

# THE DARK SIDE OF SPORTS



BFS Founder/CEO Dr. Greg Shepard started giving clinics over three decades ago to help coaches with the practical aspects of strength and conditioning.

## *Who Is an Expert?*

Practical advice on determining whom you should listen to in athletic and physical fitness

BY **DR. MARC RABINOFF**

In July 2008 Richard Simmons was invited to Capitol Hill to address the House Education and Labor Committee about how the public school system could best deal with childhood obesity. Simmons is certainly a celebrity in the world of physical fit-

ness, but his academic degree is in art, and during his speech he admitted that he had never played a sport or participated in physical education classes. Yet here he was giving his “expert opinion” on how to resolve this disturbing health crisis.

Likewise, there are people affiliated with countless websites and blogs and other Internet media who promote themselves as fitness experts. They often self-publish books and offer seminars and personal training services about their so-called cutting-edge training

methods. Exercise routines, advice on nutrition and supplements, and perhaps sports injury rehab – they have all the answers. Even Dr. Phil McGraw, whose academic background is in psychology, expanded his business by writing a best-selling weight loss book and endorsing nutrition products such as sugar-packed food bars. And then there's the curious case of Jillian Michaels.

On her website, *jillianmichaels.com*, Michaels says she was a personal trainer for 19 years and also worked as a physical therapy aide, which I should mention doesn't require licensing as would a physical therapy assistant. She lists no academic degrees in her formal education but says she has two personal training certifications. These certifications were the subject of an article that appeared in the *LA Times* questioning Michaels's credentials (the newspaper later acknowledged her certifications were current).

On February 9, 2010, a class action lawsuit was filed against Michaels and



Inv. J. Geib

Despite having an academic background in art, not exercise science, many consider Richard Simmons an expert on physical fitness.

as a personal trainer is significant, that experience should not qualify her to consult on the development of a weight loss supplement. And this raises this

administration, but he is more likely to be considered an expert in the field of football coaching because two of his college teams won national champion-

## *In the legal system, an expert is determined by virtue of their academic preparation and experience in their field*

the manufacturers of one of her weight loss supplements. The suit states the following:

“Defendant Jillian Michaels developed a reputation as a credible fitness instructor by emphasizing that weight loss requires hard work and discipline... Regrettably, however, she has decided to squander her fame by lending her name to a worthless dietary supplement called ‘Jillian Michaels Maximum Strength Calorie Control.’... Contrary to everything that Ms. Michaels has ever instructed, she and the companies peddling this product suggest it makes weight loss effortless...”

Although two decades of experience

question: How is Jillian Michaels, Dr. Phil, Richard Simmons or anyone else in the field of fitness training judged to be an expert?

### **Taking It to the Courts**

In the legal system, an expert is determined by virtue of their academic preparation and experience in their field. For someone to be considered an expert in the field of coaching football, having coached successful athletic teams could be considered much more important than academic preparation. For example, Urban Meyer earned a bachelor's degree in psychology and a master's degree in sports

ships, among his many other successes on the gridiron.

In contrast to coaching, when it comes to the field of medicine there is a very high bar set in the court system regarding medical experts, such that just because someone is a medical doctor does not necessarily make them an expert in their field. For example, someone who is called in as an expert witness in a case involving orthopedic surgery most likely will be an orthopedic surgeon. But that may still not be enough for them to testify in court, as one of the responsibilities of an attorney is to challenge the backgrounds of the opposing counsel's expert witnesses.



In addition to putting on clinics, BFS now offers certification programs that include both lecture and hands-on training.

If I were testifying as a gymnastics expert on the basis of having been a coach for 15 years, for example, an opposing expert could argue that I was not an expert because I haven't coached in 20 years. And even though Dr. Phil has a PhD, he might be dismissed as an expert witness in a case involving personal training because his degrees are not in the field of exercise science. However, in that same case a judge might consider Richard Simmons or Jillian Michaels as competent physical fitness experts and allow them to testify based solely on their extensive experience in this area.

Outside the legal system, when looking at the field of personal training or strength coaching, it is difficult to determine who should be considered an expert. And the result is that a lot of people are being cheated and lied to by those who are not qualified to do the things they say they can.

### A Question of Trust


One of the problems with exercise science is that the academic community is not keeping up with the knowledge that is constantly generated in this field. Twenty years ago there were few colleges offering exercise science degrees that reflected extensive training in weight training or aerobic fitness,

and this deficiency opened the door for many outside certification organizations to fill this education gap.


The deficiencies in formal academic programs have made it difficult for the average consumer to determine who are best qualified to be personal trainers or strength coaches. Is a former Mr. Universe winner, for example, more qualified to train a bodybuilder than a 22-year-old who just graduated with a degree in exercise science? Likewise, Michaels has two certifications that can be earned with just a few days of study, but she has obviously achieved remarkable success with many of her clients on the show *The Biggest Loser*. On the other hand, her lack of formal education is perhaps one reason Michaels is finding herself in so much legal trouble by consulting in areas such as nutrition, in which she has little academic background.

As a college professor, I believe that a physical trainer should have an academic degree in a field of exercise science. But if a person is just looking for someone to motivate them in their workouts, then I could see how that person could be justified in hiring a knowledgeable personal trainer with an online certification who charges \$25 an hour versus a trainer with an academic degree who charges \$50 an

hour. But on this point I should also mention that although charging lower fees or being a volunteer might seem to make one less likely to become involved in a lawsuit, consider that a court of law doesn't care if a defendant is getting paid or not.

I've heard it said, "There are two types of fools in the world: those who believe that experience is a substitute for education and those who believe that education is a substitute for experience." That being true, I would consider an expert in the area of physical training to be someone who has earned academic degrees and has also participated in continuing education programs such as certifications, and then has applied that knowledge to the workplace. Such an approach may not get you invited to Capitol Hill to give a speech, but it will certainly help you stay out of the courtroom and be able to assist those you work with to achieve their athletic and physical fitness goals. 

"The Dark Side of Sports" is a regular feature by Dr. Marc Rabinoff that answers questions about safety and liability based upon actual litigations.





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