

# Tennis integrity: a sports law analytics review

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**Abstract** Using the tools of sports law analytics, we examine several aspects of tennis' integrity-preservation efforts. We address match-fixing, commercialized gambling ventures, data ownership legal issues, prize money and ranking rules, public relations pursuits, and the litigation history involving tennis gambling. We conclude that tennis integrity is a critical governance issue and offers ten recommendations for future policymaking.

**Keywords** Anti-corruption policy · Tennis integrity · Commercial gambling interests · Pecuniary incentives

## 1 Introduction

Tennis governing bodies have embraced lucrative commercial aspects of tennis gambling while simultaneously condemning nefarious activity connected to such wagering. Steinberger (2016) concluded: “two things are clear: tennis is a magnet for gambling, and because of the nature of the game and its lopsided economics structure, it is also

exceedingly vulnerable to match fixing.”<sup>1</sup> In this paper, we analyze both prongs.

More so than in any other time in the sport's history, the integrity of tennis has been questioned. While evidence of tennis matches being fixed for gambling and non-gambling purposes have permeated the sport for years,<sup>2</sup> the current questions about tennis' integrity are more pronounced than ever. In 2008, tennis governing bodies—a group that includes the WTA (women), ATP (men), ITF (team competitions and minor league events), and the four Grand Slams (Wimbledon, U.S. Open, French Open, and Australian Open) hired consultants to complete an integrity-related review of the sport.<sup>3</sup> The review posited “that cheating at tennis for corrupt betting purposes is the most serious threat [among many] and goes to the core of the integrity of the sport.”<sup>4</sup> The Tennis Integrity Unit (TIU) was formed shortly thereafter.<sup>5</sup> In early 2016, after

<sup>1</sup> See Brown (2016) for a similar conclusion.

<sup>2</sup> For a historical account dating back to the 1980's, see Amdur (1981), Amdur (1982), Mewshaw (1983), and Mewshaw (2016). For more recent coverage, including revelations from 2003, see Assael (2008), Barr and Weinbaum (2008), Cohan (2011), Harris (2013a), Harris (2013b), Hruby (2013), Karp (2009), Price (2007), Robson (2014), Thomas (2014), and Ramos (2009). In addition, according to Morgan (2015), a Sportradar executive “[r]aised serious concerns over match-fixing in tennis.”

<sup>3</sup> Gunn and Rees (2008). Association of Tennis Professional Investigation (2008) was related to Gunn and Rees (2008). Davies (2012) provided an account of an infamous match that motivated Gunn and Rees (2008).

<sup>4</sup> Gunn and Rees (2008), p. 1.

<sup>5</sup> The TIU is located in London, England and has the same street address as the ITF. The TIU's coverage is global. In addition to the four Grand Slam tournaments and top-tier WTA and ATP events, the TIU's reach also extends to minor league professional tournaments sanctioned by the ITF. For example, TIU personnel took part in an on-site probe December 2015 at a USD \$10,000 ITF “Futures” tournament in Tallahassee, Florida, USA. See generally Rodenberg (2015b).

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a number of additional revelations, tennis authorities again hired consultants to complete a commissioned review of tennis integrity.<sup>6</sup> As of April 2016, such commissioned review was unfinished.

Using a multi-pronged sports law analytics approach,<sup>7</sup> we explore discrete aspects under the umbrella of tennis integrity in a two-part manuscript. Our approach in this first installment (“part one”) uses doctrinal legal research methods and addresses the following topics: (i) match-fixing in tennis; (ii) commercial pursuits in the sports gambling space; (iii) legal issues pertaining to data ownership; (iv) ranking and prize money distribution schemes in tournaments and resulting player incentives; (v) public relations strategies adopted by tennis governing bodies; and (vi) litigation history of gambling in tennis.<sup>8</sup>

Our motivation is two-fold. First, we are motivated by the widespread media coverage devoted to tennis integrity starting in January 2016 following the release of a joint BBC-BuzzFeed investigative journalism report on the eve of the Australian Open Grand Slam tournament. Second, we are motivated by the response from various tennis governing bodies pledging to offer a commissioned third-party review of integrity in the sport. In sum, we find several aspects of tennis’ integrity to be worthy of a response and identify a number of remedial measures tennis governing bodies could undertake as corrective action.

## 2 Media coverage in early 2016

On 17 January 2016, a joint BBC-BuzzFeed investigation entitled “The Tennis Racket” was published.<sup>9</sup> From the story’s lede:

“Secret files exposing evidence of widespread match-fixing by players at the upper level of world tennis can today be revealed... The sport’s governing bodies have been warned repeatedly about a core group of

16 players—all of whom have ranked in the top 50—but none have faced any sanctions...”<sup>10</sup>

A day later, BBC’s Simon Cox wrote that “world tennis authorities have admitted they took no action to pursue 28 top-level players, including winners of Grand Slam titles, named in a secret 2008 report into suspected match-fixing.”<sup>11</sup> Numerous media outlets published follow-up articles advancing the story.<sup>12</sup> At about the same time, former Australian tennis pro Nick Lindahl reportedly told a court of justice that match-fixing is “what tennis players do.”<sup>13</sup> Similarly, on 18 January 2016, former top-ranked American Andy Roddick tweeted: “Text I got from another former tour pro ‘we should see how many of the 16 betting guys we can name. I think I got at least 8-9.’”<sup>14</sup>

Included in the BBC-BuzzFeed report was a detailed memorandum from TIU executive Nigel Willerton to BuzzFeed’s Heidi Blake dated 15 January 2016.<sup>15</sup> The memorandum was largely written in a question and answer format.<sup>16</sup> In bold italicized font on the first page, the TIU response stated: “At the outset it is critical to stress that the TIU and the tennis authorities reject any suggestion that evidence of match-fixing has been suppressed, for commercial or any other reason.”<sup>17</sup> In the memo, the TIU responded to Question #3 as follows:

**Question 3:** Did the TIU open official investigations into any of the players who were flagged in the 2008 report? If not, why?

In 2007 the four governing bodies of tennis did not have a single investigative authority like the TIU. Each association carried out its own investigations. In 2007 the ATP publically announced an investigation into the Arguello vs. Davydenko match which took place in August 2007. That investigation went on for approximately 12 months. In 2008 the ATP publically announced that ‘the ATP has now exhausted all avenues of enquiry open to it and the investigation is now concluded’.

Following the 2008 Environmental Review by Rees and Gunn, the sport agreed to have a Uniform Tennis Anti-Corruption Program (UTACP) across the whole sport. The UTACP became effective on 1 January

<sup>6</sup> TIU (2016b). The TIU described the consultant’s work as part of an “Independent Review Panel (IRP).” The same press release stated: “The IRP has a wide-ranging remit to investigate all allegations of corrupt practice, including those that pre-date the formation of TIU. The governing bodies have unanimously committed to accept, act on and fund all recommendations of the IRP.” Rothenberg (2016b) provided details on the consultant hired to lead the IRP.

<sup>7</sup> Rodenberg and Feustel (2015) included a primer on sports law analytics methodology. In addition to a quantitative approach, we use archival research methods to obtain and analyze legal filings and quasi-legal documents in this context.

