

THE DARK SIDE OF SPORTS

Justice Prevails (Part 1)

A look at a lawsuit that took 19 years to settle

BY DR. MARC RABINOFF

What is particularly aggravating about law shows on television is they are seldom realistic about the time it takes to litigate cases. They give the impression that after an accident occurs, a lawsuit can be quickly filed and the case can be settled within a few weeks. The truth is lawsuits can take months, even years to settle. And it may be hard to believe, but I just got the news that one injury case I was involved in as a forensic expert was finally settled *19 years after the accident occurred!*

I was retained on this case as a forensic expert in 1994, although the injury that resulted in the lawsuit occurred in 1991. It happened at a Chicago school in a gymnastics/tumbling/mini-trampoline program to keep intercity kids away from drugs. It was run jointly by the Chicago school system and a Chicago youth center. They hired a man who said he was a physical education teacher, but there was nothing in his résumé indicating he was qualified to teach such a program.

In 1991 the Chicago school decided to purchase two mini-tramps for this program. There were about 15 kids in the class, ages 13 to 15. On one occasion, the teacher in question had them jumping off a mini-tramp onto a 1 and



Photo: Timeless Images Photography

Having appropriate landing mats is essential in any activity in which gymnastic activities are performed.

1/4-inch horsehair mat. One youth either underrotated while attempting a double front slip or overrotated during a single flip. In any case the coach was not spotting him, and the result was the young man landed on his head, broke his neck and became a quadriplegic.

In 1992 a law firm was retained, and in 1994 I was retained to review

the case. In 1997 I wrote an affidavit for the court that stated the actions of the defendant fell below the standards of care that were established by the United States Gymnastics Federation. The teacher testified that he didn't know these standards in the profession and that he had no gymnastics background other than a course he'd taken in college. In my opinion, if this coach had followed the standards for this type of equipment, standards that are clearly laid out in the safety manuals published by the Gymnastics Federation, the young man would not have broken his neck.

Let's recap: Here's a case about an accident that happened in a situation where there was inadequate equipment, poor instruction, failure to warn, failure to supervise – and so on. You would think that with such overwhelming evidence this case would have been quickly and easily resolved. But it wasn't, and in Part 2 of this article I'll explain why. **ERS**

"The Dark Side of Sports" is a regular feature by Dr. Marc Rabinoff that answers questions about safety and liability based upon actual litigations.



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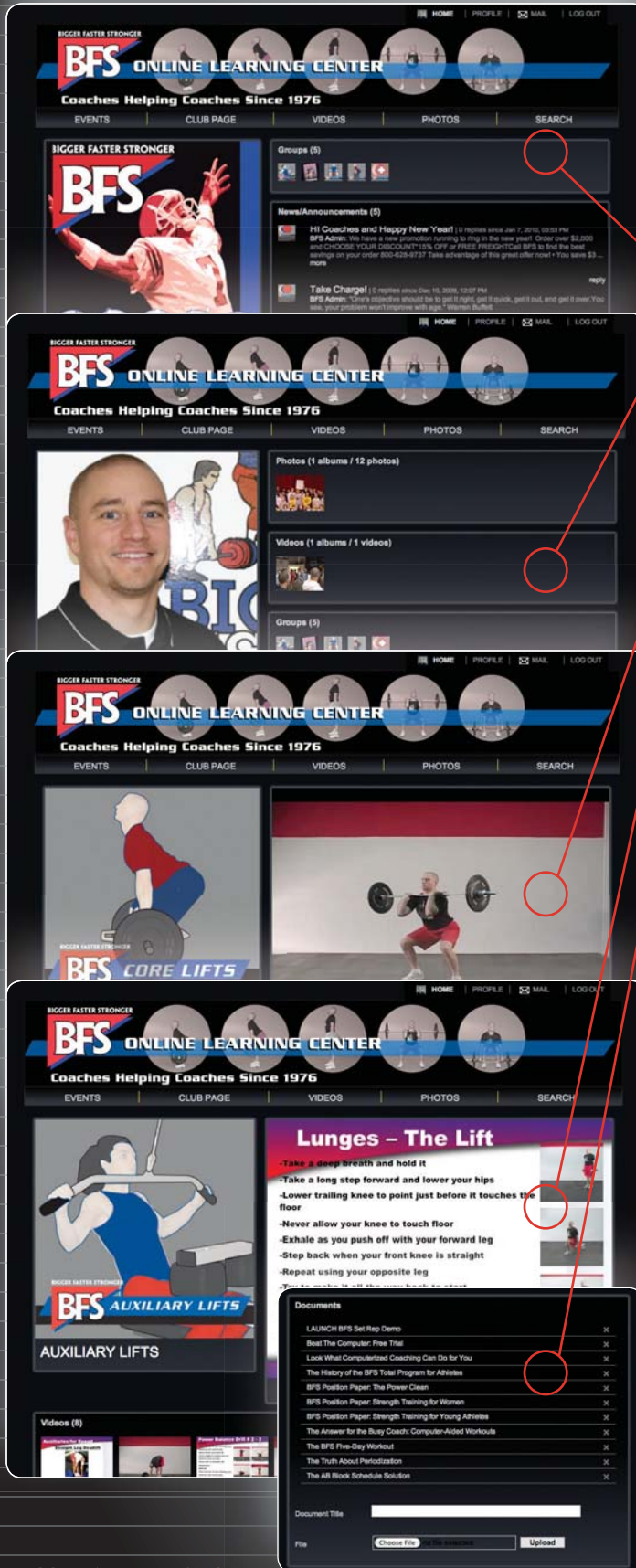
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