

## YOU AND THE LAW

# Sports Injury: Is It Always a Cause for Litigation?

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### Introduction

Literally millions of Americans, young and old, are injured while playing sports each year, and many of these participants are hospitalized. Sports injuries range from concussions and broken bones to joint damage and soft tissue injuries. High-contact sports such as baseball, basketball, field hockey, football, ice hockey, lacrosse, rugby, soccer, and softball tend to produce more frequent and severe injuries. Victims can incur substantial medical bills, lost income, and other costs while suffering severe pain. They may wonder whether they can file a legal claim for compensation, as with many other types of injuries.

Unfortunately, most ordinary sports injuries do not provide grounds for legal action. This is because people who participate in a sport understand (or should understand) that accidental injuries are possible. In legal terms, they “assume the risk” of harm by voluntarily playing the sport. For example, someone playing football or rugby should know they might collide with another player. Someone who plays baseball or softball should know that a ball might strike them.

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## **Releases of Liability**

A person or entity overseeing a sports activity may ask people to sign a release of liability before they can play the sport. (For sports involving children, parents sign these forms.) The release provides that participants cannot sue if they are injured. However, these releases are not always enforceable if injuries result from negligent or intentional conduct rather than a mere accident.

On the other hand, a victim often can sue for compensation if their injury resulted from a risk not inherent to the sport. Common causes of sports injuries that may lead to legal claims include:

- Intentional misconduct
- Negligent coaching
- Defective sports equipment
- Unsafe sports facilities

### **Intentional Misconduct Causing Sports Injuries**

While some sports inherently involve physical contact, the conduct of athletes and spectators sometimes crosses a line. If someone playing a sport is physically attacked outside the normal course of play, they may be able to bring a personal injury claim based on assault and battery. A spectator who is injured in a fight at a sports arena may also be able to bring an assault and battery claim against an aggressor, who may face criminal charges as well. People or entities that permitted intentional misconduct to occur when they should have prevented it may also be held liable. These may include a coach or facility owner who was aware that someone had a history of violence but continued to allow them to participate in the activity despite the risk.

### **Negligent Coaching Causing Sports Injuries**

While coaches cannot prevent all injuries to people who play a sport, they should adopt and follow basic safety measures. Coaches should give players appropriate rest breaks, allow them to hydrate properly, and give them functioning equipment. They should also explain how to play the sport safely, describe common risks that players should understand, and oversee players to the extent needed to reasonably protect their safety.

When a player suffers a sports injury, a coach should know how to handle the situation. They should be able to recognize medical emergencies and respond to them immediately. Failing to take reasonable precautions and provide the same response that a reasonable coach would provide in the same situation will likely lead to liability.

## **Defective Equipment or Unsafe Facilities Causing Sports Injuries**

Player safety in many sports depends on protective equipment, such as helmets or masks. If this equipment is not properly manufactured or designed, a victim can bring a product liability claim against the manufacturer and anyone else in the distribution chain. This is also true if playing equipment, such as bats or balls, contains defects. Claims based on defective products often use strict liability theories, meaning that the victim must show only that the product suffered from a manufacturing or design flaw and that the defect caused the injury.

Meanwhile, premises liability laws across the U.S. provide that property owners must keep their premises reasonably safe for people who are lawfully on them. If a victim suffers an injury due to a dangerous property condition while playing a sport, they might pursue a premises liability claim against the property owner. For example, they might establish liability if the owner of a facility failed to clean up debris on the playing surface or failed to fix a hole.

## **Injuries in School and Non-Profit Organization Sports**

Schools and non-profit organizations, as well as their employees and authorized volunteers, must protect the children entrusted to them. They do not need to absolutely guarantee the safety of a child, but they must make reasonable efforts to prevent foreseeable injuries. These include obtaining proper equipment and maintaining it as needed, ensuring that facilities used for sports are in safe condition, and supervising children to ensure that they are playing the sport safely. A parent of an injured child can hold a school or non-profit organization liable if a schools or non-profit organizations employee or authorized volunteer failed to use reasonable care, causing the injury.