<sup>8</sup> In the second installment (“part two”), we use quantitative analysis to examine several discrete areas pertaining to tennis integrity, including both (i) gambling-related match-fixing and (ii) non-gambling match/tournament/ranking manipulation.

<sup>9</sup> Blake and Templon (2016a).

<sup>10</sup> Blake and Templon (2016a).

<sup>11</sup> Cox (2016a).

<sup>12</sup> Examples include Bryant (2016), Cambers (2016), Gibson (2016a), W.S. (2016), and Siegel and Packham (2016).

<sup>13</sup> Scott (2016).

<sup>14</sup> Garrison (2016).

<sup>15</sup> Blake and Templon (2016a).

<sup>16</sup> Blake and Templon (2016a).

<sup>17</sup> Blake and Templon (2016a).

2009 and was applicable prospectively to corruption offences occurring on or after that date.

Corruption offences that occurred before that date were to be governed by the former rules of the applicable governing body. Legal advice from a leading US law firm confirmed that the new UTACP could not be applied retrospectively. As a result, no new investigations into any of the players who were mentioned in the 2008 report were opened, but all intelligence has been retained.<sup>18</sup>

In a 2010 affidavit, ATP executive Gayle Bradshaw said the “ATP has prohibited its members and players from gambling on tennis since its founding.”<sup>19</sup> As early as 2001, the ATP had rules requiring every player to “use his best efforts.”<sup>20</sup> Likewise, the 2001 ATP rulebook included both an anti-bribery clause and a wagering ban, with both provisions mandating up to a 3 year suspension.<sup>21</sup> The 2007 ATP rulebook included expanded/specific clauses capturing various behavior pertaining to match-fixing.<sup>22</sup> With the relevant standard of proof equal to a “preponderance of the evidence,”<sup>23</sup> the sub-section devoted to “Offenses” included a wide variety of actionable conduct such as wagering, match manipulation, bribery, misuse of inside information, and the purchase of tournament wild card entries.<sup>24</sup> The 2007 ATP rulebook specified an eight (8) year statute of limitations for offenses alleged under the then-existing rules.<sup>25</sup>

<sup>18</sup> Willerton (2016). See also Blake and Templon (2016a).

<sup>19</sup> Luzzi et al. v. ATP et al (2009e).

<sup>20</sup> ATP (2001), p. 70.

<sup>21</sup> ATP (2001), p. 82–83.

<sup>22</sup> ATP (2007), p. 146–154. While the emphasis here is largely on player conduct, we note that the 2007 ATP rulebook also barred ATP tournament and executive staff from engaging “in any form of gambling or wagering in connection with any ATP or Challenger Series Tournament.” See ATP (2007), p. 126. Likewise, tennis umpires and linespeople are similarly bound to policies that prohibit tennis betting. See Ingle (2016a) and (2016b). The 2007 WTA rulebook included a comprehensive anti-corruption provision with a ban on wagering as well. See WTA (2007), p. 226–231. The anti-corruption provision in the ATP (2006) (p. 134–141) is near-identical to the analogous provision in the 2007 ATP rulebook.

<sup>23</sup> ATP (2007), p. 152.

<sup>24</sup> ATP (2007), p. 147.

<sup>25</sup> ATP (2007), p. 154. As such, while the TIU may have received legal advice that it was unable to retroactively apply 2008 or 2009 rules to conduct occurring in 2007 or earlier, there do not appear to have been any impediments (to the ATP and/or TIU) under the then-existing 2007 rules to investigate and punish conduct occurring in 2007, provided it was done within the statute of limitations. Indeed, in an affidavit dated 3 September 2010, ATP executive Mark Young stated that “[t]he ATP put into effect its Tennis Anti-corruption Program (the “Program”) on January 1, 2005.” Luzzi et al v. ATP et al (2009d). According to the same 2010 affidavit, the purpose of the Program was “to maintain the integrity of tennis and to protect against any efforts to impact improperly the results of any match.” Luzzi et al v. ATP et al (2009d).

On 1 February 2016, ABC Four Corners in Australia aired an episode entitled “Bad Sport” by Linton Besser and Justin Stevens.<sup>26</sup> During the program, former ATP executive Richard Ings said: “Well, if someone was to create the perfect sport for match fixing, it would be the sport of tennis.”<sup>27</sup> Other content from the episode included:

“The [tennis] blacklist obtained by Four Corners from a European bookmaker names more than 350 professional players.”<sup>28</sup>

“Jay Salter, a former pro who had briefly coached Nick Lindahl, says match fixing is an open secret on tour.”<sup>29</sup>

“In 2005, [Ings] gave the sport’s governing bodies [a] confidential list of 37 suspicious matches. Four of them occurred at Grand Slam events, including the Australian Open.”<sup>30</sup>

On 24 February 2016, seven members of the British Parliament’s Culture, Media and Sport Committee held hearings pertaining to corruption in tennis.<sup>31</sup> TIU executive Nigel Willerton, ATP executive Chris Kermode, and ATP executive Mark Young testified before the panel. No representatives of the ITF, WTA, or any of the four Grand Slam tournaments testified. Testimony from Nigel Willerton included<sup>32</sup>:

“A betting alert...is not evidence, it is just information.”

“[S]ince the end of 2014, beginning of 2015, betting operators...have started to take markets on the lower level futures. I do not think it is a coincidence that the alerts have increased as the markets have taken on the lower level tennis tournaments.”

“We unfortunately are dealt with a statute of limitations under the programme that we have and

<sup>26</sup> Besser and Stevens (2016).

<sup>27</sup> Besser and Stevens (2016).

<sup>28</sup> Besser and Stevens (2016).

<sup>29</sup> Besser and Stevens (2016).

<sup>30</sup> Besser and Stevens (2016).

<sup>31</sup> Culture, Media, and Sport Committee (2016). An official transcript of the hearing was made available to the public shortly after the hearing took place. All quotes and verbatim excerpts included in this paper are taken directly from the official transcript released in the public domain.

<sup>32</sup> On no fewer than three occasions during testimony, TIU executive Nigel Willerton referred to tennis as a “family.” During testimony, he also referenced TIU budget requests being forwarded to a “Tennis Integrity Board.” According Bodo (2016), the Tennis Integrity Board includes Philip Brook (Wimbledon), Steve Simon (WTA), David Heggarty (ITF), and Chris Kermode (ATP).

**Fig. 1** Willerton transcript excerpt

**Q23 Chair:** First of all, let us be clear, you are going to publish the panel's findings and all the research and evidence associated with that, is that right?

**Mr Willerton:** That is correct.

**Q108 Damian Collins:** In terms of the reporting of your findings, you have complete freedom of action?

**Mr Willerton:** Each governing body has what we call a professional tennis integrity officer. I submit reports to them because they check as to whether there is or may be a case to answer. Then it is sent to the independent hearing officer.

**Q109 Damian Collins:** Whose decision is it then to take that final step? Is it theirs or yours?

**Mr Willerton:** It is theirs.

**Q110 Damian Collins:** Do you think there should be something independent from the governing bodies of tennis? There could be seen to be a conflict of interest if you make your recommendations but then the tennis boards themselves are making the final recommendation. They are making money hand over fist from the gambling industry. Is it right that they are the final arbiters?

