

Risk Management for Park, Recreation, and Leisure Services

Sixth Edition

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*We dedicate this book to the directors and support staff of every community
who provided materials and data for this latest edition of information.*

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NOTE: The information contained in this book is not meant to be construed as legal advice and cannot be relied upon as such. The Authors.

Preface

This book is intended to be a primer in risk management, tort liability, and negligence for persons working or studying in the park, recreation, and leisure services field. It is aimed at recreation professionals, volunteer leaders, university students, and members of citizen boards or commissions. The basic principles of law expressed in this book apply to local, state, and federal agencies as well as private providers of recreation. There may be a few local exceptions; therefore, the reader is cautioned to inquire as to specific variances in tort law that may exist locally.

Consultation with an organization's legal counsel, such as the city attorney offices, county attorney's offices, state attorney general offices, solicitors, and offices of general counsel is important in protecting you and your organization's interests.

The purpose of this book is to develop an awareness of legal liability among leisure service providers and to aggressively take the lead in managing risk within their organizations. In addition, risk management provides a method for offering quality leisure experiences with maximum protection for participants and adequate safeguards under the law for leaders, administrators, and organizations offering the recreation services. It is important to note that *a good public safety program is good public policy*.

A good risk-management plan should be designed first and foremost to allow participants a quality experience in a safe surrounding. The plan should also include provisions to protect service providers and

their employees from undue risk. *A good risk-management program does not cost; it saves*. A risk-management program should concentrate on providing the visitor to the recreation facility a safe experience. When an organization makes an effort to protect the visitor, the bonus results will include a reduction in the potential of successful civil lawsuits.

The trend toward increased litigation and the willingness to sue over rather trivial matters make this book particularly applicable to the recreation and leisure service practitioner.

Recreation organizations and individuals are encouraged to adapt any of the information in this book to meet the specific needs of their departments or agencies. Each legal jurisdiction applies negligence laws in a slightly different manner; therefore, it is important that you *check with your legal counsel before proceeding with legal issues and processes*. While some forms and checklists may be suitable in their present form, not all may be applicable.

This book is intended as an aid for handling risk. It is not intended to be a substitute for legal counsel, actuarial assistance, or other professional services. *Some enclosed forms and specifications may be inappropriate or inaccurate for your jurisdiction*. The text is kept intentionally brief, simple, and as free of "legalese" as possible so that all readers may gain a healthy respect and appreciation for tort liability. Where cited, cases will be as current as possible, using cases that have been tried in the appellate courts. It is not the intent of the authors to use sensational cases that are the exception to general court rulings.

Introduction

Why Risk Management?

Parks padlocked! Police patrol to keep people from selling drugs to children in parks! Playground equipment moved because of the threat of lawsuits! Park buildings covered with graffiti! Who would have thought a few years ago that park and recreation systems throughout the country would be forced to close some of their operations during part of the day, for weeks, or permanently because of risk considerations? Who would have guessed that one reason would be the high cost of insurance premiums and dangers to their users because of high crime rates? A risk management program is no longer a luxury—it is a necessity for the survival of private and public recreation and leisure service providers.

A newspaper article published in the *Tampa* (Florida) *Tribune* accurately describes the current insurance dilemma as follows:

Tampa’s decision to largely self-insure is a risky solution to the insurance crisis because the city lacks the funds that would be needed to rebuild the many buildings it owns (in case of a hurricane), including the aquarium, the convention

center and city hall. Tampa mayor Pam Lorio decided to move toward self-insurance after receiving the city’s latest property insurance bill. Last year the city paid \$2.8 million for \$500 million in property insurance coverage. This year it will pay \$3.9 million for \$230 in coverage. Worse, the new insurance policy covers a maximum of \$30 million in storm damage.¹

The federal court system is an example of all court jurisdictions when it comes to the heavy litigation activity that plagues the courts. A hundred years ago, the United States was named in 2,500 cases (both civil and criminal).² In 2005 there were more than 300,000 cases filed in federal courts.³ The sample statistics below are replicated, more or less, in all 50 state legal systems.

As a result of Americans’ propensity to sue and the high cost of effective insurance, many providers of recreation, both private and public, are either under-insured or have no insurance coverage at all. *A lack of insurance does not stop the courts from compensating injured or damaged plaintiffs.* Public agencies *must* pay court

Year	U.S. District Court Civil Cases Filed	U.S. Court of Appeals Civil Cases Filed	U.S. Criminal Cases Filed	Authorized Federal Appeal Judges	U.S. Bankruptcy Cases Filed
1980	112,734	24,122	38,781	No data	763,072
2001	250,907	57,697	62,708	167	1,437,354
2003	252,962	60,847	70,642	167	1,661,996
2005	253,273	68,473	66,561	167	1,702,693
2007	257,507	58,410	67,851	167	801,279
2009	258,635	61,358	76,655	166	1,202,395
2010	292,307	56,790	78,428	167	1,531,997

awarded compensation to plaintiffs. Regardless of the size of the recreation or leisure service operation, self-insurance is a form of “Russian Roulette” that, if played long enough, will result in financial disaster. A solid risk-management program can change the odds in favor of the provider.

