympics have been known for. Yes, you have the competition of elite athletes from around the world coming together every four years to represent their country, and to compete at the highest levels. But a part of that, too, is how it really becomes an experience for the world to descend on whatever that city might be. And in this instance, Tokyo, obviously, the world we know has been affected by COVID. Interestingly, though, Japan really was successful in keeping their infection rates low. But that caused a delay in vaccinations. So now Tokyo finds itself as a major city that initially had a very low number of deaths due to COVID-19. But because of their success with that, their vaccinations have really struggled to kind of take hold.

And so just recently, in looking at recent news, less than 2% of the population in Japan is vaccinated. And so what that creates is some nervousness around athletes coming to Tokyo to compete in the 2020/2021 Summer Olympic Games. Now, one of the things that a lot of people have asked about is vaccination of athletes and what will be required there. And there's nothing

that is being required as it relates to, you know, forced vaccinations or athletes having to show that they've been vaccinated before being able to compete. And so there's just an encouragement by both the Olympic organizing committee but also the US Olympic Committee, as well is encouraging athletes to be vaccinated before going obviously to the Olympics, but it's not forcing it. And it's not being forced either at the US level or at the international level.

And so because of that, we do know that there will be a lot of safeguards and protections that take place within the games themselves. And so, as we mentioned, we know that there will be no fans from anywhere outside of Japan allowed to be at the games and attend the Olympic Games. And so obviously, that makes an impact, not just on the feel of the games. I think we've kind of gotten used to watching sporting events with minimal or no fans in the stands. And so Japan has been testing out pumping in crowd noise, things along those lines to try to make it feel a little bit more traditional. But that's a significant change in terms of what the look and feel of the games will be.

There will also be shorter stays at the Olympic Village by the athletes. So for athletes, in certain instances, you have athletes that come in, they participate in the opening ceremony, maybe they compete in some of the early days of the Olympics, and then stay kind of throughout the entire Olympics, to cheer on other teammates and just enjoy that experience. But one of the things that they're looking at doing is really reducing the stays of people, so that you don't just have people who don't have to be they're still there in the Olympic Village, you know, celebrating and maybe not adhering to the strict protocols that will be in place.

We also know that the opening and closing ceremonies will also be different, usually, again, an arena filled with people, teams coming in full teams, from all the different countries representing the different countries who are participating. Obviously, that would create just another massive in person gathering of people. And so we're gonna see some changes there as well. And it will most likely, again, be something that is more made for TV and a television experience, as opposed to that combination of an in person experience and television audiences well. So, you know, recently interesting to talk about some of the individual athletes. Naomi Osaka recently made comments around the challenges of determining whether it makes sense to participate in the Olympic Games.

Serena Williams also said, if she can't take her daughter with her, her three year old daughter with her, then she's not going to be participating either. And so you can imagine with the lack of fans allowed, then we're most likely not going to be able to see family, you know, traveling and participate as fans in the stands. And so it'll be interesting to see really what that feel is like with certain stars or certain athletes that you've come to expect and come to see on a regular basis in the Olympics, if they're not there.

And if the biggest names aren't there, does it impact the legitimacy of the Olympic experience? You know, interesting that one of the common questions was, especially last year kind of coming into this winter was around the NBA. And whether or not NBA stars would be competing in the Olympics. And kind of late last summer, early fall, shortly after the Olympics were postponed. There was a lot of conversation around the NBA, not allowing players to play in the Olympics. And then it kind of morphed a little bit into the idea of athletes in the NBA, not being able to finish the season, the 2021 season in time. If it had a late start, we know that it did. However, both the players Union and the NBA were able to work out a plan for this season. So this season will actually end prior to the Olympics beginning. And so therefore players will be allowed to play in the Olympics without conflict from the NBA season.

Again, however, it'll be interesting to see if players want to play and will play in the Tokyo Olympics. So there are a lot of different considerations, a lot of things to think about when looking at just truly one of the most significant global sporting events out there. I mean, with the Olympics, so much money has been spent by the Organizing Committee by Tokyo, by Japan. I think something that I've recently read was over \$15 billion has been spent as it relates to the 2020 Olympics. It's one of those things where obviously you can't control a global pandemic and the impact that it has on we've come to expect, but it's a significant loss to the Japanese economy, tourism, because obviously tourism is one of the big aspects of the success of an Olympic Games for a host country, as well, it's the impact on the athletes.

And you know, the Olympics only come around every four years, the last Olympics was in 2016. If you're just even postponing it for a year, that has an impact on athletes who have been training and planning, and really organizing their life around competing in 2020. To push it even a year has obviously had an impact not just on training, but an impact on some athletes who just aren't able to be at that elite global elite level, even a year later. So, again, significant impact there.

And another thing I think that we're going to see as well is we've heard from the Olympic organizing committee that if the Olympics this summer have to be postponed, because of the increasing COVID rates in Japan, it won't be postponed again, basically, what they've said is, it's either going to happen this July, or it won't happen at all. And the next summer Olympics will go on as planned in 2024, which really would be a significant impact of on athletes considering, 2016 was the last summer Olympics, if the next summer Olympics aren't until 2024, obviously, you've got this eight year gap, which is significant for the athletes who train and prepare to compete at the absolute highest levels. Obviously, eight years is a significant difference. For those, athletes who are competing, obviously, you've got some athletes that will play their sport for a long time, the basketball, tennis, I think Michael Phelps showed in swimming, how you can have a long lasting career. But a lot of other sports, it just doesn't work that way. And to imagine having an eight year gap in the Olympics would have a significant impact on the athletes themselves.

So again, you know, we'll see how this all plays out, I think that we then another area that is going to have an impact on athletes, in addition to the physical side is the financial side. And when you think about the sponsors, and the marketing opportunities, and the brand ambassador opportunities that athletes may have, that the Olympics provide, that the Olympics create, again, brands aren't going to put a lot of money into those marketing opportunities until they are sure that that the games are actually going to occur. And so we'll see I think we'll learn much more over the coming weeks, as we get closer and closer. And we see what happens with the COVID rates in Japan. But if they continue to rise, and if athletes don't have confidence, if the US Olympic Committee doesn't have confidence or other, you know, countries Olympic Committees don't have confidence that Japan can pull off a successful and safe Olympic Games, I think that we may see some countries pull out. And we may see the 2020 slash 2021 Summer Olympic Games not take place. And I think that would be a sad situation for a lot of athletes who put in a lot of their life in committing to prepare for those Olympic Games.

So just some thoughts around the Olympics and kind of just the unique nature of this massive global event that takes place every four years. But again, always looking at it through a lens of the impact it will have on athletes, their experience, their physical preparation, potentially their finances. And again, this games this summer, I hope that they are able to pull it off in a way that can keep athletes safe, so that athletes can you know, compete and represent their country at the highest level. Again, thank you for tuning in to this conversation on the Olympics and

protecting the possibilities of Olympic athletes. Feel free to share this episode. Share the podcast with your colleagues with your friends, teammates. If you have any questions, comments, and want to reach out, feel free to contact me at Luke Fedlam on most social media platforms. You can also find me just by googling my name and being able to reach out I really appreciate your comments, because that helps us as we think about various topics and areas that people want to hear about. So again, thanks for tuning in. I appreciate you have a great day.

Disclaimer: Porter Wright Morris & Arthur LLP offers this content for informational purposes only, as a service for our clients and friends. The content of this publication is not intended as legal advice for any purpose, and you should not consider it as such. It does not necessarily reflect the views of the firm as to any particular matter, or those of its clients, please consult an attorney for specific advice regarding your particular situation.