

- 1  COACH / INSTRUCTOR LIABILITY
- 2  LEAHY v. SCHOOL BOARD OF HERNANDO COUNTY  
(Fla.App. 1984)  
Sports Coach  
Legal Duties & Liability
- 3  P injured in non-aggressive agility drill for football,  
no helmet.
- 4  SPORTS COACH LEGAL DUTIES (5)
- 5  The duty owed to an athlete takes the form of giving  
(1) adequate instruction  
in the activity,
- 6  (2) supplying proper equipment
- 7  (3) Making a reasonable selection or matching participants
- 8  (4) providing non-negligent supervision of the particular contest
- 9  (5) taking proper post-injury procedures  
to protect against aggravation of the injury.
- 10  Injury was a foreseeable consequence  
of failure to provide helmet
- 11  failure to give cautionary instructions regarding contact  
  
and failure to limit the progressive intensity of the drill.

12  P assumed  
(i.e. voluntarily exposed to known) risk inherent in ordinary play  
  
not improperly supervised drill and equipment.

13  GREEN v.  
ORLEANS PARISH SCHOOL BOARD  
La.App. (1978)

Dangerous Activity Instruction

14  P paralyzed wrestling "bridge" drill P.E. class  
conditioned football players; 4th or 5th class

15  Duty not to expose students  
to unreasonable risk of injury.

16  P.E. involves dangerous activities  
due care in instructing, preparing, & supervising students  
to minimize risk of injury.

17  When activity dangerous,  
should not attempt

without first receiving  
proper instruction & preparation, including...

18  including explanation of basic rules & procedures

suggestions for proper performance  
& identification of risks.

19  Danger factors include

activity difficulty & inherent dangerousness  
age & experience of students.

20  If dangerous, supervision calculated to prevent injury.

21  No national or local guidelines or procedures  
for P.E. wrestling classes

22  Experts agreed,  
conditioning first,

simpler moves first,  
building up to  
more complex moves

23  Experts disagree re  
instruction, conditioning, supervision

to prepare beginning student  
30 sec. hard wrestling  
unlimited moves.

24  Supervision on mat

would NOT have prevented injury

No Causation

- 25  Whether insufficient conditioning, instruction premature bridging, not limiting drill to moves taught

was NEGLIGENT  
i.e., unreasonably dangerous

- 26  Reasonable minds could differ.  
Jury verdict AFFIRMED.

- 27  Herring  
v.  
Bossier Parish School District  
(La.App. 1994)

Customary Rules Followed?

- 28  High school baseball player, 15, died from head injury struck by ball during batting practice

- 29  Correct legal standard for Coaches

protect charges from foreseeable harm

from conduct of things or person under coach's supervision

30  Coach is not insurer of safety in all circumstances

not held to impossible standard of exercising constant supervision  
over each student involved  
in a group activity

31  Coach's players knew rules & procedures

32  Experts approved rules:  
met standard customarily used by coaches of high school baseball  
players

33  Herring did not heed Coach's warning  
that batter was "hitting"

34  Herring did not keep eye on ball  
or assume defensive posture  
when leaving safe area behind screen.

AFFIRMED for Bd. & Coach

35  Beckett

v.

Clinton Prairie School Corp.

head-on collision

fly ball drill

## Age & Presumed Awareness of Participants?

- 36  Reasonable duty of care and supervision  
reasonable varies with age;
- 37  What is reasonable includes extent of presumed awareness of  
participants.
- 38  P had actual knowledge and appreciation of specific risk - collision.
- 39  Drilled many times,  
warned of risk of collision,  
if no communication.
- 40  P had incurred risk of injury  
Judgment for D affirmed.
- 41  Parisi  
v.  
Harpurville Central School District  
N.Y. A.D. 1990

## Protective Equipment, Instruction & Supervision

- 42  P, 13, struck in face by softball,  
  
normally 2d base  
volunteered to catch pitchers practicing, no mask.
- 43  P: Ds negligent supervision

& improper equipment.

44  exercise reasonable care protect P  
from unassumed, concealed, or unreasonably increased risks during  
practice.

45  Jury to resolve factual questions  
re reasonable supervision of practice and protective equipment.

46  2 Masks available in gym

Ds did not instruct anyone to use equipment.

47  A.A. handbook  
modified softball catchers  
warming up pitcher  
to wear helmet & mask.

48  P expert: failure to provide mask & instruct P in use

breach of  
sound coaching principles.

49  Whether P assumed risk of injury.

Handbook warned P  
of inherent risk in sports.