There is little question that the insurance industry, the court system, and people who are willing to sue must equally share the blame for the present situation in which recreation service providers find themselves. Some reforms are needed within the insurance industry and within the legal system. Changes are very slow and normally require the strong voice (demand) of the U.S. public’s attitude toward litigation (sometimes described as between greed and revenge) may take a long time to change from complacency to concern. In the meantime, it is essential to develop alternative methods to reduce the risk associated with providing recreation services. No one in the system is immune from litigation. Everyone from the custodian to the president of the board has some responsibility. Litigation is costly, frustrating, and time consuming.

Many facets of outdoor recreation feature risk as a vital and important element of the recreation experience. Mountain climbing, skydiving, skiing, scuba diving, whitewater rafting, theme park thrill rides, and

many other recreation pursuits have elements of risk. Risk is the spice that makes some aspects of recreation so pleasurable and life itself more meaningful. *Life without risk is like life without life.* While the risk factors are very evident in many outdoor activities, they must also be manageable. Using sky diving as an example of high-risk recreation pursuit, it would be foolish and very risky not to place a great deal of importance on training, parachute rigging, and aircraft safety. A wise manager should also consider the use of waivers and releases in high-risk activities.

The standard by which a provider of recreation, both public and private, will be judged by the court is centered on reasonableness, sometimes referred to as the “reasonable man doctrine.” That is, what would a reasonable man or woman do under the same circumstances? *It is the responsibility of an agency or organization to use ordinary and reasonable care to keep the premises reasonably safer for the visitor and to warn the visitor of any known danger.* Note the word “ordinary” in the above standard. A risk-management program allows us to work smarter and relax a little about the possibility of litigation. This book will increase a person’s understanding of risk management and tort liability. It will also provide a practical approach to common risk-management concerns.

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Chapter 1

What Are Torts? Why Do We Need to Understand What They Are?

Keywords

Torts

Defendant

Negligence

Reasonable doubt

Intentional tort

Plaintiff

Crime

Personal liability

Nuisance

Federal and state torts

Civil wrong

Contract liability

Strict liability

Legal duty

Constitutional tort

The purpose of this chapter is to explain the difference between torts and crimes and to familiarize readers with a variety of legal terms. Following this chapter you should be able to:

1. Explain the difference between a civil wrong (tort) and a crime.
2. Identify under what circumstances tort law governs the non-criminal relationships among people, business, and governmental entities.
3. Understand federal and state tort claims acts and recreation land-use statutes.
4. Know why individuals and organizations could be held liable.
5. Identify the negligence (civil) litigation process.

Legal scholars have been trying to define the word “tort” for more than a hundred years with the admission that a universally acceptable definition is yet to be found. “Tort” is derived from the Latin “tortum,” which means twisted or distorted. *Webster’s Dictionary* defines it as “a wrongful act, damage, or injury done willfully, negligently, or in circumstances involving strict liability, but not involving breach of contract, for which a civil suit can be brought.”⁴ *Black’s Law Dictionary* defines tort, in part, as “a private or civil wrong or injury other than breach of contract, for which the court will provide a remedy in the form of an action for damages.”⁵ A tort consists of an action or lack of action, intentional or unintentional, that causes damages or property loss.

Example: A recreation provider who knows there is a structurally unsafe bridge on his property but allows people



A negligent act (caused by poor maintenance—a tort).

to use it could be subject to a civil suit (willful tort) if a person is injured as a result of the collapse of the bridge.

Example: An agency failed to properly maintain swings in a playground. A child was hurt when a support chain failed. The agency would be subject to a lawsuit (negligence tort) should there be a suit filed on behalf of the child.

Example: A municipal zoo has an animal cage that was constructed in a manner that allows the animal to bite visitors. The zoo would be subject to a suit (strict liability tort) if someone was bitten and an injury occurred.

If we add all the definitions and treatises together, it produces a vague image that a tort is a wrongful, non-criminal act that results in damage or injury to



A criminal act (damages could be awarded to the victim if suit is filed under civil law—a tort).

someone or something. The courts will determine how much a tort will cost the person who was legally liable.

