

Insurance 101: Liability Happens – How to Prepare for a Lawsuit

You read about it in the papers. From the frivolous to the mundane, lawsuits in amateur sports are cropping up with greater frequency each year. Whether it is a disgruntled parent whose child did not make the Select Team, a spectator who tripped over a bright yellow speed bump and sued for injuries, or an argumentative coach who was dismissed for "unsportsmanlike behavior," teams and leagues are being sued on a regular basis.

Protect yourself and your team

What can you do to protect yourself? There are many steps that you can take to establish a good defense.

- Make sure your team or league is 100% registered with US Lacrosse in order to be fully covered by the US Lacrosse Insurance Program
- Practice good risk management. US Lacrosse has put together a great deal of information on risk management for teams and leagues that can help minimize the likelihood of injury or other potential claims situations. Go to www.BollingerLax.com and click on "Risk Management" for this information.
- Play by the rules – Wear all prescribed safety equipment, adhere to the rules established for your age group and gender, foster good sportsmanship within the team and among the parents, and play safely!

Despite good intentions...

Even the best-run program is not immune from claims. If a serious injury to a participant or spectator occurs, or any incident that you feel may result in a liability claim in the future, the first step is to file an "Incident Report". The Incident Report form can be found at www.BollingerLax.com under the "Risk Management" section.

This form will help you document what happened, what the field/facility/weather conditions were at the time, what steps were taken at the scene and who was involved (the injured parties, as well as witnesses). The information you record directly after the incident occurs will be invaluable in case a lawsuit is filed down the road. It is very difficult to remember the specific details of an incident months or even years later, when the claim may finally get to the investigation stage. Once you complete this form, keep a copy for your records and send a copy with any additional information to Bollinger.

If you are served

The inevitable happens -- you are served with a legal complaint. One of the first things you should do is to notify Bollinger's Liability Claims Division. Send, fax or email a copy of the letter or complaint you have received, along with any other supporting documents you have regarding the incident to Bollinger. We will set up the claim with the insurance company, who will then take over the handling of the lawsuit on your behalf. The insurance company will assign an adjuster to oversee the claims process, as well as an attorney to represent you. If there is a hearing, they will coordinate with you as to who will attend the hearing and how that will be handled.

What documentation do you need?

To be as prepared as possible for discussions with your attorney, you should gather all of the supporting documentation pertaining to the incident. This includes: the incident report, police report, news articles, certificates of insurance, relevant contracts, and other sources of insurance, if any. The incident report, police report (if one was filed) and news articles will provide background information on the incident itself. A certificate of insurance – whether providing proof of coverage for your team or league, or for other parties involved in the claim – is important to help determine who has insurance in place and whose policy may apply to the incident.

If you have signed contracts with the facility where the incident occurred, they are important in determining who is responsible for the premises and will govern where the liability lies. Having other sources of insurance is common and can also contribute to the settlement of the claim. Athletes and coaches often belong to multiple organizations which, like US Lacrosse, provide insurance for their individual members; schools, camps and tournaments have their own coverage in place; and don't overlook your homeowner's or auto insurance policies, as they may be additional sources of coverage.

Your thoroughness -- before and after a claim occurs -- can potentially impact the outcome of the liability lawsuit. The more prepared you and your attorney are significantly increases your chances of a successful resolution to your claim.