

YOU AND THE LAW

What Is a Sports Injury?

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Sports injury refers to any type of injury sustained by someone participating in a sporting event. A sports injury can generally be categorized as either those caused by traumatic impact or those caused by the overuse of a particular body part.

Amateur Sports

Amateur sports are organized sports that typically involve participants of a low to medium skill level. Such sports are often sponsored or funded by an organization and sometimes involve compensation between the participants. Amateur sports include team sports such as basketball, baseball, cross country, football, field hockey, ice hockey, lacrosse, sand volleyball, soccer, softball, swimming and diving, track and field, and volleyball. They also include individual sports such as archery, boxing, golf, martial arts, and tennis.

There are a large number of amateur sport injury legal claims annually. These claims originate not only from athletes but also from sport officials and spectators. Most of the claims are based on negligence.

What Are Some Examples of Sports Injuries?

Most sports injury claims consist of a traumatic injury, as opposed to an overuse injury. This is due to the fact that a person cannot expect to hold another person liable for injuries that happen due to

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overexertion over time. However, if a participant causes injury to another participant, this may form the basis of a civil lawsuit. Sports law encompasses legal issues involving both amateur sports and professional sports. Claims often overlap with labor law, contract law, antitrust law, and tort law. Examples of the most common sports injuries include

- broken bones,
- back injuries,
- concussions/head injuries,
- shoulder injuries,
- hand injuries,
- knee injuries,
- ankle injuries, and
- facial/eye injuries.

What Is the Assumption of Risk Doctrine and How Does it Apply to a Sports Injury Situation?

The assumption of risk doctrine asserts that participants who voluntarily participate in a sporting activity cannot hold others liable for their injuries, if those injuries occur during the game or while they participate in the sport. Co-participants cannot be held liable for injury, because when the injured party decides to participate they voluntarily assume the risk of possibility of injury by the other participants.

Assumption of risk is commonly utilized as a defense in most personal injury and negligence lawsuits. If the plaintiff has assumed such a risk, they cannot recover damages for any harm resulting from the defendant's conduct. This is true even if the defendant was negligent or reckless and clearly caused the plaintiff's injuries.

To prove the assumption of risk doctrine, the defendant must show that the plaintiff had actual knowledge of the risk involved in the conduct or activity. In terms of sports injury lawsuits, the defendant needs to show that the injured party is aware of potential injuries associated with the sport they are participating in.

Additionally, the defendant must prove that the plaintiff voluntarily accepted the risk. This either happens through an agreement, such as a consent waiver, or is implied by their words and conduct. It is also typically necessary to prove that the danger was obvious or that the nature of the conduct was inherently dangerous.

What Are Some Exceptions to Assumption of Risk?

Although a person may assume the risk of injury when participating in a sport, there are some exclusions to the assumption of risk doctrine. Application of these legal theories depends on the nature of the sport. Some exclusions to assumption of risk doctrine include the following:

- **Negligence standard:** If a player's negligence causes another player's injury, they may be held liable for damages. Asserting negligence requires proof that the defendant breached the duty of care they owed to the plaintiff and this breach of duty caused the plaintiff's injury. An example of this is a player failing to abide by safety rules of the game.
- **Willful conduct standard:** The contact sports exception states that a defendant is liable only if their conduct was wanton or willful. This means that the defendant acted intentionally in causing the injury; they meant for their actions to result in the injury of another player. The level of force utilized usually exceeds the normal force exerted in the contact sport. An example of this is a player engaging in a fistfight during a football game. A fistfight is not a necessary part of playing football and a person would only enter into a fistfight with the intention of causing harm or injury.
- **Defective or faulty equipment:** If the sports equipment used was somehow faulty or defective and those faults or defects were not anticipated when the player voluntarily played the game, the player could have a claim against the owner of the property or equipment manufacturer. This may only apply when the player is injured as a direct result of the equipment being defective or faulty.

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The Physical Educator

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Label all charts, graphs, and tables and place them on separate pages. Submit all images 300 dpi with appropriate captions. Number the pages beginning with the title page followed by text, references, figure captions, tables, and figures. Figures must be clean and legible. Freehand art or lettering is not acceptable.

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