The Difference Between a Tort (Civil Wrong) and a Crime

A crime is an offense against society, and penalties—usually jail sentences—are given for the “breach of public order.” Civil law defines the rights of individuals in protecting themselves and their property against wrongful acts of another person.

In a criminal trial, the prosecution must prove the defendant guilty with a judgment standard of “beyond a reasonable doubt.” In a civil trial, a *defendant*

(the party that is being accused of a wrong) and *plaintiff* (the party that is complaining) are on an equal footing because the judgment standard is based upon “the preponderance of evidence.”

If a person is first convicted of a criminal offense, the fact that there was a prior criminal conviction (under the standard of “beyond a reasonable doubt”) is enough evidence and carries enough weight to virtually guarantee a subsequent conviction in civil court. Therefore, when a party is injured as the result of a criminal act, the chances for successfully pursuing a civil judgment are significantly increased.

Example: A plaintiff is beaten severely by the defendant and the case is tried in a criminal court. If the jury finds the defendant guilty of criminal assault and battery, the plaintiff can then bring the case to civil court to force the defendant to pay for all the doctor bills and pain and suffering that resulted from the beating. The fact that the defendant was found guilty by a tougher standard (without a shadow of doubt) is usually enough evidence for the defendant to prevail in civil court.

If a plaintiff successfully pursues a suit in tort, he may receive compensation from the defendant for the wrongs done them. Three kinds of damages can be awarded by the courts as follows:

1. **Consequential damages**—Awarded to pay for the pain, suffering, injury, humiliation, and upset caused by the wrongdoing.⁶
2. **Compensatory damages**—Awarded to reimburse the plaintiff for any financial loss incurred as the result of the wrongdoing. This category includes special damages for such losses as medical, surgical, and hospital expenses and lost earnings.
3. **Punitive or exemplary damages**—Imposed when the wrong done is judged to have been inspired by malice or viciousness. They are intended to punish the wrongdoer.

As a point of common sense, it is simply not smart to sue someone in a civil court who does not have the means to pay the judgment of the court.

In addition to the above damages, attorney fees can also be awarded in special cases, such as suits brought for purposes of revenge or harassment, class

action suits (suits brought by a number of plaintiffs related to the same issue) civil rights, and employment rights litigation.

Tort law governs the non-criminal relationship among people, businesses, and governmental entities. It includes the following general categories:

Negligence (the main focus of this book)

1. Premises
2. Program Supervision
3. Facilities Supervision

Strict Liability

1. Animals
2. Product Liability
3. Food Service
4. Drinking Water
5. Dangerous Activities

Nuisance

1. User Injuries
2. Land Use
3. Controls

Intentional Torts

1. Personal
 - a. Battery (unwanted touching)
 - b. Assault (threats)
 - c. False Imprisonment (confinement without arrest)
 - d. Defamation (lies about one's character)
 - i. Libel (written lies)
 - ii. Slander (spoken lies)
2. Property
 - a. Trespass to Land (going upon another's land without permission)
 - b. Trespass to Chattels (property other than real estate)
 - c. Conversion (dealing with property of another without right)

Constitutional Torts

1. Invasion of Privacy (right to be left alone)
2. Due Process (requirements of a search warrant, summons, hearings, etc., related to regulations and economic interests)
3. Liberty (right to freedom of movement)

4. Property (right to own property or be compensated for governmental taking)
5. Speech (right to say what one believes)
6. Religion (right to worship as one wishes)
7. Equal Protection (right of all citizens to be equally treated) regardless of:
 - a. Race
 - b. Ethnic Origin
 - c. Gender
 - d. Age
8. Civil Rights (rights guaranteed by constitution and other laws)

Elements of Tort Actions

The following four elements must be present before an act can be considered as a tort:

1. A legal duty
2. A breach of a legal duty that requires a person to conform to a certain standard to prevent injury or damages
3. Some causal or direct connection between the legal duty and the resulting injury
4. Actual loss or damage to the person or property of another

Contract Liability

Contract liability is not covered specifically in this text; however, because of the numerous contracts recreation organizations engage in each year and the possibility of a suit evolving from a contract dispute or breach, a prudent administrator should consider the following in regard to proposed and existing contracts:

1. Authorization—Check with legal counsel to ascertain statutory authorization for the contract contemplated.

2. Contract Terms—Prior to entering into contract negotiations, the administrator should compile a list of nonnegotiable contract requirements. These requirements, along with compensation, contract time periods, and contract parties should be clearly identified. Contracts that are ambiguous and lack details are invitations to a breach and litigation. The administrator

should be guided by the rule that the contract must be of sufficient detail to guarantee the level of service contemplated within a reasonable time period and for adequate consideration. Unrealistic terms and criteria lead to problems. Incorporate all the agreed-to terms of the contract into the document. Verbal agreements that clarify or amplify a written contract will not be accepted as part of a contract. *It must be in writing.*

3. Bidding—Public agencies generally are required to seek bids on certain types of contracts or on contracts above certain dollar values. This procedure is governed by state statute as well as local procedures and ordinances. A prudent administrator should determine bid requirements and specifications prior to negotiating any contract.