**Mr Willerton:** It is something that I know will be discussed at the independent review panel.

**Q111 Damian Collins:** Will you be recommending to the review panel that there should be greater independence?

**Mr Willerton:** I will, yes.

**Q112 Chair:** That is very helpful. Just to be clear, you are personally committed to greater transparency in the TIU, are you?

**Mr Willerton:** Yes.

**Q113 Chair:** How good is the quality of expertise in your very small team as regards data evaluation, statistics and those issues?

**Mr Willerton:** We are just going to recruit another data analyst. We rely on the alerts that we receive because they have already been through that process. The betting operators have looked at the material or the data and seen that alert.

**Q114 Chair:** The alerts are the overwhelming flags of potential concern that drive your activity?

**Mr Willerton:** Correct.

I have not looked at the investigations further than that.”

“The [TIU] is funded by all four governing bodies on various percentages. The WTA and ATP give 25 % and then each Grand Slam and the ITF give 10 %.”

“I used two sets of lawyers, one in the UK, one in Florida, and I submitted a report to, on this occasion, the lawyers in Florida—because we come under Florida law as far as the tennis anti-corruption programme is concerned...”

“...hopefully we can improve and be a little bit more transparent. Tennis is not hiding behind any shell here whatsoever. We are doing as much as we can to conduct the investigations, get the intelligence in and stop people committing corruption within the sport.”

Verbatim questions and answers from the transcript featuring TIU executive Nigel Willerton are included in Fig. 1.

Testimony from the ATP's Chris Kermode included:

“The integrity of sport is hugely important. It is paramount to our sport. The belief that what people are paying to see is real is essential.”

“The Grand Slams pay 10 % each. We pay 20 % of that budget, the WTA 20 % and the ITF 20 %.”<sup>33</sup>

Verbatim questions and answers from the transcript featuring ATP executives Chris Kermode and Mark Young are in Fig. 2.

A number of revelations followed the February 2016 British Parliament hearing. A March 2016 BuzzFeed article focused on a prosecutor's files in Cremona, Italy claimed: “More than two dozen high-ranking international tennis players are named in evidence seized from a confessed match-

<sup>33</sup> There was an irreconcilable discrepancy between the answers provided by the TIU's Nigel Willerton and the ATP's Chris Kermode as to the sources of the TIU's funding and the respective percentage shares thereof.



**Fig. 2** Kermode/young transcript excerpt

**Q135 Chair:** You did not look at it either? You never looked at the facts or the information of that original founding—

**Mr Young:** No. I have some knowledge of what happened when the handover happened but this list of 16 players is not something I am familiar with.

**Q136 Chair:** Do you have a list in your own mind of people you think are players who need to be kept an eye on, from an integrity standpoint?

**Mr Young:** No, I do not, because since the Tennis Integrity Unit has been formed, as Mr Willerton explained well, their investigations are independent. I am not aware of who they are looking at.

**Q137 Chair:** Right. They would not discuss it with you even if they had done the work in that area? They would not be tipping you off and saying, “We are a little concerned about X and Y”?

**Mr Young:** No. In fact I think the TIU was set up by design to have the level of independence that he described in their investigations, so there would not be influence.

**Q138 Chair:** It is a slightly different matter. The idea is that the TIU is not going to be influenced by you, but it might want to influence you in the way you think about funding it in order to crack down on some of these higher-value potential cheats.

**Mr Young:** The way that influence comes through is that Mr Willerton comes to the governing bodies on the Tennis Integrity Board and says what resources he believes he needs.

**Q139 Chair:** He does not say, “I have particular concerns about these athletes or these tennis players?”

**Mr Young:** I would not think so. No, I would not.

**Q140 Chair:** Okay. Are you on the board, Mr Kermode? Does he do that?

**Mr Kermode:** I am, yes. No, he does not and the purpose is as Mr Young said, it was, by design, set up to be independent. Bizarrely, sometimes we get the accusation that the Tennis Integrity Unit is not independent. We are trying to keep it as independent as possible. It is never going to be 100% independent because ultimately we are paying for it.

**Q141 Chair:** Sure, but you want to be cracking the whip. If you are as committed as you have said to cleaning up the sport, Mr Kermode, you would want to be saying, “What on earth is going on here? Why are you not doing a bit more? Why are you not going harder on these guys?” That is the kind of thing you would be saying?

**Mr Kermode:** Yes. Well, we do. We want it to be as tough as possible. As I said, any time Mr Willerton has asked for money, never at any point has money been denied. We are willing to do that. Going back to 2008 when it was set up, we are one of the few sports that did set up an integrity unit and does have an independent unit, which was at the time quite a proactive thing to do. Can we do things better? I am sure, yes, and that is why the independent review will hopefully look at this and suggest various things.

**Chair:** Thank you very much indeed.

**Q142 Damian Collins:** Mr Kermode, what do you mean, “The Tennis Integrity Unit will never be 100% independent because we are paying for it”?

**Mr Kermode:** Perception-wise. We have had the accusation, “Well, you are funding it.” Yes, someone has to fund it so we are funding it.

**Q143 Damian Collins:** Cycling has learnt from its mistakes, so its anti-doping regime is funded by the UCI but is totally independent from it. It reports in public, has freedom of action and has freedom to investigate. Why should the Tennis Integrity Unit not be the same?

**Mr Kermode:** Do you want to answer?

**Mr Young:** There is a spectrum of independence, total independence and some oversight. We have described as best we can the situation with the Tennis Integrity Unit. No doubt that is something that the review panel will be looking at and they will definitely give us an opinion as to whether it should be more independent, structured differently or whatever. We are open to that point of view.

fixer’s gambling ring.”<sup>34</sup> A related BBC article stated: “Documents seen by the BBC and BuzzFeed News suggest

the gamblers approached two leading Italian players – but prosecutors say there is evidence they courted many others, including two who have been in the world’s top 20.”<sup>35</sup>

The TIU issued a press release “refut[ing] any suggestion made by the Public Prosecutor in Cremona, Italy, that evidence of match fixing in tennis has been ignored by the

<sup>34</sup> Blake and Templon (2016d). The same article elaborated: “When the [TIU] was formed, the former detectives handed over the five ring-binder files of wider evidence implicating 28 players in suspicious matches. The 2008 team also warned the ATP about how corrupt players were winning their first set and going up a break in the second before tanking...”

<sup>35</sup> Cox (2016b).