50  Assumption of risk re supervision & protective equipment for jury.

51  Voluntary participation  
in softball practice  
merely a factor for jury in assessing P's culpability.

52  Jury to consider issues  
of supervision, protective equipment, & assumption of risk.

53  TEPPER v.  
NEW ROCHELLE SCHOOL DISTRICT  
N.Y.A.D. 1988

Unreasonable Mismatch in Practice & Procedures

54  P, 130 lbs, injured in lacrosse practice,  
ground ball drill collision

55  Collision with 260 lb senior with 3 yrs experience

P: 1 month experience

56  Whether the coach was negligent  
in permitting P a player of slight build and very limited experience

to go head-to-head with the experienced 260-lb. senior varsity member

57  The coach segregated varsity from junior varsity players

believed the superior varsity skill level of play



would be too advanced for inexperienced players.

58  Coach did not permit seniors to play on the junior varsity team

although he would have permitted anyone with sufficient skill and physical prowess to play on the varsity team.

59  The coach routinely WARNED the smaller players

about going head to head with a larger player.

60  The 260-lb. senior appeared to use an advanced "checking" technique to subdue P.

61  P. did not necessarily assume the risk of injury

jury issue whether P comprehended the true nature of the risk when he opted to join the team.

62  Toller

v.

Plainfield School District

Illinois Appellate 1991

Unreasonable Weight Mismatch - Coach Negligence?

63  P.E. 6th grade, P 83 lbs, wrestling boy approx. 100 lbs. same height perhaps negligent,

immunity statute required willful/wanton misconduct

- 64  Instructor aware weight classifications existed for extracurricular junior high wrestling
- 65  Purpose of weight classifications safety & fair competition
- 66  Instructor had divided class, estimating size height, weight, body structure, & ability
- 67  Instructor recognized son's wrestling partner was a little stockier & stronger

but placed in same group  
if partner in other group, boys much larger

- 68  P: instructor ignored established weight guidelines refused to implement as part of curriculum

ergo, willful/wanton misconduct

- 69  Students instructed on rules of wrestling

demonstrated various wrestling moves  
warned not to engage in illegal moves, e.g. body slam

- 70  Matched students according to estimation of height, weight, size, body structure, & ability
- 71  Closely supervised matches during competition  
never more than ten feet away from P
- 72  Following accident called for help and applied ice to injury
- 73  Satisfied coach duties  
re instruction, matching, supervision, post-injury  
not willful/wanton misconduct
- 74  LACK OF SAFETY INFORMATION & TRAINING FAULTED  
IN CHEERLEADING INJURY  
  
Davidson v.  
University of North Carolina at Chapel Hill, (NC.App. 04/03/2001)
- 75  varsity cheerleaders provided with safety instructions at the UCA summer camps,
- 76  varsity squad "had the opportunity to hear safety regulations from the gymnastics coach, from their advisors, from a variety of sources."

- 77  did not know whether the JV squad in 1984-85 received any safety instruction from the school.
- 78  Palmer v. Mount Veron Twp. H.S.  
Illinois Appellate 1995  
Duty to Furnish Adequate Safety Equipment
- 79  Duty to supply proper equipment includes "Rec Specs"?  
foreseeability,  
community standards?
- 80  Duty to furnish equipment to prevent serious injuries
- 81  If equipment supplied by parents is inadequate for particular activity duty to provide alternative equipment which is adequate
- 82  D may no evade duty by attempting to shift responsibility to parents for providing adequate equipment
- 83  ALLEGED COACH NEGLIGENCE IN HIGH RISK GYMNASTICS MOVE  
  
WILSON v.  
O'GORMAN HIGH SCHOOL  
U.S. Dist. Ct. SOUTH DAKOTA  
June 2008
- 84  coach attempted to instruct her on the reverse hecht even though he was not trained in maneuver.

- 85  despite her repeated failed attempts, Bauer did not move her to the foam pit where she could more safely practice the move.
- 86  there is a material question of fact whether Wilson knowingly assumed the risk that Bauer would act negligently.
- 87  COACH BREAKS PLAYER'S ARM DEMONSTRATING TECHNIQUE  
*Koffman v. Garnett* (Va. 2003)
- 88  Virginia supreme court considered whether injured football player had alleged sufficient facts to establish a claim of gross negligence
- 89  reasonable person could conclude Garnett's actions were imprudent and were taken in utter disregard for the safety of the player involved.
- 90  DUTY TO INSTRUCT, WARN, & DEMONSTRATE UNFAMILIAR JUMPING EXERCISE  
*Dibortolo v. Metropolitan School District of Washington Township*, 440 N.E.2d 506 (Ind.App. 1982)
- 91  11 years of age broke a permanent front tooth vertical jump.
- 92  plaintiff's expert safe and proper way to perform this exercise body parallel shoulders perpendicular to wall, arm upraised, to crouch momentarily, jump and reach the highest possible point on the wall.

