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A Study in Academic Misconduct?

CrossFit 614 owner Mitch Potterf sues Ohio State University on the strength of sworn statements from participants who say they were not injured in study.

By Emily Beers

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All photos: Emily Beers/CrossFit Journal

It started out as a great opportunity for Mitch Potterf.

It was a chance for his athletes at CrossFit 614 in Columbus, Ohio, to participate in a scientific study at one of the most well-known public research universities in the country.

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More than three years later, Potterf finds himself suing Ohio State University for academic misconduct.

The study, with lab work at OSU and training at CrossFit 614 in 2012, was published the following year in the *Journal of Strength and Conditioning Research*, the official research journal of the National Strength and Conditioning Association (NSCA). It kept tabs on athletes' blood, VO_2 max and body composition.

The title of the study—"CrossFit-based High-intensity Power Training Improves Maximal Aerobic Fitness and Body Composition"—nicely summed up the findings of the research. In short, do CrossFit and your VO_2 max and body composition will improve.

The problem with the study comes when you dig a little deeper into the article. After analyzing the findings in detail, authors Steven T. Devor, Michael M. Smith, Allan J. Sommer and Brooke E. Starkoff also included a section about injuries allegedly related to CrossFit.

"A unique concern with any high intensity training program such as HIPT or other similar programs is the risk of overuse injury. In spite of a deliberate periodization and supervision of our CrossFit-based training program by certified fitness professionals, a notable percentage of our subjects (16%) did not complete the training program and return for follow-up testing," the study stated in its discussion section.

Potterf and his lawyer, Ken Donchatz, have collected sworn statements from every single athlete who didn't test out of the study, and in each case the athlete attested he or she did not get injured.

It also detailed why participants didn't return for follow-up testing at the end of the 10-week period—also referred to as "testing out."



Mitch Potterf of CrossFit 614.

"Of the 11 subjects who dropped out of the training program, two cited time concerns with the remaining nine subjects (16% of total recruited subjects) citing overuse or injury for failing to complete the program and finish follow up testing," the study stated.

There is one major problem Potterf has with the latter statements: They're lies. Lies that Potterf believes have not only damaged his livelihood as a trainer but also other affiliate owners around the world and the CrossFit brand.

In preparation for the trial, Potterf and his lawyer, Ken Donchatz, have collected sworn statements from every single athlete who didn't test out of the study, and in each case the athlete attested he or she did not get injured.

Donchatz wants two things for his client: retraction of the study because of academic misconduct and compensation for the damage the study has done to Potterf. Details of the damages remain undisclosed.



Potterf's lawyer, Ken Donchatz (right), says it's been difficult to watch his client go through an ordeal that's hurt his business.

Potterf's trial date is set for November 2015, but this could change if the pre-trial process takes longer than expected or if OSU settles.

Flawed Research Hurts

In a small restaurant and coffee shop in the Short North area of downtown Columbus, Potterf ordered steak and eggs and a black Americano before taking a seat to wait for Donchatz to join him.

Three years have passed since his affiliate got involved with the OSU study.

Potterf is tired. Tired of thinking, talking, stressing about his battle with OSU. The process hasn't been fun. He just wants it to be over.

Donchatz said it's been difficult to watch how the whole ordeal has hurt Potterf, whom he considers a friend.

"Every time I met with him, there has been a lot of frustration, rage," Donchatz said.

Potterf nodded in agreement, though he's adamant it's not his emotions that have driven him to pursue the case in court.

He took a sip of his Americano and his mind went back to the day he found out the study had been published.

"There was a guy I was friends with on Facebook, who was a (CrossFit Games) regionals athlete and owned an affiliate but then became anti-CrossFit," Potterf began. "He re-posted something about CrossFit being dangerous and said something like, 'See, this is why I don't let you do CrossFit. Sixteen percent get hurt.' And there was a link (to the study)."

"Then someone else said, 'Hey, Mitch, isn't this your gym?'" Potterf remembered. "Until then, I had no idea it had been published."