Private organizations will also find that bidding reduces costs. Frequently, commercial recreation agencies, as a matter of corporate policy, seek bids on selected purchases. These procedures may not be as elaborate as the public bid process.

4. Contract Review—an administrator should develop policies and procedures for reviewing contracts with legal counsel. The key to successful contract reviews is in establishing and adhering to policy and procedure. Contract Law is a very complex area of the law, and the advice of legal counsel should be part of contract development. Attorneys should not make management and budget-related decisions on contracts, but should assist the administrator in preparing a contract document that is unambiguous and meets the goals sought by the parties.⁷



A federal negligence case is tried under the state laws where it occurred.

Federal and State Tort Claims Acts

The concept of sovereign immunity originated with the divine rights of kings; that is, “*The king can do no wrong.*” This concept carried over to governments at all levels in the United States because our legal system is based upon English Common Law. In our nation’s early history we established a special court called the “Court of Claims” to hear tort claims against governmental entities. As the demand increased with our population, the special court proved to be awkward, expensive, and gave only limited accessibility to the general population.

In 1946, Congress passed the Federal Tort Claims Act (FTCA)⁸, which makes the United States liable for torts that include the negligent or wrongful acts or omissions of federal employees or agencies. Federal liability is determined under the civil laws of the state where the wrong occurred. Parallel laws exist in the individual states that allow private citizens or organizations to sue state governments.

Example: A wrongful death resulted from a drowning accident that occurred on a beach managed by a federal land-managing agency. The civil case would be tried in a federal court in the state where the drowning occurred under the negligence laws of that state.

Some types of damages are excluded from claims under the FTCA in that the government shall “not be liable for . . . punitive damage.”⁹ The FTCA bars suits not begun within two years.¹⁰ This limitation on time allowed to file a suit is commonly called a “statute of limitation.” When the civil litigation is a state issue, recreation providers need to check with their local legal counsel to determine what the statutes of limitations are in their individual states.

The FTCA allows suits against agencies and their employees working within the scope of their employment in the same manner as private citizens are responsible for their acts.¹¹ When public employees are working within the scope of their employment they do not have to defend themselves; but rather, legal counsel for the jurisdiction involved will represent their interests in any litigation.¹²

One of the exceptions to the above rule provides that the government will not be liable for actions done with due care in the execution of a statute or regulation, even though it is invalid. This is referred to as the “discretionary function” of government. This allows public officials to perform duties such as budget and policy decisions within their discretionary function or duty without fear of suit.¹³ The individual states have implemented state statutes that parallel the same concepts of the Federal Tort Claims Act. These state laws allow citizens to sue state agencies and employees for wrongful tort (negligent) acts.¹⁴

In all of the states, consent has been given to a greater or lesser extent to sue state and local agencies under tort. Usually permission to sue has been given to particular people under specific circumstances. In most cases the state statutes favor the state rather than the people of the state.¹⁵ There is an excellent listing of the major elements of each state’s Tort Claims Act and Government Sovereign Immunity in Betty van der Smissen’s book entitled *Legal Liability and Risk Management for Public and Private Entities*.¹⁶

Recreation Land-Use Statutes

The majority of states have enacted some form of Recreation Land-Use Liability Statutes.¹⁷ Recreation-use liability statutes generally protect landowners, both public and private, from suit by non-fee-paying



State recreation use liability statutes protect landowners.

recreationists who use their property. As a general rule, the claimant must prove at least gross negligence¹⁸ in order to establish a basis for pursuing a suit under the Recreation-Use Liability Statutes. Gross negligence is defined as an intentional failure to perform a duty in reckless disregard of the consequences. There is a higher level of negligence that exceeds gross negligence that is called “Willful and Wanton Negligence” that also negates the protection provided by the Recreation Land-Use Liability Statutes.



When landowners require fees, recreation-use liability statutes do not apply.

Example: A hunter enters onto state-owned / managed property to hunt deer. He falls into an erosion channel caused by a recent rainstorm and is severely injured. The state’s Recreation Land-Use Liability Statute would shield the state from suit because the plaintiff did not pay a fee and would have to prove the state committed an act of “gross” negligence.

