

TRACK AND FIELD OFFICIAL'S LIABILITY - HOW TO AVOID IT

April, 2015

by J. Shelby Sharpe¹

Track and field officiating has never been easy. Mistakes can be very consequential. In today's world, these mistakes can precipitate litigation. If avoiding litigation or winning unavoidable litigation is important, then this paper will be very valuable. In fact, it is a paper that a track and field official should carry to every meet that requires officiating responsibilities. It is as important to an official as the competition rule book for the meet.

The vast majority of track and field competitions are small meets. These meets have a limited number of officials and quite often just barely enough for the competition to take place. Rarely, do these meets have marshals. Liability exposure is often higher during a small meet because of the limited number of officials. **However, regardless of the size of a meet, every track and field official needs to know the legal responsibilities imposed on the official by the courts. Accordingly, knowledge of the judge's rule book is just as important for the official as is the competition rule book for the meet.** The official must never forget that the judge's book has considerably more bite than the competition rule book.

Athletic competition has an inherent risk of injury for the competitors, as well as those involved with the competition, including officials, venue personnel, media and spectators. Some injuries are not preventable, while others are. It is almost a certainty that when an injury occurs, litigation will almost always follow. Following the recommendations made in this paper provides the best opportunity for avoiding these injuries, and if litigation comes, will place those sued in the strongest position possible to prevail.

It is the intent of this paper to provide practical recommendations to help avoid the preventable injury. The language in this paper has been selected for persons who are not legally trained. There are sample questions at the end of each section of this paper to illustrate how an attorney for an injured person might seek to establish liability for failure to do what the judge's rule book requires; i.e., the law. The questions are not exhaustive.

I. Legal Standard for Liability

When an injury is caused by someone who did not act as an ordinary, reasonable person, that person has legal liability for the injury with its resulting consequences. If that individual is acting on behalf of someone else, which is usually an organization, the organization will be liable for the person's negligence.

In summary, any injury that could have been prevented by reasonable action by a person responsible for taking the action creates potential legal liability.

¹ Mr. Sharpe is an attorney who has specialized in insurance defense for almost thirty years and has been officiating track and field events since 1963, including international, national and conference championships as well as other major track and field competitions. He is general counsel for the U.S. Track & Field and Cross Country Coaches Association, and the U.S. Track Meet Directors Association.

II. The Competition Venue

Every official officiating a track and field competition is working in a venue. Each venue has its own unique potentially dangerous conditions. The conditions an umpire faces in officiating a running event are different than those faced by an official working in a venue involving an implement. It is incumbent upon an official to know what is expected by the courts to keep the venue in which the official is working safe.

A. The Track

Officials working the running events are those responsible for the start, finish, and the running of the race in accordance with the competition rules. There is liability exposure in all of these areas.

(1) The Start

Those working the start of a race have the responsibility to be sure that those starting can do so without coming in contact with another person. The prime responsibility for this would fall on a marshal responsible for the start. However, if there is no marshal, then this responsibility would pass to a clerk, who has brought the competitors to the starting line, and if there is no clerk, then this responsibility rests with a starter. The standard for the official who has this responsibility is could a reasonable person have foreseen that a person could reasonably be foreseen to come onto the track in front of the runners starting that would result in a collision.

The questions that an attorney for an injured person would probably ask would be the following:

- (1) Did you look to see if there were any persons near the starting line who might step onto the track and collide with a runner starting?
- (2) What action could you have taken to help avoid this occurring?
- (3) What action did you take to try to avoid this occurrence?

(2) The Finish

The finish line of a race has similar responsibilities imposed on the official or officials responsible for it comparable to those at the start of the race. The competitors must be assured of a finish line that is unobstructed by individuals who are not competing in the race. At least, one person has responsibility for the finish line. If there is a marshal, this is the marshal's responsibility; otherwise, if there is no marshal, then it will become the responsibility of the one responsible for the finish line.

The questions that an attorney for an injured person would probably ask are almost identical to those questions that would be asked concerning the start of the race.

- (1) Did you look to see if there were any persons near the finish line who might step onto the track and collide with a runner finishing?
- (2) What action could you have taken to help avoid this occurring?
- (3) What action did you take to try to avoid this occurrence?

(3) The Running of the Race

During the race itself, the officials responsible for protecting the runners are the umpires. If it is a race with hurdles or barriers, it is imperative that these are at the correct height. The failure to have these at the correct height where it is reasonably foreseeable that not having them at the correct height might reasonably cause an injury, can create liability. The questions that might be asked on behalf of an injured person are:

- (1) Did you have responsibility for checking the height of a hurdle or barrier?
- (2) Did you confirm the height to be as required by the competition rule?
- (3) Was it reasonable to expect an injury might occur if the height was incorrect?

During the running of a race where there are baton exchanges, those responsible for placing the runners on the track for the exchange have the responsibility to protect those exchanges, if there is no marshal present. The same type of interference that could occur at the start or finish of the race is required to be avoided at all exchanges.

- (1) Were you responsible for protecting baton exchanges?
- (2) Did you look to see if there were persons near the exchange who might interfere with it?
- (3) What action did you take to try to avoid interference?