TIU.”<sup>36</sup> In the same press release, the TIU requested that “if BuzzFeed and the BBC believe they have hard evidence of corruption, they make it immediately available.”<sup>37</sup> BuzzFeed then responded directly to the TIU: “All the evidence we have seen has already been sent to your unit and, we are told, you have neglected to act upon it.”<sup>38</sup> TIU executive Nigel Willerton subsequently responded and stated that materials obtained from the Cremona prosecutor are “being fully and thoroughly assessed, verified and, where appropriate, investigated.”<sup>39</sup>

### 3 Law and policy background

#### 3.1 Legal primer on match-fixing

Match-fixing laws differ wildly among jurisdictions.<sup>40</sup> Two prominent economists define match-fixing as where:

“Individual contestants may be willing to reduce their effort contribution for specific matches if the rewards for so doing are large enough. Sometimes this occurs either because the opposition values the victory significantly more and is willing to pay to secure it, and sometimes it occurs because there is an opportunity to generate returns on the insider information (for example, through gambling).”<sup>41</sup>

According to a TIU-affiliated attorney, the lack of legal uniformity, among other factors, would make match-fixing prosecutions “a very difficult thing to do.”<sup>42</sup> The attorney, Onside Law’s Jamie Singer, elaborated, in relevant part:

“If fixers are successful it’s usually because they are backed by criminals at some stage and they tend to be very sophisticated, the TIU does not have criminal or investigative powers as do the police. So, effectively, it is relying on contracts between players when they sign up to professional tennis that say: ‘We come on the Tour and we can win prize money in returns for complying with the rules and the rules require us to

hand over our phone records if there is a suspicion we have been up to no good.’ As you can imagine, we often find that when a player is suspected of no good it’s difficult to get them to comply with that rule.”<sup>43</sup>

For example, in Asia, South Korea, Thailand, and China all have laws that likely attach to match-fixing.<sup>44</sup> In Europe, Italy, France, and Great Britain all have match-fixing-specific laws.<sup>45</sup> Germany relies on its anti-fraud legislation to address match-fixing.<sup>46</sup> In the United States, the federal Sports Bribery Act captures match-fixing, but only to the extent that bribery is involved.<sup>47</sup> A betting fraud law exists in Canada, which would likely address match-fixing.<sup>48</sup> In South America, neither Brazil nor Argentina have narrow match-fixing laws, but both have anti-fraud provisions that may be applicable.<sup>49</sup>

#### 3.2 2009–2011 United States Litigation

On July 13, 2009, five Italian professional tennis players—Federico Luzzi, Giorgio Galimberti, Alessio Di Mauro, Potito Starace, and Daniele Bracciali—sued the ATP and sports betting operator Interwetten in United States federal court.<sup>50</sup> Among other things, the five plaintiffs alleged claims based on a breach of fiduciary duty and tortious interference.<sup>51</sup> In an allegation that the ATP specifically and completely denied,<sup>52</sup> the plaintiffs also claimed that the ATP:

<sup>43</sup> Riach (2016).

<sup>44</sup> Holden and Rodenberg (2016).

<sup>45</sup> Holden and Rodenberg (2016).

<sup>46</sup> Holden and Rodenberg (2016).

<sup>47</sup> Holden and Rodenberg (2016). See also Holden and Rodenberg (2015).

<sup>48</sup> Holden and Rodenberg (2016).

<sup>49</sup> Holden and Rodenberg (2016).

<sup>50</sup> Luzzi et al v. ATP et al (2009a).

<sup>51</sup> Luzzi et al v. ATP et al (2009a). In the complaint, the plaintiffs also alluded to (i) a 2007 memorandum of understanding between the ATP and the European Sports Security Association and (ii) information sharing between the ATP and Interwetten. In an update to the purported list of names provided by Interwetten, Blake and Templon (2016f) wrote: “[TIU’s Nigel Willerton] said he had ‘no knowledge’ of the players on the gambling list handed over by Interwetten because ‘the matters you refer to occurred before the TIU was in operation.’” In Luzzi et al v. ATP et al (2009e), ATP executive Gayle Bradshaw said:

“In 2007, the ATP entered into a Memorandum of Understanding (the “MOU”) with the European Sports Security Association (“ESSA”). The purpose of the MOU was to permit the ATP to obtain from ESSA information regarding online betting on tennis events by individuals subject to the Tennis Anti-Corruption Program.”

<sup>52</sup> Luzzi et al v. ATP et al. (2009b).

<sup>36</sup> TIU (2016a). In the same press release, the TIU stated: “The TIU had to engage legal counsel in Italy to obtain the information contained in Mr Di Martino’s investigation and is now listed as an Injured Party in the ongoing criminal proceedings.”

<sup>37</sup> TIU (2016a). The same press release claimed: “Tennis welcomes all and any new evidence that can assist the TIU in its work.”

<sup>38</sup> Blake and Templon (2016f). BuzzFeed’s response also queried: “Could you...confirm that you are investigating all 29 international players in the Cremona files?”

<sup>39</sup> Blake and Templon (2016f).

<sup>40</sup> Holden and Rodenberg (2016).

<sup>41</sup> Preston and Szymanski (2003), p. 613. See Caruso (2009) for additional discussion.

<sup>42</sup> Riach (2016).

“had knowledge of other players/members who had violated the Anti-Corruption Program through, among other sources, confidential information provided in connection with the Gunn-Rees Report but intentionally chose not to commence administrative proceedings against such players/members for undisclosed business reasons.”<sup>53</sup>

The mother of one of the five players—Federico Luzzi—subsequently said: “world tennis authorities [covered] up evidence against 95 other, higher ranking players, including one global star.”<sup>54</sup>

On August 30, 2010, the plaintiffs filed a motion asking the court to reconsider the status of certain documents filed under seal.<sup>55</sup> Three months later, ESPN filed a motion to intervene in the case and unseal certain documents.<sup>56</sup> ESPN, in relevant part, argued:

“Gambling among professional tennis players has been an on-going public concern for some time, as this lawsuit demonstrates. Whether professional tennis players – who are public figures – are gambling on their own matches, or the matches of fellow players, is a matter of public concern. Accordingly, ESPN seeks access to the sealed judicial records in this case.”<sup>57</sup>

The judge partially granted ESPN’s motion to intervene in the case on November 29, 2010, with a hearing on the unsealing of certain documents held on December 2, 2010.

On March 1, 2011, the judge granted the ATP’s motion for summary judgment in the case brought by the plaintiffs, but deemed that the “file will remain open to complete a decision on [ESPN’s] Motion to Unseal Certain Documents.”<sup>58</sup> In its post-order motion, ESPN argued:

“[T]he documents at issue here are presumptively open, unless the [ATP] established an interest that overrides the common law and constitutional rights of access. Since the ATP filed to present any evidence or argument in support of any interest – let alone one

that outweighs the public’s significant right to access – ESPN’s motion should be granted.”<sup>59</sup>

The ATP filed an April 14, 2011 motion in opposition to ESPN’s motion to unseal.<sup>60</sup> The ATP described the confidential documents as those “which contain unverified, unsupported hearsay inferences of possible rule violations by professional tennis players who are not parties to this action.”<sup>61</sup> The ATP argued that if the documents were unsealed “the injury would be severe, the nonparty players will have no opportunity to respond to the information, and the information is unverified.”<sup>62</sup> On July 12, 2011, the judge denied ESPN’s motion to unseal the documents.<sup>63</sup>

### 3.3 Data ownership legal issues

The scope of tennis wagering has risen in lockstep with the growing commercialization of data.<sup>64</sup> The tennis wagering market is expansive, with a multitude of pre-match and real-time betting options available from both sportsbooks and exchanges.<sup>65</sup> Such options result from fast and accurate data. Indeed, a March 2014 promotional brochure explained one of the “key benefits for the ITF through their cooperation with Sportradar” as follows: “Data Monetisation: Tapping new revenue streams (+) Increase commercial potential for ITF through additional content for stakeholders (+) Monetisation of ITF live data to Sportradar’s media and betting businesses.”<sup>66</sup>

The concept of data rights is controversial. According to industry expert Scott Ferguson: “The ATP spends money on expelling courtsiders who have no influence on a match at all, just infringe on their precious data rights, but how much do they put into surveillance around known fixers/bad influencers?”<sup>67</sup> Real-time data—in contrast to historical data about tennis matches that have already concluded—is particularly noteworthy. Rodenberg et al. (2015) concluded: “Real-time data as a commodity is especially relevant in the sports industry. Sports leagues increasingly seek to control the dissemination of real-time data in conjunction with lucrative distribution agreements.”<sup>68</sup> Lawsuits pertaining to the ownership of real-

<sup>53</sup> Luzzi et al v. ATP et al (2009a). See Blake and Templon (2016b) and Harris (2013a) for a related discussion.