What followed were related stories in the mainstream media that painted CrossFit as dangerous, citing the OSU study as evidence. One particularly damaging article was published in November 2013 in Outside Magazine titled "[Is CrossFit Killing Us?](#)"

"The study also revealed a troubling statistic: 16 percent of the 54 participants had quit the program due to 'overuse or injury,'" wrote Outside Magazine writer Grant Davis.

The article was widely circulated, especially by CrossFit critics.

Because Potterf's athletes were involved—and his affiliate mentioned by name in the study—he was personally negatively affected by the press.

"Especially today. (CrossFit) is a highly competitive market. So one negative thing can really hurt an affiliate's business," Donchatz said, adding that even now the fraudulent study haunts his clients as it continues to be widely cited by mainstream media and circulated on social-media platforms.

"Someone just posted on Facebook about fixing the people that Mitch (Potterf) injured. It was someone



Left to stand unchallenged, incorrect injury statistics could affect the reputation of CrossFit 614.

from Columbus. He took pictures off Mitch's site and (to paraphrase) he said, 'I can fix the people Mitch injured,'" Donchatz said about the January 2015 Facebook post.

Within minutes of reading the published study, Potterf had reached out to both Devor and Smith for an explanation. He emailed Smith but never received a reply. Eventually, he spoke with Devor on the phone.

"What's up with this injury data?" Potterf remembered saying. "And his point was, 'You're missing the bigger point about the improvements (your athletes saw).'"

"My response was, 'If one thing (in the study) is a lie, then how can you really rely on the rest of it?'" Potterf continued. "You're publicly saying people were injured."

Potterf persisted but Devor kept dodging the issue.

"He just tried to get me to shut up," Potterf said. "He kept trying to get me to focus on the positive things in the study."

Donchatz added: "He kept trying to get Devor and Smith to talk to him about the injuries, and they just stopped communicating with him. You don't expect that from Ohio State."

When Potterf realized he wasn't going to get anywhere with either Devor or Smith, he approached Donchatz about taking the matter to court. In March 2014, they filed their case.

Donchatz explained that the suit—filed both in General Court and the Court of Claims—is against OSU as opposed to any individual because state employees have sovereign immunity in Ohio and cannot be sued. However, if the Court of Claims decides state employees acted intentionally, their immunity could be waived and they could become defendants.

The Evidence

Donchatz believes he has an airtight case.

What he knows for sure is a total of 54 athletes took part in the OSU study, which coincided with a 10-week fitness-nutrition challenge Potterf hosted at his affiliate. Potterf knew all 54 participants. Considering 52 of them were his clients at the time, he said he would have known had anyone gotten injured.

Of the two participants who weren't clients at CrossFit 614 at the time of the study, one was a woman who did one personal-training session with Potterf, signed up for the study, paid her fee but never returned. The other was a Pilates instructor and former CrossFit 614 client.

Potterf hadn't hesitated when Ph.D. candidate Smith asked to borrow some of CrossFit 614's athletes for the study. The research would give participants the opportunity to get their blood work done, their body composition measured using air-displacement plethysmography and their VO_2 max tested, which seemed like a great opportunity.

"We know we can improve your Fran time, your fitness. But we had never tested a VO_2 max. But (OSU) was able to put science behind it," Potterf said of the excitement he felt to have more of his members' health markers measured.

"By the time January 2012 rolled around, all the pieces were in place," he said.

In conjunction with OSU's testing, which cost each athlete US\$120, Potterf created a point system for his in-house challenge that encouraged his athletes to eat whole foods and train consistently for 10 weeks.

Some of his athletes were predominantly interested in the in-house challenge, while others were excited about the OSU testing and returned to be re-tested at the end of the study. Of the original 54 participants, 43 returned to OSU to test out at the end of the 10 weeks.

Meanwhile at Potterf's box, his athletes celebrated the completion of a rewarding 10-week challenge. They didn't need OSU's data to tell them they had improved. They could see and feel their gains in the form of performance and body-composition improvements.

"The challenge made noticeable changes for everyone," Potterf said.

Shellie Edington participated in Potterf's 2012 challenge, as well as in the OSU study. A two-time CrossFit Games competitor and bronze medalist in the Masters Women 45-49 Division in 2014, Edington knew not everyone had returned to OSU for the second round of testing. But, she said, nobody had mentioned an injury.



