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.

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