

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

November, 2009

by J. Shelby Sharpe^a

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.

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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.

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 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. 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.

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.

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?

G. 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.

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.

Javelin hit jumper's kidney, liver
Article from: **Daily Telegraph**

July 17, 2007 12:00am



FRENCH long jumper Salim Sdiri, who was speared by a javelin in a freak accident at the Rome Golden League meeting on Friday, is more seriously injured than at first thought, he said yesterday.

"The javelin touched the right kidney and there is a slight tear at the top of the kidney," Sdiri said.

"The liver was also touched leaving a hole in it. The javelin penetrated over ten centimetres and not four as we initially thought."

Sdiri is still in hospital after the accident and underwent more tests yesterday.

The bronze medallist at the 2007 European Indoor Championships added: "The kidney has started to heal over and surgery will not be necessary. We hope that the liver will also heal on its own ruling out an operation."

To avoid additional bleeding which could be provoked by travel Sdiri has been advised to stay in Rome until the end of the week.

The javelin that hit the athlete at the Olympic stadium was launched by Finland's Tero Pitkamaki.

When asked about the lack of security measure in the stadium Sdiri said: "I want to hold judgement on that for the moment."

The 28-year-old admitted that he had been ill at ease because the men's javelin and long jump events were taking place at the same time.

"I had my worries. We had begun our competition and the javelin throwers were warming up," Sdiri said.

"The javelins were falling not too far from our area and I saw one landing near my foot. I couldn't really see it arriving as my back was to it."

Friday's incident was not the first time such an accident had occurred.

In January, former Olympic decathlon champion Roman Sebrle was hit in the right shoulder by a javelin thrown during a training session in South Africa.

The Czech decathlete was told that he had 'escaped death by 20cm'.

Pole vaulter injured in fall

Date: 1995-04-19

Jeff Sherry, Staff Reporter

Gophers track and field athlete J.J. Beckstrand is listed in serious condition at the intensive care unit of Hennepin County Medical Center after suffering a facial fracture and broken wrist during practice Tuesday afternoon at the University Field House.

Beckstrand, a junior who finished third in the decathlon at the 1993 Big Ten Outdoor Championships, was practicing the pole vault when he fell several feet to the facility's hard rubber surface.

Doctors performed a CAT scan on Beckstrand and found no additional head injuries. He will remain hospitalized for 24 to 48 hours for further observation and testing.

Men's assistant track coach Phil Lundin said the injury occurred primarily because a necessary safety mat wasn't in place.

Beckstrand was the first athlete Tuesday to practice the rope vault, a technique in which pole vaulters swing from a platform about 12 feet off the ground and drop onto a pad in the vaulting pit. The rope vault allows athletes to concentrate on the high portion of the vault near the bar without using a pole.

Lundin, who works with the team's pole vaulters, jumpers and sprinters, said he didn't plan for the athletes to use the rope vault Tuesday, and no one properly prepared the mats before Beckstrand's injury.

"The protocol if you're going to do this is to have another mat in front of the existing pads," Lundin said. "When the protocol is followed, it's quite safe. If things had been set up properly, this wouldn't have happened."

Sophomore pole vaulter Seth Mischke, who saw the injury occur, said the team has used the rope vault several times without an accident. But this time Beckstrand let go of the rope too late and fell

in the unprotected area between the platform and the landing mats.

"I saw him go across and I thought to myself, 'He better let go or he's going to be in trouble,'" Mischke said.

"I saw him fall, and you could just hear a big thud. His feet landed in the sand (jump area), and it looked like he hit his temple and part of his shoulder on the ground."

Gophers assistant softball coach Sarah Maschka, whose team was also practicing in the field house, immediately called 911. Emergency medical technicians and police arrived at around 2:30 p.m., about five to 10 minutes after the injury occurred.

Beckstrand was conscious and able to move his limbs when the medical personnel arrived. Lying on the ground with his legs shaking, he screamed several times which brought many athletes at the scene to tears.

Lundin said the entire team had difficulty dealing with the dramatic injury.

"If I would've known he was going to (use the rope vault), or had I been involved in this activity, we would have gone with the proper protocol to reduce the chances of injury," Lundin said. "But it just came out of the blue."