Due to sovereign immunity for state employees, Ohio State University is named in Potterf's lawsuit.

"I think the people who chose not to go back to the re-test just fell off the (nutrition) bandwagon and were embarrassed (about their scores). That's probably why they didn't go back," Edington said.

Potterf remembered one client not returning for the second round of testing because she had to go to a funeral, while two others asked for make-up test days. OSU denied their requests, Potterf said.

Through pre-trial investigation, Donchatz discovered that Joe Miracle was one of the nine athletes the study's authors claimed had sustained an injury that prevented him from completing the study. Miracle, however, was not injured at that time.

The day he was to test out, Miracle had to attend welding training for work. Coincidentally, the welding training was on OSU's campus.

"After taking the bus to campus, I had enough time to have the body-composition test and lipids testing done, but they were running behind (schedule) on the VO_2 max testing," Miracle remembered.

His welding training was about to start, so he let the tester know he had to leave due to time constraints, he said. He left without having his VO₂ max tested.

What makes the allegation that Miracle was injured especially suspicious is that the study was blinded. Athletes were assigned numbers, meaning their identities were unknown to the researchers. In the CrossFit Journal article “NSCA ‘CrossFit Study’ Fraud?” by Russell Berger, study coordinator Chelsea Rankin provided details.

“I’m the only one that knew who did or didn’t show up. The participants were de-identified and were only known to the OSU researchers by a number. ... They (OSU) may have spoken to people there while they were doing the post-test, but they never had contact with the people who didn’t show up, and I have no idea how they could have,” Rankin said.

Contrary to the study’s data, Miracle was uninjured, and the physical gains he saw during the challenge were undeniable. He shed 25 lb. in 10 weeks.



Shellie Edington took part in the study and said she never heard anyone talking about injuries.

Miracle is sympathetic to Potterf’s taking legal action.

“Fitness journalism really latched on to that (injury) statistic from the study, and I truly believe there should have been a retraction or explanation from the study representatives on why they made that statement,” Miracle said.

He added: “If I were a gym owner, I would be in the same position.”

In a later round of edits, though, something suspicious crept into the peer-review process: A push to include data about injuries.

Discovered in Discovery

When they filed their case, Potterf and Donchatz questioned the impetus to include allegedly falsified data in the study. What has been revealed during the discovery process has helped shed light on the researchers’ possible motivations.

Discovery is the pre-trial phase of a lawsuit in which both parties have the opportunity to gather evidence from the other through requests for information.

“We literally discover all of their factual information and they discover ours. And once we read about each other’s information, if it’s possible to see some middle ground, then there could be a settlement,” Donchatz explained.

The transparency during the discovery process helps make court proceedings more efficient and often deters people from attempting to fight a case they know they can’t win.

What Potterf and Donchatz allege is that falsified injury data was planted into the study to appease the wishes of academics, specifically the NSCA, which has often **found itself at odds with CrossFit**.



Potterf would rather be coaching than litigating, but he's not going to let his business be affected by bad press generated by incorrect statistics.

One of the pieces of evidence Potterf and Donchatz were able to obtain through discovery was a series of emails between Smith and Devor, as well as emails related to the editing process. The first round of requested edits from peer reviewers were generic, somewhat mundane changes.

"Things like conclusions not having enough support or poor writing," Donchatz remembered. "Things you would expect from editorial review."

In a later round of edits, though, something suspicious crept into the peer-review process: a push to include data about injuries. There was no mention of injuries in the original study, Donchatz explained.

"It only came up after the reviewer pointed out that it needed to be included and cited another study," he said.

In one particular email, Smith wrote to his co-authors, "I guess I never really looked to(o) closely at this drop-out rate and reason."

Despite a lack of injury data in the original draft of the study—and even though Smith admitted he hadn't paid attention to the reason people dropped out of the study—"All of a sudden in the next draft, there's all these conclusions about injuries," Donchatz said.

But when Potterf expressed concern about Devor and Smith's research, they chose to ignore him.

In an email exchange between Devor and Smith, Devor wrote: "By the way, I have decided to blow off Mitch (Potterf). He was insulting and disrespectful. No patience for that sort of thing."

