

THE FRONT OFFICE

OPINION PAGE

NEGLIGENCE LETS LAWYERS TURN PAIN INTO GAIN



Like millions of others who live and work in big cities, I spend hours each week commuting. To help weave my way around traffic jams at rush hour, I listen to the traffic reports on the radio much like an airplane pilot gets directions from the tower.

The traffic report I like best recently got a new sponsor -- a law firm specializing in liability and injury cases. The company's sales pitch cites examples of work-related back pain, slips and falls, and just about any type of personal injury you can pin on an employer. The commercial makes litigation sound easy, free, and

practically profitable. You pay nothing. The firm takes its fee out of any damages awarded to you by the courts.

The mere fact that this law firm can build a successful practice by promoting law suits to the public makes me more concerned than ever about the potential for wasteful and unnecessary insurance claims against sports complexes. I can see it now, an advertisement on cable sports channels for Sports Torts Specialists during local high school and college games. "If your son or daughter strains a muscle, twists a knee, or is injured by a ball after a bad bounce, call STS and turn pain into gain."

"Facilities offering sport programs, by their very nature, run a very high risk of litigation," warned Attorneys at Law Elyzabeth Joy Holford and L. Leon Geyer during last year's Virginia Turf Conference. "There is a probability that injuries to sporting participants will occur. As a result, administrators in the field must maintain an interest not only in the general health and safety of participants, but also in the resulting legal ramifications of offering any type of sport program on the premises."

They add, "It is not the responsibility of sports complexes to provide a completely risk-free environment, but they have a duty to meet certain standards of conduct that protect others against unreasonable risks. Failure to do so can be construed as negligence, a civil crime remedied by financial damages.

When a judge has to decide if those responsible for a sports facility are negligent, he or she depends upon statements by experts as to what constitutes reasonable conduct when it comes to field use and care. That includes standards for design, layout, choice of materials, and maintenance, the attorneys warn.

We all realize that the potential for litigation exists, but do we seek out experts *ahead-of-time* to make sure that we are meeting reasonable standards? Do administrators of sports facilities fully appreciate the value of hiring well-trained sports turf managers? Furthermore, do they support continuing education programs for their staff? Too often the answer is no.

Standards that held up in court ten years ago may not be good enough to disprove negligence today. It's obvious that the industry has been uncovering new techniques each year that make turf more durable, more reliable from an athlete's standpoint, and safer.

Every year there are thousands more lawyers trying to build up their case loads. Sooner or later they will discover the potential of the sports industry and start advertising. Your best defense is to get involved now and make sure your facility meets current standards.

Bruce F. Shank

EVENTS

CALENDAR

MARCH

14-16 Massachusetts Turfgrass Conference, Springfield Civic Center, Springfield, MA. Contact: Dr. Joe Troll, Box 489, Hadley, MA 01035, (413) 549-5295.

20 West Coast Sports Turf Institute, California State Polytechnic University, Pomona, CA. Contact: STMA, 400 N. Mountain Ave., Upland, CA 91786, (714) 981-9199.

25-29 American Society of Golf Course Architects Annual Meeting, Inn at Spanish Bay, Pebble Beach, CA. Contact: Paul Fullmer, ASGCA, 221 North La Salle St., Chicago, IL 60601, (312) 372-7090.

27-30 Missouri Park and Recreation Association Annual Meeting, Holiday Inn Executive Center, Columbia, MO. Contact: David Osterlund, MPRA, 1203 Missouri Blvd., Jefferson City, MO 65109, (314) 636-3828.

MAY

16 North Carolina Turf and Landscape Field Day, North Carolina State University Turf Field Center, Raleigh, NC. Contact: Dr. Joe DiPaola, Crop Science Dept., NCSU, Box 7620, Raleigh, NC 27695, (919) 737-2657.

JUNE

19 Buildings and Grounds Maintenance Exposition, Santa Clara Convention Center, Santa Clara, CA. Contact: Richard Mauck, Public Works, 1500 Warburton Ave., Santa Clara, CA 95050-3792, (408) 984-3151.

JULY

29-31 International Lawn, Garden and Power Equipment Expo, Kentucky Fair and Exposition Center, Louisville, KY. Contact: Expo 90, P.O. Box 70465, Louisville, KY 40270, (800) 558-8767.