"He took it upon himself to do it, and now we're in this situation. So obviously we're all devastated. I feel terrible for J.J. and the situation we've encountered. But this is what we've been dealt so we have to deal with it now -- and it's tough."

The supervising nurse at HCMC said she did not expect Beckstrand's medical status to change Tuesday night.

Beckstrand, a Prior Lake, Minn., native who redshirted last year's outdoor season, will not return to competition this season.

Vaulter injured in fall

By Alex Paul
Albany Democrat-Herald

Keegan Burnett, 23, a former Sweet Home High School pole vaulter, remains in the Intensive Care Unit at McKay-Dee Hospital Center in Ogden, Utah after a May 2 vaulting accident during a Twilight Meet at Weber State University.

Burnett, a member of the Idaho State University Bengals track and field team, flipped backwards off the pole vault landing mat. The university's vaulting pit was covered with padding to regulation lengths, but Burnett's head struck a portion of exposed concrete on the perimeter of the pit.

According to an Idaho State press release, Burnett was unconscious for 10 to 15 minutes after the accident and was taken to the hospital, which is near the athletic facility.

Burnett's parents, Rick and Alice of Sweet Home, rushed to Ogden and have been with their son since the accident.

"He's holding his own right now," Alice Burnett said this morning by telephone. "There's swelling in his brain but so far, they've been able to hold it down with medication. They are monitoring the pressure with a probe. They have had to increase his medication quite a bit and a nurse is dedicated to him at all times. His neurologist says he is pleased they are keeping the pressure down. It's day six, another day or so and the pressure should start going down."

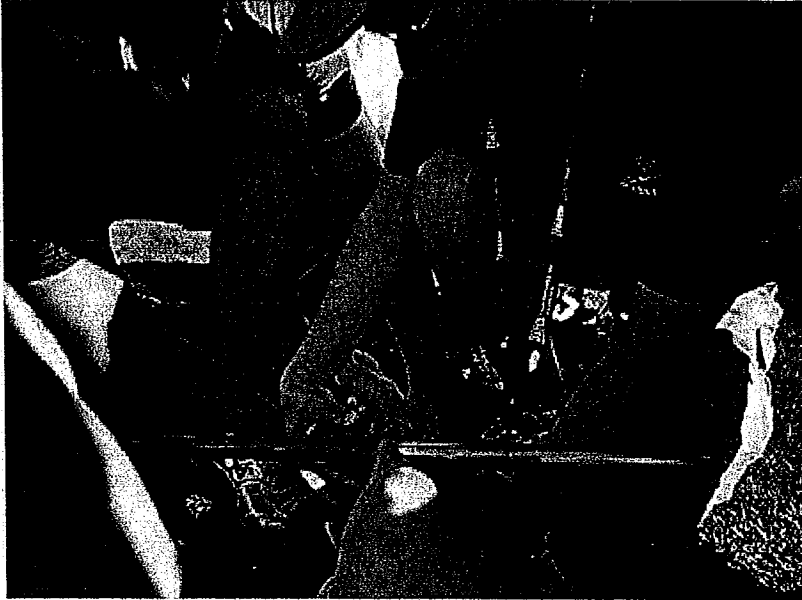
Burnett said most schools extend their pole vaulting mats another four to five feet beyond the regulation lengths.

"When Keegan came down, he bounced and landed on the corner of the mat and his head slipped down on the concrete," Burnett said. "The back of his head is damaged and there is bleeding on the right side of his brain."

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Photographer gets javelin through leg

May 20, 2008 04:30 AM
ASSOCIATED PRESS



RYAN MCGEENEY/AP

Newspaper photographer Ryan McGeeney now has heck of a story to tell after he was speared through the leg by a javelin, a little too close to the action at a high school track meet in Utah.

PROVO, UTAH—A newspaper photographer got a little too close to the action at the state high school track championships and was speared through the leg by a javelin.

Ryan McGeeney of the *Standard-Examiner* was spared serious injury Saturday, and even managed to snap a photo of his speared leg.

"If I didn't, it would probably be my editor's first question when I got back," McGeeney said.

The 33-year-old McGeeney, an ex-Marine who spent six months in Afghanistan, was taking pictures of the discus event and apparently wandered into off-limits area set aside for the javelin.