Smith replied, "I was actually wondering why you gave Mitch (Potterf) as much credence as you did. He's obviously lacking in brains and class."

The Big Picture

It was 6 a.m. at CrossFit 614 and a crew of 18 athletes trickled in for class.

Potterf arrived with coffee in hand, ready to coach an endurance class with a small group of triathletes. Even after more than 20 years in the fitness industry, Potterf still wants to be in the gym when the sun rises. When he's at the gym working with clients, he knows he's doing something useful with his life.

"I care about those 25 people who come and see me in the morning, and I'm going to pursue what I think is best for them, and this is what I think is best for them," Potterf explained.

Potterf used to be a member of the NSCA. He held his Certified Personal Trainer (CPT) certificate for three years, a certification that required him to take a written exam at a testing center.

"There was no practical component at all," Potterf said.

So after a few years of using his CPT credentials merely as a way to bolster his résumé, he came to believe there was little value in the certification. When he turned 26 and it came time to renew it, he didn't bother.

Now 41, Potterf is convinced the NSCA, its research and some of its publications aren't doing much, if anything, to better people or their health.

"One thing I've become very aware of through this whole process is . . . things aren't what they actually appear. There is no pure information (about) the athletic world coming from the NSCA," Potterf said. He added that one of the most significant problems is a lack of practical application.

Through the discovery process, it was revealed to Potterf that neither Devor nor Smith has ever trained anyone, let alone tried CrossFit.

"Their answers to everything are that they've never trained people, but they're going to tell you how to train people," Potterf said.

Working with university students further emphasized this point to Potterf.

While he believes in education, Potterf likened having a degree in kinesiology, human kinetics or exercise science to owning a Ferrari before knowing how to drive.

When he spoke to OSU students in 2012, they asked him about exercise science's most significant shortcoming.

"Everyone who is going to graduate in the spring with a degree in exercise science, stand up," Potterf requested.

Everyone stood up.

"If you know how to operate a treadmill (Bruce) protocol test and a body-fat test, keep standing," he continued.

Everyone kept standing.

But when he asked the students to keep standing if they knew how to teach their grandmother how to squat or deadlift, most of them promptly sat down.

"You're capable of doing a job that provides you with \$60,000 of equipment, but when you need to teach someone to put something on a shelf, you're completely incapable," Potterf told the group.



Potterf, a former member of the NSCA, did not renew his credential and said he now questions the fitness information produced by the NSCA.



Potterf is critical of university-educated trainers who have no practical experience, and he calls CrossFit “the truth in fitness.”

He added: “Your grandma doesn’t care what her VO_2 max is, but she wants to be able to stand on a chair. She wants to be able to carry her groceries. . . . If she can pick up a barbell, she’s probably not going to get hurt putting a jar away.”

Potterf shook his head remembering the experience.

“I can look like the smartest strength coach in the world if I have the best athletes (to train),” he said. “But if you can teach the average person how to lift a barbell, then you really know how to teach.”

About what universities teach, Potterf added: “That’s the giant error in their philosophy and their application. They train (students) specifically before they’re even competent to train the general public.”

This philosophy is in stark contract to what CrossFit has taught Potterf—how to get the average person moving better, how to turn ordinary people into athletes, how to make his clients’ lives better through fitness and how to keep them fit for life.

“One of the things that made CrossFit resonate with me is that this is the truth in fitness,” he said.

As the case unfolds before the justice system, this truth is what Potterf will try to protect. He’ll do this by showing up to the gym each day at 6 a.m., by continuing to coach his athletes to be better.

“It’s an attack on entrepreneurialism. (Meanwhile) you have this guy sitting in academia, completely protected from the world. . . . It’s just wrong. Independent of any financial harm, they’re building a knowledge on things that are wrong,” Potterf said.

He paused before adding, “Their motives aren’t making people better or protecting people . . . CrossFit is about the only thing (in the fitness industry) that’s getting large amounts of people to care about what they eat, what they do, how they perform.”



About the Author

Emily Beers is a CrossFit Journal contributor and coach at [CrossFit Vancouver](#). She finished 37th at the 2014 Reebok CrossFit Games.