

# THE DARK SIDE OF SPORTS:

# Liability IN SUPERVISION

Need-to-know facts and sound advice to help weight training supervisors avoid lawsuits

BY DR. MARC RABINOFF



Dr. Rabinoff's colleague Glenn A. Morris, an adjunct professor of strength training at Metropolitan State College of Denver, makes certain Kendra Lindel understands what is expected of her in his weight training class.

Lawsuits against weight training instructors happen all the time. That's a fact. It's also a fact that 80 percent of the litigations against weight training instructors involve injuries caused by inappropriate supervision. In other words, if you're involved in a lawsuit, there is an 8 out of 10 chance that the plaintiff attorney will claim that you – or your staff, if you're an administrator – were not supervising the weightroom properly at the time their client was injured. Do I have your attention?

From a legal perspective, there are basically two types of supervision: *specific supervision* and *general supervision*. Specific supervision means that you are working one-to-one with an individual; in other words, you might be spotting a bench press. General supervision is done by a person who is in charge of an entire facility. It doesn't matter if you have a 500-square-foot weightroom or a 15,000-square-foot weightroom – the same concepts of standard of care apply in regard to supervision.

## The Legal Lingo

To understand your own liability as a weight training instructor, you first have to understand some basic legal definitions. One of these is *tort*, which refers to a civil wrong. If an athlete is injured in a weightroom, a tort represents the laws that would govern any litigation against you.

Another important term is *duty*, which refers to the special relationship between you and the person who was injured. If you are teaching a weight training class in a high school, for example, you have established a duty to be responsible for everyone who uses your weightroom – whether you are instructing them or not.

In addition to proving that there was a duty, in litigation the plaintiff attorney must also prove that there was a *breach*

*of duty* – in other words, that it was the weight training instructor’s responsibility to properly instruct the plaintiff and that the instructor failed to do his or her job properly; and as a result of the instructor falling below the standards of the profession, *damages*, such as an injury, occurred.

In the area of professional standards, also known as *standard of care*, there are three basic accusations that a plaintiff attorney will make. They are as follows:

**YOU ARE QUALIFIED TO DO SOMETHING AND YOU DID IT WRONG.** You made a mistake. For example, you lost your concentration and did not spot a bench press properly, and the result was an injury to the individual performing the exercise.

**YOU DIDN’T DO SOMETHING THAT YOU WERE QUALIFIED TO DO AND WERE SUPPOSED TO DO.** For example, if you are trained in CPR and somebody is having a problem in your weightroom who requires CPR and you don’t administer it, you could be held responsible – especially if being CPR certified is a criterion for you to hold that job.

**YOU DID SOMETHING THAT YOU’RE NOT QUALIFIED TO DO.** You went beyond your area of expertise. For example, if an athlete gets hurt in the weightroom and you decide to set a broken bone, well, unless you have a medical degree, you’re probably going to be in big trouble when you try to put that bone back in place. And this is why I stress the importance of all weight training instructors acquiring a certification specific to this field. If you can’t justify your academic and professional practical background before you walk into a weightroom to coach trainees, don’t walk into that weightroom!

## Who’s Getting Sued?

One question I’m often asked when I lecture on the topic of weightroom supervision is “Why are coaches being sued?” And the answer I give them is that in about 90 percent of the lawsuits I’ve seen, the primary cause of the litigation was poor instruction. Did the coach teach that athlete how to squat properly? Did he follow appropriate warm-up protocols? Another, which is becoming increasingly common, is “Did the coach use the proper progression for that activity?” Let me explain this last question with an example.

Plyometrics can be an effective method to train athletes to become more explosive. Coaches are always looking for that “edge,” and much of the material written about plyometrics promises that this type of training will give an athlete that edge. Fine. But it would be very foolish to direct an athlete who has a low strength level and has never performed box jumping before to perform

depth jumps off a 24-inch box. Maybe that exercise would be appropriate for an NFL receiver who has performed plyometrics throughout his high school and college career, but not for a middle school athlete with no experience in this type of training. And the same goes with having a student-athlete who has never been in a weightroom attempt a maximum single in the deadlift on the first training session.

This brings up another topic in the area of supervision: *failure to warn*. What this means, or more specifically what the courts are telling us, is that “We as strength coaches and weight training supervisors must tell the truth about the risks involved in participating in a specific activity.” While it may be unlikely that an athlete can get killed performing a biceps curl, it is certainly possible to die or suffer permanent disability performing a bench press. And I realize that it’s tough for a coach to tell a group of young athletes and their parents that participating in sports or physical conditioning could result in a catastrophic injury, but it is something that must be done.

Another question I’m frequently asked by high school coaches is “What is my responsibility as a weight training expert if I’m visiting a weightroom that I’m not assigned to and I see a kid performing an exercise incorrectly? Am I supposed to jump into that weightroom and shout, ‘Hey, don’t lift that weight that way!’?” Well, no – at least that’s not what the courts say. You have no special relationship in any facility other than your own, so you are not responsible for the actions of that kid.

We’re not like Don Quixote; we don’t saddle up and go jousting with windmills. We’re not supposed to wander around and try to correct every ill we see on the face of the earth. However, we *are* significantly responsible for our own activities where we are employed when we put that name tag on that says “Weight Training Instructor.” **BFS**



Dr. Marc Rabinoff is a professor of human performance and sport at Metro State. His courses on the legal aspects of sport are extremely popular.

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