- 93  never permitted her students to run toward the wall in performing the vertical jump.
- 94  to instruct students to run or to even take a "leap step" toward the wall is to subject them to an unreasonable risk of harm.
- 95  she did not consult any textbooks in preparation for this exercise; however, she considered "safety aspects."
- 96  she demonstrated the exercise to the students before allowing them to perform it,
- 97  she had not used a floor mat placed perpendicularly to the wall, and she had not instructed the students to run toward the wall.
- 98  Admitted that they were taking 2 or 3 "quick steps" in the direction of the wall.
- 99  In conflict with her testimony participants in that day's activities.
- 100  plaintiff and these three students had never performed the vertical jump before that day,
- 101  Merriman neither demonstrated the exercise nor warned the class about any dangers associated with the exercise.
- 102  Merriman explicitly instructed her pupils to run toward the wall to improve their performance.

- 103  majority of the students first stood about 6-8 feet away and than ran toward the wall before executing the vertical jump.
- 104  students were running on a mat placed in a position perpendicular to the wall.
- 105  whether the District was negligent under the circumstances of this case.
- 106  Merriman had a duty to conform her conduct as a physical education teacher to a certain standard, not only for plaintiff's, but also for the other pupils' benefit"
- 107  persons entrusted with children, or others whose characteristics make it likely that they may do somewhat unreasonable things, have a responsibility recognized by the common law to supervise their charges.
- 108  exercise reasonable care and supervision for the safety of the children under their tutelage.  
defined "the applicable standard of care"  
not intended to be insurers of the safety
- 109  improperly instructing them to run toward the wall in executing the vertical jump, and thereby subjecting them to an unreasonable risk of harm.
- 110  whether there was sufficient evidence to warrant the jury's

consideration.

111  Mrs. Merriman did not demonstrate the exercise before she allowed the students to perform it.

112  students, including the plaintiff, were expressly instructed to run toward the wall if they wished to attain a higher score.

113  the proper method for performing this exercise is to stand parallel to the wall, and that to permit, much more, instruct students to run toward the wall is to subject them to an unreasonable risk of injury.

114  evidence that Mrs. Merriman did not demonstrate the exercise, that she specifically directed the students to run during a structured physical education activity such as the vertical jump,

115  plaintiff did not fall or stumble as she approached the wall. Nor was there evidence that an intervening event,

116  jury may well have found that the injury which the plaintiff incurred in colliding with the wall

direct and foreseeable consequence of running toward wall in compliance with teacher's instruction.

117  contributorily negligent and/or assumption of risk

118  determine whether "the plaintiff had actual knowledge of the danger caused by the defendant and that he understood and appreciated the



risk."

- 119  sufficient evidence for a jury to find that Dibortolo has not necessarily assumed the risk of injury:
- 120  evidence suggesting that Dibortolo had acted reasonably under the circumstances of this case.
- 121  standard of care applicable to a child engaged in the type of activity characteristically engaged in by children is that degree of care that would ordinarily be exercised by children of like age, knowledge, judgment and experience under similar circumstances...
- 122  plaintiff, eleven years old was to perform the exercise for the first time, was relying on the teacher's directions for guidance.
- 123  whether the plaintiff had the ability to realize and appreciate the danger of an unfamiliar and improperly-taught exercise.
- 124  plaintiff had performed the exercise in a manner similar to that of the other students in the same grade, in accordance with the teacher's instructions.
- 125  Snyder v. Morristown Central School Dist.  
N.Y. Appellate 1990  
Co-Educational Touch Football in Gym Class

126  P lost footing turning to tag opposing ball carrier  
teammate stepped on P's foot, causing knee to twist

127  No causal relationship between P's injury  
and participation of male players

128  NYDEGGER v. DON BOSCO PREP. HIGH SCHOOL  
N.J.Super. (1985)

#### COACH ENCOURAGES AGGRESSIVE PLAY

129  P injured in soccer game  
when undercut  
by member of D's team;

130  D's coach did not instruct players to intentionally injure  
or instruct players in moves to intentionally injure opposing player.

131  P: D taught players to compete in aggressive, intense manner  
winning is all important.

132  Whether coach owes duty to player on opposing team.

Coach cannot be held responsible for the wrongful acts of his players  
unless...

133  unless he teaches them  
to do the wrongful act  
or instructs them  
to commit the act.

134  No evidence coach taught or instructed players to commit wrongful acts.

DISMISSED

135