

YOU AND THE LAW

Can a Negligence Claim Be Brought for a High School Sports Injury?

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The closing of summer means school is just around the corner. The beginning of school means many high schools will begin their preseason training for their student-athletes. Many individuals across the United States play amateur sports. Injuries are commonplace in all sports and at all levels of competition. Injured student-athletes have rights and are owed a standard of care from their coaches. Additionally, coaches have rights that protect them against the lawsuits of an injured student-athlete.

Most lawsuits begin because the injured party believes the coach was negligent and the negligence directly caused the injury to happen. The injured plaintiff has a particular burden of proof if they believe the coach was negligent. The plaintiff must show the defendant owed them a duty to conform to the established law. If the plaintiff can show the defendant owed them a duty of care, they must prove that the defendant breached that duty and that the defendant's breach was the actual cause of plaintiff's injury.

Sports-related injury cases differ from medical malpractice cases; for instance, the coach's standard of care is often one of the most challenging elements for a plaintiff to establish. The plaintiff who is seeking to develop the coach's duty of care must go through fact-intensive analysis. Many coaches at local high schools have teaching certificates with coaching endorsements. Teachers are required by

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law to have some first aid training. Additionally, it is a prerequisite for coaches to have a familiarization with head injuries before their seasons begin. According to this training, coaches owe a duty of care to the plaintiff that a reasonably prudent person holding a teaching certificate with a coaching endorsement could be expected to provide. The first aid training provided to coaches is not similar to the training a medical professional receives; thus, coaches are not held to that standard. It would be a daunting task for a plaintiff to collect on any damages if they pursued a negligence claim against a coach because of their inability to diagnose a knee injury accurately.

Plaintiffs who are successful in proving a standard of care between the injured player and the coach will most likely still have a difficult time showing other elements of negligence. Although proving negligence is a formidable task, it is not impossible. The courts have found coaches negligent for failing to supervise athletes properly. For example, if coaches are aware that faulty equipment is in place and do not take proper precautions to prevent injury from said equipment, they could be found liable because of their inability to supervise properly. The coaches who do not take reasonable steps to prevent their athletes from foreseeable harm, including giving clear warnings, could be held liable.

However, coaches are not always responsible for faulty equipment used during games and practice. An athlete may be injured or have injuries made worse by defective equipment that did not perform in a reasonably expected manner. When a coach does not know that equipment has the potential to cause injury because it has malfunctioned in the past, the coach will most likely not be held liable. The plaintiff would find it best to pursue a claim under product liability laws if they are seeking compensation for damages. For example, a pole vaulter who attempts to jump and sustains an injury when the pole snaps would not pursue a claim against the coach. It would be in the best interest of the injured party to pursue a claim against the manufacturer of the pole.

Although coaches do not receive the same medical training as doctors, coaches are expected to know when to call for medical attention. The failure of coaches to summon medical aid in a reasonable amount of time could lead to them being held liable because of their inaction. When a coach sees a player who has sustained an

injury or is exhibiting signs of distress, the coach is expected to get medical aid for their player. A coach who is slow in obtaining medical assistance can be found to have caused the injury to worsen, thus meaning the coach's inaction was the causation of the injury.

There is a certain assumption of risk associated with sports. The assumption of risk typically bars plaintiffs from trying to hold fellow participants liable when they are injured while playing in a game. The assumption of risk can also apply as a legal defense for coaches. Players assume some type of risk by agreeing to participate in a sport, which means there is also a risk they might sustain an injury during play. The coach being absolved of liability is contingent on the fact that they provided all their players with the proper equipment and adequately instructed them in a fashion that would keep them safe. Coaches do have a responsibility to train their players on making an appropriate tackle in a football game, for instance. If a player sustains a spinal cord injury due to not being adequately trained on tackling technique by the coach, the coach could be open to a negligence suit.

Additionally, coaches employed by a public entity may also avoid liability by invoking qualified immunity. Qualified immunity is protection for government employees, which is what public school teachers and coaches are. Qualified immunity protects government employees from lawsuits that allege the employee violated the rights of the plaintiff. Qualified immunity is rarely applied in personal injury cases in which the coach is found liable for a student-athlete's injuries. The factual circumstances surrounding a case would be the heavy focus of any potential suit. Unless a coach is grossly negligent or fails to follow appropriate training, they will likely not be held liable for any injuries of student-athletes. If through the facts, the courts find that the coach is liable, the plaintiff would be entitled to damages. Damages for sports-related injuries include compensation for medical bills, compensation for pain and suffering, and even potential punitive damages if the coach behaved in a manner the courts felt they needed to punish.