<sup>54</sup> Blake and Templon (2016e). Luzzi passed away prior to the commencement of the 2009 legal case.

<sup>55</sup> Luzzi et al v. ATP et al (2009c). According to the plaintiffs’ motion, numerous documents were designated “Confidential,” “Highly Confidential,” and “Professional Eyes Only – Highly Confidential.” See also Assael (2010), Drape (2010), and Kaplan (2011).

<sup>56</sup> Luzzi et al v. ATP et al. (2009f). See also Kaplan and Ourand (2010).

<sup>57</sup> Kaplan and Ourand (2010).

<sup>58</sup> Luzzi et al v. ATP et al. (2009g).

<sup>59</sup> Luzzi et al v. ATP et al. (2009h).

<sup>60</sup> Luzzi et al v. ATP et al (2009i).

<sup>61</sup> Luzzi et al v. ATP et al (2009i), p. 1.

<sup>62</sup> Luzzi et al v. ATP et al (2009i), p. 4.

<sup>63</sup> According to the court docket, the sealed documents in possession of the court were returned to the ATP’s lawyers on October 11, 2011.

<sup>64</sup> See Bialik (2014b), Sosnick (2015), Rodenberg (2015a), Gibson (2016b), and Futterman et al. (2016).

<sup>65</sup> Forrest and McHale (2007).

<sup>66</sup> Sportradar (2014).

<sup>67</sup> Wertheim (2016).

<sup>68</sup> Rodenberg et al (2015), p. 63.

time data have seen inconsistent rulings in Australia, Great Britain, India, and the United States.<sup>69</sup>

Former courtsider<sup>70</sup> Brad Hutchins described the tenuous process of transmitting real-time data “under the watchful eye of about four officials and a TIU officer”<sup>71</sup> as follows:

“[A] very large and influential company has purchased the rights for live score updates. They have a contract that guarantees them fast live updates directly from the umpires’ chair. Quite amusing that umpires who despise us so much have now become the ultimate courtsiders! Moreover, how can anyone claim to own the score of a match?! It unfolds in the public eye. It is general public knowledge from start to finish. The idea seems a little preposterous to me. Yet they continue to vilify us with increasing malevolence. The hypocrisy of it all is that they’re creating a lucrative monopoly by muscling the competition out under corporate demands for millions of dollars. It’s okay for them to do it but if we try to trade then we’re suddenly ‘threatening the integrity of the sport.’”<sup>72</sup>

The rising value of real-time data has resulted in the tennis governing bodies adopting a number of policies to protect the value of commercial data distribution agreements and counteract the perceived threat from on-site courtsiders helping off-site gamblers. First, the TIU has sometimes assisted tournaments in identifying and expelling courtsiders.<sup>73</sup> Second, tournaments have taken to adding small print to tickets and spectator signs in an attempt to restrict the transmission of information about live matches.<sup>74</sup> Third, the credentialing process for some journalists has been revised to include a 30 s embargo on disseminating match results.<sup>75</sup> Fourth, the “live” videos and scoring portals offered by the tennis governing bodies and individual tournaments are delayed up to 30 s to accommodate lucrative real-time data transmission agreements that feed gambling customers.<sup>76</sup>

### 3.4 Overview of the tennis gambling market

As evidenced by Fig. 3, tennis’ connections to the betting industry are vast.<sup>77</sup> In 2012, the ITF announced that Sportradar would become a distributor of “ITF Official Data.”<sup>78</sup> The ITF-Sportradar deal was renewed in December 2015 for an additional five year period for a reported \$70 million.<sup>79</sup> For the past five years, the WTA and ATP have used IMG and/or Enetpulse for data dissemination to bookmakers and other gambling industry operators.<sup>80</sup> Betgenius has collaborated with IMG and/or Enetpulse in similar tennis data dissemination.<sup>81</sup>

Individual ATP tournaments have had betting operators as title sponsors in the past.<sup>82</sup> Likewise, both the ITF-controlled Davis Cup and Federation Cup have entered into a commercial agreement with an operator named Betway.<sup>83</sup> The Australian Open had a commercial arrangement with bookmaker William Hill for the 2016 event.<sup>84</sup> The United States Tennis Association, organizer of the U.S. Open, derives revenue from at least one data dissemination deal involving wagering.<sup>85</sup> The WTA also has a content distribution deal with Perform.<sup>86</sup> Perform’s wagering-focused subsidiary Opta is a supplier of “accurate, impartial and reliable data which has become an essential requirement of sportsbooks and gaming operators globally.”<sup>87</sup>

<sup>77</sup> See Futterman et al (2016). Tennis is far from the only sport to exploit the commercial nature of gambling. For an overview of gambling-related connections in American professional sports, see Fainaru et al. (2016).

<sup>78</sup> ITF (2012). The 2012 press release stated: “This unique and unprecedented partnership opens up new horizons in the realization of exciting new live betting products and enables us to provide a 24/7/365 Live Tennis betting offer for over 65,000 matches per year.” Sportradar’s gambling-focused subsidiary is called Betradar.

<sup>79</sup> Soshnick (2015) wrote: “At \$14 million a year, that’s a 500 percent increase over Sportradar’s original deal with the ITF...”

<sup>80</sup> IMG Programming (2015). From Kaplan (2014): the “ATP and WTA tour have agreed to renew their live-scoring deal with IMG-owned Enetpulse with a six-year extension valued at more than \$30 million. The deal gives Enetpulse the rights to all ATP and WTA live scores, and it sells that information largely to gambling companies.”

<sup>81</sup> Betgenius (2012):

“Betgenius Limited is pleased to announce their exclusive partnership agreement with Enetpulse, a subsidiary of IMG Media, and partner of the ATP and WTA data rights holders for the sports gaming industry. IMG have completed the transaction with Enetpulse and via that transaction now control the exclusive ATP Tour and WTA Tour tennis data right for the sports gaming industry. Betgenius have subsequently agreed [to] a four year exclusive partnership with Enetpulse for the provision of tennis trading services to their tennis data clients.”

<sup>82</sup> Wertheim (2011).

<sup>83</sup> Associated Press (2015).

<sup>84</sup> Gibson (2016b).

<sup>85</sup> Rodenberg (2015a).

<sup>86</sup> Rossingh (2014b).

<sup>87</sup> Opta (2016).

<sup>69</sup> Rodenberg et al (2015), p. 67, n. 10.