B. Long Jump and Triple Jump

The first responsibility that the law places on an official responsible for these jumps is to check the venue for any discoverable hazard. This means the runway, the landing area, and the area adjacent to both of these must be checked for discoverable hazards before giving access to this venue. Any discoverable hazard must be eliminated before permitting access to the venue. For example, if the landing area has a metal grating around it, as some landing areas do, the grating must be checked to be sure that it will hold a person's weight in walking on it. If this grating has been compromised where an injury could occur, it must either be repaired or covered so that no injury can be caused by it.

Competitors must also be protected by reasonable precautions to be sure that no one steps in front of them in running down the runway or is at the end of the pit in the event that the athlete

should have to run through it. This means being aware of those who might inadvertently come on to the runway or persons being in the area at the end of the landing area if the athlete had to run through the landing area.

Questions that might be asked for an injury caused in this area would be:

- (1) Did you inspect the venue for any reasonably discoverable hazards prior to athletes being permitted into the venue?
- (2) Had you inspected the venue, would you have probably discovered the hazard?
- (3) Could reasonable precautions have been taken to eliminate the hazard?
- (4) What action did you take?
- (5) Was it reasonably foreseeable that individuals were in a proximity to the runway that if they were not paying attention they could end up on the run way and collide with an athlete?
- (6) Was it reasonably foreseeable that individuals in the area around the landing area and not paying attention could end up in a collision with an athlete, if they had to run through the landing area?
- (7) What steps were taken to prevent persons from being in the area to avoid a collision?

C. High Jump

During the competition someone must be responsible to identify every individual who might step in front of a competitor approaching the bar and cause injury. These individuals need to be moved to a place where it is unlikely there will be interference with a competitor approaching the bar. Lastly, during this competition, the area surround the landing pit must be examined for any discoverable hazard which could injure an athlete coming off of the landing area.

Questions that might be asked of an official working this venue are:

- (1) Did you inspect the venue prior to any competitor being given access to the venue?
- (2) Was any discoverable hazard found?
- (3) What steps were taken to address the hazard?

- (4) During the course of the competition, what steps were taken to make sure that no one interfered with a competitor approaching the bar?
- (5) Was the area around the landing surface checked in advance of warm-ups and during the time jumping was occurring to be sure it was free of hazards?

D. Pole Vault

The responsibilities of a pole vault official are almost identical to those of an official working a high jump venue. The venue must be examined for any reasonably discoverable hazard prior to competitors being given access to the venue. If a hazard is discovered, it must be addressed before the competitors are given access to the venue. The venue investigation includes, examining the equipment to be sure that it is not hazardous. For example, sometimes there are metal frames below the landing pit that can be sticking out that can cause an injury. The pit needs to be adjusted so that the frame is covered by the pit pads so that an athlete cannot contact the frame. The bar needs to be checked for proper flexibility and any discoverable flaws. The collar around the box of the pole vault that is required as a safety device should be positioned so as not to prevent the vaulter's pole from bending when it is planted in the box. If this is not done, it can cause the vaulter to be thrown back from the protected landing area and increase the chances for physical injury to the athlete.

During the competition someone must be responsible to identify every individual who might step in front of a competitor approaching the bar and cause injury. These individuals need to be moved to a place where they are not likely to interfere with a competitor approaching the bar.

Questions that might be asked of an official working this venue are:

- (1) Did you inspect the venue, including the positioning of the collar around the box, prior to any competitor being given access to the venue?
- (2) Was any discoverable hazard found?
- (3) What steps were taken to address the hazard?
- (4) During the course of the competition, what steps were taken to make sure that no one interfered with a competitor approaching the bar?
- (5) Was the area around the landing surface checked in advance of warm-ups and during the time jumping was occurring to be sure it was free of hazards?

E. Javelin

This venue must be checked for discoverable hazards with particular attention being paid to the running area approaching the line where the javelin will be released and, also, in the sector where the javelin is to be thrown. Anything discovered must be resolved prior to any competitor being given access to this venue. Particular attention must be paid to protecting a competitor approaching the throwing line that there is no interference from any individual who might interfere with the thrower.

Officials working this venue must be very careful to see that no individual is in an area that a javelin can reach, which includes outside the sector lines. An official responsible for the throwing line must prevent any competitor from throwing a javelin until those working in the sector are ready. It is strongly recommended that the official responsible for the throwing line not permit an athlete to approach the line to throw a javelin until that official has received an affirmative sign from those working in the sector that they are ready for a throw. All individuals working in the sector and those near sector lines who have responsibilities for the competition or who are covering the competition such as media must never turn their back on the throwing line when a competitor has a javelin in hand and can reasonably be expected to throw. Individuals working in the sector or near the sector lines should not be where a javelin can reasonably be anticipated to land. As a general rule they should be further out from where a javelin can reasonably be expected to land or closer to the throwing line where a javelin would not reasonably be expected to land. At no time should an individual be permitted to be in the sector or near the sector lines with their back to the throwing line while a competitor has a javelin in hand that could reasonably be expected to throw.

