

THE DARK SIDE OF SPORTS



15 Commonsense Quotes on Sports Liability

Informative, and sometimes shocking, statements

BY KIM GOSS, MS

Dr. Marc Rabinoff has been contributing to *BFS* for nearly a decade, and he has written dozens of articles on many aspects of liability in sports and fitness. He has discussed the value of waivers, the basics of weightroom design and the importance of certification. He has even shared with us details of his experiences as an expert witness in more than 400 litigations, including several tragic cases in which young cheerleaders became paralyzed due to lack of proper supervision. Dr. Rabinoff's work and writings are significant contributions toward raising the quality of coaching and improving safety in sports – and he's only gotten started.

To show you why we feel so fortunate to have Dr. Rabinoff on our team, here are 15 excerpts from his articles in *BFS* magazine:

"You can't blame an inanimate object for an injury. If the person who gets hurt never knew how to use a piece of equipment, you can blame whoever was responsible for letting them on that piece of equipment in the first place. Or

you can blame the person performing the exercise because they knew how to do it and didn't do it. And if the equipment was poorly designed, you can blame the manufacturer."

MAY/JUNE 2006

"There is a difference between preparing an athlete for a sport and rehabilitating a body part that has been damaged. They are two different training regimens, and each requires different types of expertise. After all, how many physical therapists do you know who can properly demonstrate a power clean, and how many coaches do you know who can administer an ultrasound treatment?"

SEP/OCT 2007

"Let's say a student sues both the school and you for negligence because he or she was hurt during a class and you were working out at the time. The school can say that you were in violation of your contract and therefore are not covered by their school insurance policy – you will therefore have to pay your own legal fees and settle all court

decisions out of your own pocket."

NOV/DEC 2007

"There have been cases where spotters have been brought in as defendants in litigations. Spotting is a skill, and people have to understand they must not spot anyone unless they understand the lift, know the lifters and know how to spot."

JAN/FEB 2008

"Liability always stays the same because, by definition, you remain liable for the children, the athletes and the students who are under your control. What certification does do is give you a formidable defense to prove that you were well trained and knew what you were doing. And it's a lot easier to prove that if you've gone through a training program."

MAR/APR 2008

"In the most recent statistics the number-one sport for injuries for high school girls is not basketball, volleyball or softball – it's cheerleading. It's not just sprained wrists and turned ankles; there are serious knee injuries

and broken necks. In the last year I've been retained as an expert witness in numerous cases involving cheerleaders. All four of the girls who were injured suffered severe, permanent injuries; two of the girls were paralyzed. We must raise the qualifications for cheerleading coaches/advisors, and cheerleaders need to become involved in serious strength and conditioning programs and be treated as the athletes they are. We can no longer have untrained, academic teachers teaching young women and men to perform these complex, potentially dangerous lifts, throws, stunts and tumbling maneuvers. Those days are over."

SEP/OCT 2008

"Coaches, physical education instructors and administrators must become better at what they do. If not, injuries will occur, lives will be permanently affected, people will die and lawsuits will be filed. I've seen too many lives lost or tragically altered because of negligence from staff who just stand by and do nothing. I have committed myself to being part of the

change for the better, and that is why I do what I do."

NOV/DEC 2008

"There is no guaranteed way to avoid lawsuits. The fact is you can be sued by anyone, at any time, for just about any reason. That's the way our legal system works. Your aim should be to not give anyone a reason to want to sue you but at the same time to put yourself in the best possible position to win a lawsuit should you be sued."

JAN/FEB 2009

"If you've watched *People's Court*, *Law and Order* or even *Night Court* and you believe you've got a good grasp of how the legal system works, think again. The truth is that lawyers will not always take a case, it can take years to reach a verdict, justice does not always prevail, and getting involved in the legal process is a lot more expensive than you think – a lot more."

MAR/APR 2009

"In addition to providing insufficient supervision, some coaches make

compromises with their equipment purchases and maintenance. They may purchase equipment designed for home use or try to repair equipment themselves. These actions could be considered negligence and could put those using the facility at a higher risk of injury. Yes, we live in tough economic times. But when coaches and other fitness professionals compromise on education and properly outfitting and maintaining their facilities, they're setting themselves up for accidents, injuries and legal action."

MAY/JUN 2009

"In all the years that I've coached gymnastics, I've never had an athlete question my ability to train them. If you lack confidence in coaching, how are you going to convey confidence to your athletes? One way to develop that confidence is to know anatomy, biomechanics and exercise physiology. If you're not willing to put in your homework, then you shouldn't be coaching."

JUL/AUG 2009

"Coaches and physical educators must learn how to treat all athletes with respect, and if they are not willing to do this, then they should not be coaching.... A coach can be hard on his or her athletes, such as by yelling at them to motivate them to do better, but clearly they are not serving the needs of our young people by degrading them with insults and name calling. It's not right, and as many coaches are finding out in the courtroom, in many cases it isn't legal."

SEP/OCT 2009



The proper use of spotters and safety catches on power racks are ways to reduce the chances of injury in the high school environment. This photo was taken at Hunter High School in Salt Lake City, Utah.



“I’ve heard of many school districts that have a teacher/student ratio of 1/40, but often the real numbers are up to 65 – and I just heard of one school that had up to 120 kids in one class! Allowing 40 kids in one class is outrageous, and there is no way a single teacher can supervise 65 kids in a single class. And from a legal standpoint, having 65 kids in one PE class is not just unacceptable; an injury that

occurs in such a class is nondefensible in a court of law.”

NOV/DEC 2009

“You can’t get lackadaisical in a PE class. If you’ve been teaching for 20 years, and you get lazy and neglect to take precautions you would have earlier in your career, a kid could get hurt. How would you live with yourself?”

JUL/AUG 2010



John Connor is an example of a personal trainer who continually strives to further his education. Connor is from Dublin, Ireland, and he is pursuing a master’s degree in exercise and nutrition science from the University of Chester; he has been trained in a soft-tissue technique called Active Release®.


Dr. Marc Rabinoff has devoted his life to educating coaches, teachers and administrators on achieving the highest standards of care in their respective fields.

“A background check is generally performed every two years, but that doesn’t mean that the company conducting this service is continually informing the hiring organization about the subsequent criminal activity of its employees – or, in the case of a sports organization, of all its coaches and others involved with working hands-on with young people. What happens when a coach comes through squeaky clean in a background check, but gets convicted of a sex crime involving a minor a month after you’ve completed the background check? You will have to wait 23 months until the next background check is performed to hear about it.”

SEP/OCT 2010

For those who are new to *BFS* magazine, don’t be upset that you’ve missed these great articles by Dr. Rabinoff – you can find all of them in the archives section of our website, *biggerfasterstronger.com*. You can read them on your computer monitor, or download PDF copies to share with your co-workers, students and friends. All are free, with no obligation to sign up or provide personal information. So if these quotes have gotten your attention, go online and see what else Dr. Marc Rabinoff has to say.

“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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Bruce Klemens, Photo

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