

A Closer Look

Do coaches need to see every move their athletes make to avoid being liable for injuries? Our expert's up-close review of three important cases answers that question . . . and others.

By Dr. Richard P. Borkowski

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For many years, I have offered specific risk management strategies in these pages. How to make practices safer. How to check facilities for hazards. How to properly warn participants of risks.

This article is a bit different. It is about three actual lawsuits, all of which I have been associated with. Each case demonstrates key issues that should help lower the chance of injuries and being sued.

INDOOR PRACTICE

More than a decade ago, a freshman college football player ran head first into a padded wall while practicing sideline-passing routes in an indoor football facility during a spring practice. The player caught the ball at the sideline, lost his balance, and struck the wall. He was wearing a helmet and full athletic gear, but the event left him paralyzed.

In court, his attorney raised several issues against the university:

- â€¢ The team did not have to practice passing routes indoors, as this was a spring practice.
- â€¢ The team did not have to practice the specific passing pattern that brought the player into contact with the wall.
- â€¢ The team could have practiced this pattern in ways that would have eliminated the potential for receivers hitting the wall.
- â€¢ Additional padding that was stored a short distance away could have been used to better pad the wall.

Practice film showed several receivers making various types of contact with the wall prior to the incident. In addition, all the coaches stated they were fully aware receivers were making contact with the wall.

The university settled the case for a large amount of money. It was most likely a wise move to settle out of court.

In my view, the school created an unnecessary risk. Coaches could have accomplished their practice objectives without placing the plaintiff in a situation that caused him to hit the wall. And the coaches were clearly aware of the possibility of a collision.

This case also reaffirms the fact that padding is not failsafe. While padding lowers the chance of a problem, it does not eliminate risk.

Take-home message: Coaches need to continually ask themselves, "Are there any hazards in the area? Can I eliminate them? Will what I plan to do in the facility create injury risk? What's the safest way to implement a drill?"

FAILING TO SUPERVISE?

After a leg injury, a high school wrestler accused his coach and school of failing to properly supervise him during a routine practice. He alleged this failure caused the leg injury, which occurred during a controlled, limited-time takedown drill.

Two qualified, experienced coaches were present during the incident. The plaintiff was warmed up and properly attired. Regulation wrestling mats were in place. He was a senior who was experienced in the skills being performed, and he received rest breaks.

The plaintiff was not injured because of an illegal maneuver. No other wrestlers were injured during the drill. Documentation also showed the drill was stopped immediately and the wrestler was attended to.

So what was the argument against the school? The plaintiff's expert witness took the position that coaches are required to observe every action of every participant, and should therefore be able to anticipate and prevent every injury. The expert also stated that the student-athlete was not prepared to participate. Both coaches disagreed and were able to demonstrate they had far more information and experience to make a coaching judgment than the plaintiff's expert.

The case was settled out of court for what is sometimes called "nuisance money." Schools do not like to go to court, and it is generally cheaper for them to settle.

In my view, the plaintiff did not have a case. He received acceptable supervision and instruction in all areas. The position that a coach must watch everything in a practice is in conflict with the demands of the profession and simply impossible.

This case points out a difficult reality that can affect any coach and athletic director. Even when you meet your duty of care--when you do everything that you should--you can still be sued.

Take-home message: While no coach is immune to lawsuits, being safety-conscious will still lower the risk of injury and the chance of a costly and career-damaging lawsuit. When it came time for the wrestling coaches to detail their procedures, they were able to demonstrate their knowledge, professionalism, and attention to safety. The school decided to settle, but the coaches were able to hold their heads high and continue their careers.

PREGAME DRILLS

In 2005, a youth baseball team was holding pregame practice. While the head coach hit ground balls to the infielders, the assistant coach started hitting fly balls to the outfielders in left, center, and right field. The assistant coach stood near the third base coach's box, and the fly balls hit toward center and right field went directly over the heads of infielders. Testimony suggests the assistant coach was about 10 feet from the third baseman.

After a short period of time, the third baseman was struck in the head by a line drive off the assistant coach's bat. The boy collapsed and suffered brain damage. The second baseman, his brother, suffered psychological damage.

The boys' family sued the baseball league and athletic associations governing the league. They settled out of court for an undisclosed amount of money.

In my view, the coaches demonstrated a clear lack of common sense, organization, and foresight. The defense suggested this pregame procedure saved time and permitted more practice, but it is wrong to substitute expediency for safety. Hitting fly balls should have occurred far from infield practice.

What makes this serious injury more egregious is that the assistant coach stated he was aware of the dangers of what he was doing. He knew the risk, yet continued placing players in jeopardy.

Take-home message: Coaches sometimes recognize problems, but they don't bother to correct the situation. They get lazy. It's the old "we've never had a problem before" syndrome. Everyone must always be on their toes when it comes to safety.

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