F. Shot Put

The shot put venue, which includes the ring, the area surrounding it, the sector, and the area next to the sector lines must be checked for any discoverable hazard prior to any competitor being permitted to come into the venue. Any discoverable hazard must be addressed before competitors are allowed into the venue. During the warm-up time and during the competition, no individual should be allowed to have their back to the throwing ring where a shot could reach that individual. All individuals working in the sector or along the sector lines must never turn their back on the throwing area when an athlete is in the ring with a shot. It is preferable that individuals be beyond the reach of a throw. It is strongly recommended that the official responsible for the circle not permit an athlete to enter the circle to put a shot until that official has received an affirmative sign from those working in the sector that they are ready for a put.

Questions that could be asked by an attorney for this venue are:

- (1) Was the venue checked for reasonably discoverable hazards prior to any competitor being given access to the venue?
- (2) For any discoverable hazard, what steps were taken to address it?

- (3) What action was taken to be sure that no individual left the throwing area into an area where the person's back to the throwing circle might result in being hit by the shot?
- (4) What steps were taken to keep individuals working in the sector and along the sector lines from having their backs to the ring?

G. Discus

The discus venue, which includes the cage, the ring, the area surrounding the cage, the sector, and the area next to the sector lines must be checked for any discoverable hazard prior to any competitor being permitted to come into the venue. Any discoverable hazard must be addressed before competitors are allowed into the venue. During the warm-up time and during the competition, no individual should be allowed to have their back to the throwing ring where a discus could reach the individual. All individuals working in the sector or along the sector lines must never turn their back on the throwing area when an athlete is in the cage with a discus. It is preferable that individuals be beyond the reach of a throw. It is strongly recommended that the official responsible for the throwing ring not permit an athlete to enter the ring to throw a discus until that official has received an affirmative sign from those working in the sector that they are ready for a throw.

Questions that could be asked by an attorney for this venue are:

- (1) Was the venue checked for reasonably discoverable hazards prior to any competitor being given access to the venue?
- (2) For any discoverable hazard, what steps were taken to address it?
- (3) What action was taken to be sure that no individual left the throwing area into an area where a discus could hit the person?
- (4) What steps were taken to keep individuals working in the sector and along the sector lines from having their backs to the ring?

H. Hammer Throw

The hammer venue, which includes the cage, the ring, the area surrounding it, the sector, and the area next to the sector lines must be checked for any discoverable hazard prior to any competitor being permitted to come into the venue. Any discoverable hazard must be addressed before competitors are allowed into the venue area. During the warm-up time and during the competition, no individual should be allowed to have their backs to the throwing ring where a hammer could reach the individual. Also, persons must be kept a safe distance from the cage in the event the hammer hits the cage. All individuals working in the sector or along the sector lines must never turn their backs on the throwing area when an athlete is in the cage with a hammer. It is preferable that individuals be beyond the reach of a throw, whether in the deflection area or the reasonably anticipated landing area. It is strongly recommended that the

official responsible for the throwing cage not permit an athlete to enter the cage to throw a hammer until that official has received an affirmative sign from those working in the sector that they are ready for a throw.

Questions that could be asked by an attorney for this venue are:

- (1) Was the venue, especially the cage checked, for reasonably discoverable hazards such as a hole in the protective barrier or a gap in the coverage (special attention should be paid to any gap in the cage at the bottom), prior to any competitor being given access to the cage?
- (2) For any discoverable hazard, what steps were taken to address it?
- (3) What action was taken to be sure that no individual left the throwing area into an area with the person's back to the throwing cage where they might be hit by a hammer?
- (4) What steps were taken to keep individual working in the sector and along the sector lines from having their back to the throwing cage?

III. When Liability Exposure Begins

Liability exposure begins when people who are involved with or in the competition are admitted to any of the competition venues. If practice sessions are permitted, the same precautions must be taken as if the meet had begun. This not only encompasses the field events but also the track.

The questions related to injuries prior to and during a meet are:

- (1) Did you permit athletes into a competition area or know they would be there?
- (2) Is it reasonable that one could expect the athletes would be practicing with implements or running?
- (3) What efforts did you make to protect the athletes or others you could reasonably foresee would be there from being hit by an implement or a collision with a runner?

IV. CONCLUSION

In summary, if an injury is foreseeable to a reasonable person, reasonable steps must be taken to avoid the injury or there is liability. Using this paper as guidance for every track meet you officiate will help you to avoid potential liability.

Protocol Card

It is recommended that a sheet or card be presented to every person who will work in a sector or in connection with the sector of a field event involving an implement and have it signed before the person begins duties in the sector or in connection with it stating the following:

- (1) I acknowledge that the field event in which I will be working is dangerous.
- (2) I agree to never take my eyes from the throwing area while an athlete has an implement in hand and the throwing area is not closed.
- (3) If I am involved in retrieving or returning any implement to the throwing area, I agree to always keep my eyes on the throwing area as I approach and retreat from it.
- (4) I acknowledge that I am physically able to move sufficiently to avoid any implement thrown from the throwing area toward the sector or the area adjacent to it.