<sup>70</sup> The term “courtsider” is used to describe a person who transmits data in real-time for gambling purposes.

<sup>71</sup> Hutchins (2014), p. 207.

<sup>72</sup> Hutchins (2014), p. 248–249.

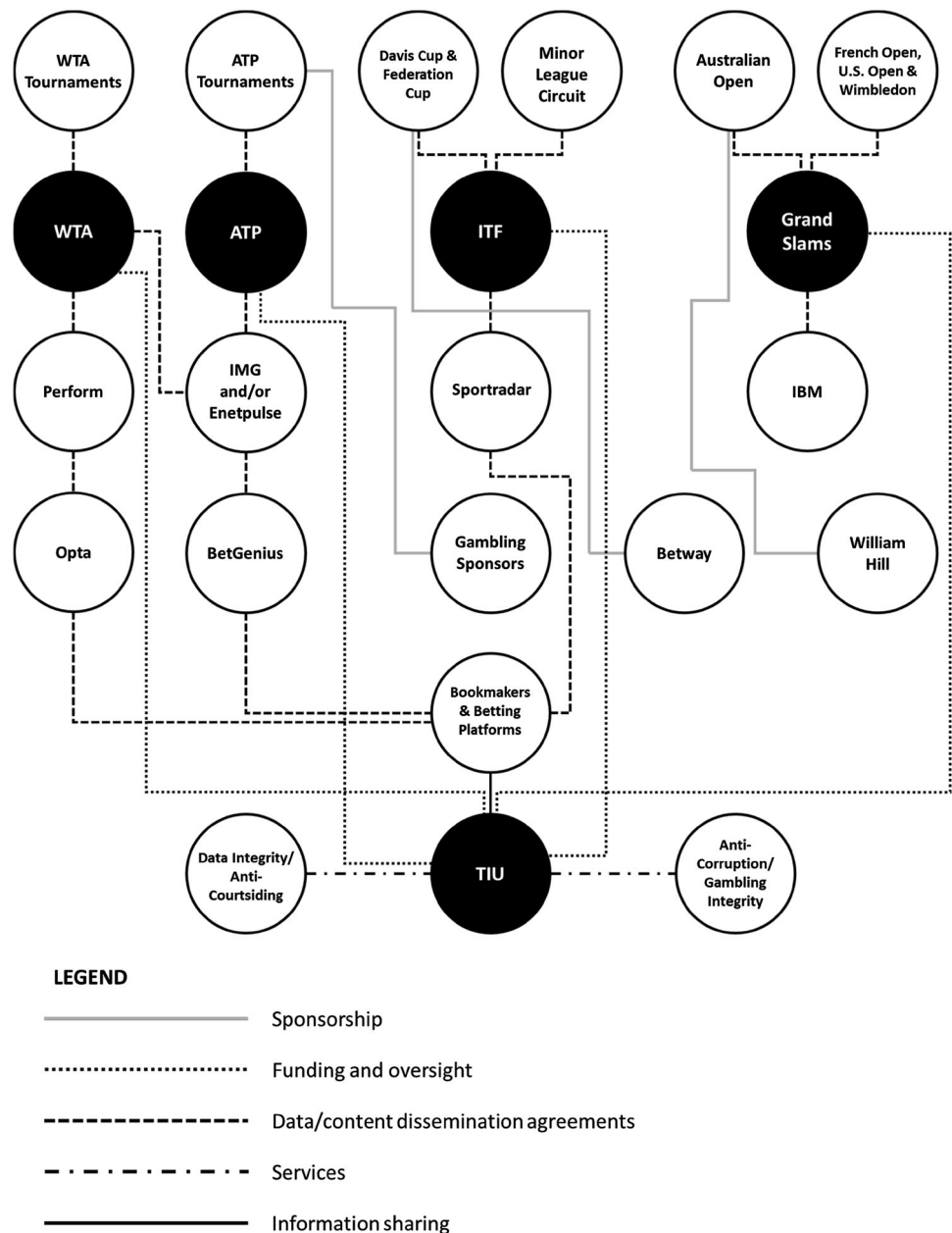
<sup>73</sup> Rodenberg (2015a). Ferguson (2014) and Hogg (2016) analyze the differences between courtsiding and match-fixing. Bishop and Martin (2014) highlighted some of tennis authorities’ concerns regarding courtsiding.

<sup>74</sup> Rodenberg (2015a), Rodenberg (2015b), and Rodenberg et al. (2015).

<sup>75</sup> Rodenberg et al. (2015).

<sup>76</sup> Rodenberg (2015a).



**Fig. 3** Tennis gambling connections

Tennis governing bodies' overlapping business relationships with numerous operators in the global gambling industry<sup>88</sup> led Bodo (2016) to write:

<sup>88</sup> The four Grand Slam tournaments have had a long-running agreement with IBM, although there is no public domain information as to whether such arrangement includes data dissemination to gambling operators. In Snyder (2015), the deal was described as follows: "IBM has a near-monopoly on data and pro tennis, with engagements at the U.S. Open, Wimbledon, the Australian Open, and the French Open." We were unable to find any publicly available information evidencing the data link between the four Grand Slams and sportsbooks offering pre-match and real-time tennis wagering. As such, Fig. 3 is silent on the issue.

"The current controversy...has provided an important wake-up call to tennis officials who might not have understood how deeply they've become entwined with gambling entities, and where those associations might lead. The commercial potential of a partnership between tennis and gambling entities is becoming obvious, but so are the ethical issues inherent in the association. In fact, those might just be emerging."

### 3.5 A primer on quantitative research into tennis integrity

Forensic match-fixing analytics in academic and formal settings is considerable across sports,<sup>89</sup> with a number of studies specific to tennis.<sup>90</sup> The European Sports Security Association warned the TIU about 73 suspicious matches in 2015.<sup>91</sup> Gunn and Rees (2008) identified 73 suspicious matches, with 45 deserving of further review.<sup>92</sup> Jetter and Walker (2015) “find substantial evidence for unethical behavior on the men’s tour, as bubble players are 15 percent more likely to beat better ranked opponents than in comparable regular matches.”<sup>93</sup> Andreoli-Bersbach (2012) explained how the non-linear prize money distribution rules may impact player decisions regarding injury announcements.<sup>94</sup> Brown and Minor (2014) found evidence of “shadow” incentives among players depending on potential match-ups in subsequent tournament rounds.<sup>95</sup> Rodenberg and Feustel (2014) analyzed first round tennis matches and found about 1 % showed evidence of manipulation that bled into the wagering market.<sup>96</sup> Brown investigated whether inside information exists in tennis wagering markets.<sup>97</sup> Pijeltovic (2012) examined unusual seed placement in Grand Slam tournaments.<sup>98</sup>

Statistical analysis of tennis matches for gambling integrity has also been performed by experts outside of academia or formal consulting arrangements. Lavigne and Pattani (2011) probed irregular placement of certain wild card players in Grand Slam draws.<sup>99</sup> Templon (2016) analyzed line movements for 26,000 tennis matches from 2009 to 2015. Berlincioni (2016) wrote an article entitled “Has Match-Fixing Stopped after the BBC-Buzzfeed Inquiry?”<sup>100</sup> Dorward (2014a, 2015, 2016) presented detailed probes into a match in Tampere, Finland, a match

in Dallas, USA, and several specific matches with the query: “Should the TIU have investigated these seven matches?”<sup>101</sup>

The revelations in Cox (2016a) and Blake and Templon (2016a) were counterbalanced with expert analysis highlighting the inherent limitations of forensic sports analytics, a methodology with concerns including the risk of false positives and false negatives.<sup>102</sup> Bialik’s (2016) analysis included the self-explanatory headline “Why Betting Data Alone Can’t Identify Match Fixers In Tennis.” Likewise, Lucy (2016) asked “Can you spot a match fix by looking at the numbers?”