Striking below the knee, the javelin tip went through the skin and emerged on the other side of his leg.

"I was very lucky in that it didn't hit any blood vessels, nerves, ligaments or tendons," McGeeney said.

Much of the javelin was cut off at the scene. The piece in McGeeney's leg was removed at a hospital, where he received 13 stitches.

The javelin was thrown by Anthony Miles, a Provo High School student who said his "heart stopped" when he saw what happened.

"One of the first things that came to my mind was, 'Good thing we brought a second javelin,'" Miles' coach, Richard Vance, said.

With a subsequent throw, Miles went on to win the state title.

April 10, 2007

Struck by a discus

Steve Gall's picture-taking session at a Medford track meet takes a shocking turn, prompting calls for more safety measures to protect spectators

BY SANNE SPECHT
MAIL TRIBUNE



[Click image for larger view](#)

Sometimes knowledge can make a bloody entrance. When a discus crashed into the skull of one father attending his first local track meet, it brought an immediate and painful understanding of dangers that lurk in the sidelines of athletic events.

Steve Gall, 47, had just finished taking pictures of his daughter's boyfriend throwing the discus for North Medford High School at Saturday's Medford Rotary Relays. Gall was reviewing the images in his digital camera when the next athlete began his throws. Gall never saw the heavy metal plate that came winging down the foul line toward his head until impact, he said.

Steve Gall gives the thumbs-up sign after being hit in the head by a discus at a North Medford High School track meet on Saturday. Gall didn't know then that the injury could have cost him his life. (Mail Tribune / Roy Musitelli)

"I went down and forward," Gall said. "I was on my hands and knees. There was blood everywhere. My daughter, she saw my skull."

The impact created a deep bloody gash that runs at a 45-degree angle from the right side of Gall's hairline to below his right eye socket. The force pushed his shattered skull into his brain.

Gall's wife, Susan, was standing about 3 feet away when the accident occurred. Her husband never lost consciousness and initially thought he was fine. But she and her fellow bystanders knew better, she said.

"He kept saying, 'I'm fine. I'm fine,'" she said. "But two nurses who happened to be there got him flat on his back. They used the 'mom' voice. And a half a dozen people, including me, called 9-1-1."

The incident occurred shortly after 2 p.m., said Susan Gall.

Dr. Don Ross, a neurosurgeon, was operating on her husband at Rogue Valley Medical Center by 6 p.m., she said.

"They said his skull is shattered, it's pressing on his brain and we have to get the bone fragments out and the metal plates in place," she said.

The doctors told Gall they expect a full recovery. He was lucky the metal disc hit his skull in an area that did not affect brain function. They also said his ignorance of the pending impact may have saved his life, he said.

"If I'd looked up, I would have lost my eye. If I'd have turned my head, I'd be dead," said Steve Gall. "If I'd been a child I'd be dead."

Susan and Steve Gall want to see safety measures increased to keep others from the threat of major injuries from a wayward throw.

Medford School District officials are reviewing Saturday's incident and will comment once their investigation is complete, said Superintendent Phil Long.

The Galls admit to their ignorance of track and field events.

"We don't have children in track and field, and we had no idea we weren't in an area that was perfectly safe," said Susan Gall.

Steven Gall said he was "in the wrong place at the wrong time." But they thought standing 130 feet out in the field and next to the foul line would protect them from injury.

"There were kids and other parents standing all over that area," said Susan Gall. "The policy needs to be changed. The policy is obviously not safe."

North Medford parent Terral Adams agrees with the Galls about the need for better safety controls. She said she witnessed a dozen more discs land in the out-of-bounds area after Gall was taken by ambulance to the hospital.

"Kids release too soon and discs fly up and over into the crowd area," Adams said. "I believe we need to make the foul lines a bit bigger or the spectators area behind the thrower."

It was Adam's son that Gall had been photographing. She was standing just behind Gall. The disc was heading straight toward her chest before it lost altitude and hit Gall's head, she said.

"It was a really nice, wonderful day until this," said Adams. "It was really a horrible thing that happened to him. The sound replays in my head over and over again."

Reach reporter Sanne Specht at 776-4497 or e-mail sspecht@mailtribune.com.

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.
-