## 4 Discussion and conclusion

Match-fixing, the “manipulation of on-the-field events for motives related to potential gain in the betting markets,”<sup>103</sup> is a problem in professional tennis. During February 2016 testimony, ATP executive Chris Kermode said: “The integrity of sport is hugely important. It is paramount to our sport. The belief that what people are paying to see is real is essential.”<sup>104</sup> We agree. And we are cautiously optimistic that substantive changes will be made to address the issue, a problem Gunn and Rees (2008) described as one that “goes to the core of the integrity of the sport.”<sup>105</sup>

Our analysis of tennis integrity and match-fixing in this paper lends itself to a number of recommendations. Some involve simple fixes. Others are more complex. We posit that all such recommendations could be implemented.<sup>106</sup> In no particular order, our findings are below.

First, the ITF, WTA, ATP, and the four Grand Slams should evaluate the sport’s ranking and prize money policies.<sup>107</sup> In their current incarnation, such policies have resulted in incentives that are conducive to match-fixing

<sup>89</sup> See Duggan and Levitt (2002), Preston and Szymanski (2003), Caruso (2009), Hill (2013), and Feustel and Rodenberg (2015). For a survey outside of sports, see Zitzewitz (2012). Match-fixing can also be modeled generally. See Bag and Saha (2011), Holden and Rodenberg (2015), Saha (2015), Bag and Saha (2016a, b).

<sup>90</sup> In the second installment of this manuscript (“part two”), we add to the literature on this topic.

<sup>91</sup> Blake and Templon (2016c).

<sup>92</sup> Gunn and Rees (2008). We are unaware of the details of any investigation pertaining to one or more of the 45 pinpointed matches.

<sup>93</sup> Jetter and Walker (2015).

<sup>94</sup> Andreoli-Bersbach (2012).

<sup>95</sup> Brown and Minor (2014).

<sup>96</sup> Rodenberg and Feustel (2014).

<sup>97</sup> Brown (2011).

<sup>98</sup> Pijeltovic (2012).

<sup>99</sup> Lavigne and Pattani (2011).

<sup>100</sup> Berlincioni (2016): “I honestly thought that, after all the attention created by the [BBC-BuzzFeed] inquiry, players would have been more quiet and the match-fixing would have decreased. I was wrong.”

<sup>101</sup> Dorward (2016).

<sup>102</sup> See Bernhardt and Heston (2010), Borghesi (2015), and Feustel and Rodenberg (2015) for an academic review of the concerns.

<sup>103</sup> Forrest et al (2008).

<sup>104</sup> Culture, Media, and Sport Committee (2016).

<sup>105</sup> Gunn and Rees (2008), p. 4.

<sup>106</sup> While we conclude that tennis integrity is a critical governance issue and offer ten recommendations for future policymaking, we simultaneously note that sports governance and related policymaking are not the law itself.

<sup>107</sup> Indeed, as recent rule changes for ranking points, wild cards, and lucky losers demonstrate, rule changes can be made relatively quickly to either address an incentive problem or close an integrity-attacking loophole.

and tanking.<sup>108</sup> Brown (2016) wrote: “Tennis is ripe for corruption because rewards are eye-wateringly disproportionate.” Current and former players have recognized the incentive-laden problems for years and suggested remedies.<sup>109</sup> Expert commentators have similarly pinpointed issues with ranking policies, prize money distribution rules, and income inequality among players, all issues that can nudge players (especially those playing in the minor league circuit) towards match manipulation for pecuniary gain.<sup>110</sup> For example, industry expert Declan Hill said: “there are a few investigators who have told me that there are many players who make more money fixing matches than winning them.”<sup>111</sup> Recent efforts by tennis governing bodies to augment prize money levels and distribution percentages indicate a recognition of this issue.<sup>112</sup>

Second, the tennis tours and tournaments should reevaluate their attempts to monetize data via commercial arrangements with entities in the gambling sector. Tennis and betting expert Simon Cambers described such ties as a “difficult relationship.”<sup>113</sup> The relationship is difficult because it can result in hypocritical policy positions. For example, the Australian Open and certain ATP tournaments have availed themselves of betting company sponsors while players are prohibited from securing such sponsorships. More generally, the data distribution deals entered into by the tennis governing bodies likely increases

the overall volume of betting and, in turn, increases the number of potentially suspect matches (and alerts related thereto). As such, it is probably disingenuous for tennis officials to dismiss the increased number of alerts when their own commercial ventures may be contributing to the increased liquidity of the tennis gambling market globally and the corresponding betting alerts. In addition, by attempting to establish a quasi-monopoly via a sole “exclusive” provider of “official” data, tennis governing bodies and tournaments may (unintentionally) exacerbate the possibility of manipulated data being introduced into the gambling market.

Third, the TIU should cease expending time and resources probing for on-site courtsiders absent evidence of on-court integrity-related concerns related thereto.<sup>114</sup> The TIU should focus its attention on match-fixing, tanking, misuse of inside information from medical rooms or tournament offices, and manipulative collusion among players, trainers, umpires, and/or tournament officials. According to industry expert Scott Ferguson, courtsiding “has nothing to do with match-fixing.”<sup>115</sup> More generally, the TIU should not involve itself in attempts to preserve the value of commercial data agreements. There should be a clear line of demarcation between the TIU’s integrity-preserving efforts and business dealings appropriate only for the ITF, WTA, ATP, and the Grand Slams.

Fourth, consistent with other sports, the ITF, WTA, ATP, and Grand Slams should publish timely injury reports for players. Under such reporting, players would be required to furnish accurate injury reports and face punishment if they do not. By doing so, the tennis governing bodies would be removing an underground market for inside information that could be used to manipulate the very wagering market tennis governing bodies and tournaments have embraced as commercial partners.

Fifth, the tennis governing bodies should discontinue espousing opinions about the limited utility of third party betting data alerts while simultaneously conceding during testimony that such alerts are precisely what is used to initiate and motivate TIU’s investigations.<sup>116</sup> Orwellian-like doublespeak should be avoided. While such speaking points may have satisfied short-term public relations objectives during the early 2016 media coverage, they are

<sup>108</sup> For example, “both the WTA and ATP have adopted player ranking systems where certain tournaments do not count once the player reaches a certain threshold.” Rodenberg and Feustel (2014), p. 79–80.

<sup>109</sup> See Aubone (2016), McGee (2013), and Tisparavic (2012). Cambers (2012) quoted former top-10 ranked player Ivan Ljubicic as saying he “pleaded” with bookmakers not to offer certain tennis betting options.

<sup>110</sup> See Dorward (2014b), Moss (2014a), Moss (2014b), Bialik (2011), Bialik (2014a), Blickenstaff (2016), Oddo (2013), Robson (2012), Robson (2013), Rodenberg and Feustel (2014), Rossingh (2014a), Rothenberg (2014), Rothenberg (2015), Cicienia (2016), and Ingle (2016c). While our primary focus is on player-level issues, we recognize the relevant role of tennis umpires, linespeople, trainers, tournament personnel, and broadcasters as well. For example, Forrest, et al (2008) wrote: “There are some actors, namely referees, whose rewards are relatively small but who may be the target of fixers because of their capacity to influence match outcomes.”

<sup>111</sup> McKenzie-Murray (2016). For additional detail on some of the “prices” to fix tennis matches, see Rothenberg (2016a).

<sup>112</sup> Wertheim (2016) quoted industry expert Scott Ferguson on this topic:

“[T]he real economic challenge to tennis is fighting the incentive structure, and dealing with the disparity between low levels of prize money and high levels of betting. We have no glib solution but, as things stand now, the math is grim. Gamblers can make tens of thousands of dollars betting on players who are competing for \$104 in prize money? That’s an invitation to an all-you-can-eat buffet.”

<sup>113</sup> Cambers (2013).

<sup>114</sup> In this connection, tennis tournaments should consider the usefulness and legal implications from the practice of posting signs informing spectators that they are banned from using mobile devices to send text messages and use social media.

<sup>115</sup> Ferguson (2014).

<sup>116</sup> Wilson (2016) quoted ITF executive David Heggarty saying “...those unusual patterns don’t mean anything happened. We don’t have the evidence.”

best discarded when substantively evaluating the myriad of important issues under the umbrella of tennis integrity.

Sixth, to the extent it continues to exist in its present form, the TIU should create and/or adopt an in-house live tennis wagering model that is capable of organically analyzing every match in real-time and grade each match according to its suspicion level. Relying solely on (possibly dated) alerts from third parties—as an April 2016 TIU press release revealingly disclosed—is non-optimal.<sup>117</sup> A preliminary move to add some cursory level of internal expertise may already be in the works, as Wilson (2016) quoted ITF executive David Heggarty as saying “[t]he Tennis Integrity Unit has added extra staff, including an analyst and investigator.”<sup>118</sup> Adding in-house capabilities in this regard can also serve as a robustness check vis-à-vis independent analysis by third parties and alerts received from gambling operators.

Seventh, the TIU should be granted the relative level of independence necessary to pursue an investigation to its conclusion (with public updates) without requiring the approval of one or more members of the Tennis Integrity Board. Simply put, the process whereby a Tennis Integrity Board member has the power to decide whether a TIU investigation is brought to conclusion and publically announced should be discarded. To do otherwise would result in an inherent conflict of interest rendering the TIU ineffective.<sup>119</sup> Likewise, regardless of whether the TIU (or its Tennis Integrity Board overseer) opts to pursue an investigation, the TIU should be permitted and/or required to turn over evidence to law enforcement officials capable of undertaking a full-blown investigation with

investigatory tools such as subpoenas, search warrants, wiretaps, arrest power, and criminal prosecution options.<sup>120</sup>

Eighth, if tennis governing bodies intend to continue with lucrative gambling-related data distribution deals, chair umpires should not be used to transmit such data.<sup>121</sup> Instead, a dedicated person other than the umpire should be used. The current system utilizing chair umpires puts such officials in an unenviable dual role of being charged to preserve the integrity of the on-court match while simultaneously being required to promptly and accurately transmit data for gambling purposes. Such dual role may give rise to animosity among umpires who are being used, perhaps without additional compensation, to transmit lucrative gambling data. Having chair umpires be the sole transmitters of data also gives rise to a scenario where umpires can delay or manipulate the data streams for the purpose of committing betting fraud in collusion with others.<sup>122</sup>

Ninth, the TIU should move to a new office that is not physically located within the confines of the ITF. Such a move would, quite literally, create distance for an entity that is repeatedly described as being “independent,” although tennis officials made clear during February 2016 testimony that such descriptions of TIU’s independence are relative in nature and best articulated as a “spectrum of independence.”<sup>123</sup>

Tenth, a short-term amnesty program could be implemented. Such a move would be a profound step and necessitate careful consideration in terms of how to effectuate it and what type of immunity would be granted. Specifically, any such amnesty program would need to be a two-way street. In one direction would be disclosures from players, player support staff, trainers, doctors, umpires, linespeople, and other on-site tournament staff. In the other direction would be disclosures by tennis governing body executives and high-level tournament officials, including some or all of the yet-to-be-released underlying materials in Gunn and Rees (2008), the Cremona, Italy prosecutorial files, and Luzzi et al. v. ATP Tour et al. The release of such documents, many of which are now quite dated and likely unrelated to any current investigations, would help address repeated claims directed towards the TIU alleging non-

<sup>117</sup> As stated in TIU (2016c): “The TIU has committed to publishing headline figures from the Match Alert data it receives from the betting industry, on a regular quarterly basis. Memorandums of Understanding with regulators and operators worldwide, provides alert data triggered by what is regarded by the betting industry as unusual or suspicious activity around a match. There is no industry standard set of indicators for match alerts. Different operators use different trigger points, meaning that one company may issue an alert on a particular match, but another will not.” Also from TIU (2016c): “The 48 alerts are a combined aggregate of all alerts received from the betting industry and represent the most accurate and comprehensive data for the sport. In some cases, alerts are received from a number of operators on the same match. For the purposes of TIU assessment, follow up and reporting, these are treated as a single alert.”

<sup>118</sup> In the same interview, Wilson (2016) quoted ITF executive David Heggarty as saying: “And the ITF itself has created its own independent integrity department.”

<sup>119</sup> From Rodenberg and Feuestel (2014), p. 80: “an inherent conflict of interest arises when the same entity charged with management and marketing also polices the sport through anti-corruption efforts.”

<sup>120</sup> This is particularly important given the concerns raised by a TIU attorney in Riach (2016). Likewise, we acknowledge that this suggestion carries with it important privacy and human rights considerations irrespective of narrow legal differences between jurisdictions.

<sup>121</sup> Whether such activity violates the Wire Act in the USA or related laws in other jurisdictions is beyond the scope of this paper. See Rodenberg et al. (2015).

<sup>122</sup> See Ingle (2016a) for details on how this occurred.

<sup>123</sup> Culture, Media, and Sport Committee (2016), Young.



enforcement and/or selective enforcement of the anti-corruption policies.

Since its inception, the TIU (working in concert with its collaborative overseers) has seemingly adopted an opaque *Trust Us* approach.<sup>124</sup> We favor a more transparent *Trust, But Verify* approach for the TIU and its affiliated tennis entities, as our approach is better-suited to ensuring that “what people are paying to see is real.”<sup>125</sup>

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<sup>124</sup> Indeed, Riach (2016) quoted Ben Gunn, a co-author of Gunn and Rees (2008) as saying: “The transparency of the Tennis Integrity Unit leaves something to be desired.” Likewise, TIU executive Nigel Willerton confirmed during 2016 testimony that he (Willerton) was “personally committed to greater transparency in the TIU.”

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