Under a recreational land-use liability statute, the landowner owes no duty to care for recreational users or to guard or warn against known or discoverable hazards on the premises. The protection from suit found under this statute is lost when a fee is charged for the use of the premises or the landowner is guilty of gross or willful and wanton misconduct. Unlike mere carelessness constituting negligence, willful/wanton misconduct is more outrageous behavior,

demonstrating an utter disregard for the physical well-being of others. Willful and Wanton Negligence has a strong element of an intentional action by a defendant that is so obvious that he/she must be aware of it. It is usually accompanied by conscious indifference to the consequences, amounting almost to willingness.¹⁹

Example: The state's Recreational Land-Use Liability Statutes may not apply to a hunter who comes upon a farmer's property to hunt after paying the farmer a fee. When a fee is paid, the farmer must warn the hunter of known hazards and conduct safety inspections that would be normal for businesses. If the hunter has not paid a fee, the farmer owes the hunter no such warning.

It would be a prudent exercise for each outdoor recreation manager to carefully analyze his state's Recreation-Use Statutes. Some states have liability immunity statutes specifically written for their state-owned public lands.²⁰ At this time, most of the Recreation-Use Liability Statutes apply to all public (local, county, state, and federal) and private lands within a state. Many state courts have been slow to determine if the recreation use liability statutes apply to government-managed lands.

Private and Quasi-Private Recreation Providers

Private corporations, such as racquetball or tennis clubs, or agencies such as the YMCA or Boy Scouts, are not governmental in nature and are not offered immunity from liability. However, because of their "public service" status, they are offered some limited immunity from liability. While an employee may have committed a negligent act, it may have been directed by policy or direction from above. The corporation, business, or agency may be liable for the negligent acts of its administrators, trustees, board, officers, and foreman as implementation of the "*doctrine of respondeat superior*" or "let the master answer."

The "*doctrine of respondeat superior*" has broad implications for the park, recreation, and leisure services field, for board and commissioner members, administrative officers, leaders, teachers, coaches, and volunteers. It means that employees and volunteers of public entities, as well as private corporations, nor-

mally cannot be held liable for their wrongful acts as long as they are performing within the scope of their assigned responsibilities.

The agency in which a person works is responsible for its employees' actions; however, this immunity does not apply if the person has violated criminal law or has not followed the rules and generally accepted standards of care.

Everyone in the work chain must know and act within the limits imposed by their job descriptions and their prescribed duties. As long as this is done, they will enjoy certain protection under the law. It is extremely important that everyone from board members—administrators, supervisors, employees, and volunteers—has a clear understanding of their duties and is properly trained.

Who is Liable?

If an accident due to personal negligence occurs, who is liable? You may be! If not you, your organization may be liable for damages. As a general rule, employees of agencies, volunteers, members of boards and commissions, and officers of private agencies, whether elected or appointed, are not personally liable for their actions as long as they are working within the scope of their duty. Supervisors and administrators could well be held personally liable in the following three circumstances:



A recreation provider can be held liable for actions of an employee.

1. If the administrator and/or supervisor participated in or in any way knowingly directed, ratified, or condoned the negligent act of an employee.

Example: If a park supervisor directed his or her employees to apply lawn chemicals that were known to be harmful to animals, and some household pets died or were made ill, the responsibility would be that of the supervisor.

2. Administrators and supervisors may be personally liable for:

- a. Incompetent hiring practices
- b. Failure to fire a person when circumstances warrant the dismissal
- c. Inadequate documentation of firing
- d. Inaccurate or incomplete job descriptions
- e. Insufficient training of staff
- f. Unclear establishment and/or enforcement of safety rules and regulations
- g. Failure to study and comply with statutory and/or corporation requirements
- h. Failure to remedy dangerous conditions
- i. Failure to give notice to others of known unsafe conditions

Example: An administrator of a recreation program hired a person to supervise a children's activity without first checking into whether the person had been arrested and



An administrator can be held liable for poor hiring practices.

convicted of any crime related to child molesting. If the new employee was subsequently involved in molesting a child, the administrator would be held negligent under civil law if the molestation took place in any way related to the program for which the person was hired.

3. Violations of a person's civil (constitutional) rights.

- a. Religion, race, creed, color, gender, or age
- b. Rights of privacy
- c. Rights against illegal search and seizure
- d. Free speech
- e. Rights of assembly
- f. Freedom of association

Example: An administrator determined that he or she would not hire anyone over the age of 45 or a female, because the nature of the work was physically demanding. Such a policy could be subject to violations of a person's rights under the protected categories of the Civil Rights Bill and other federal legislation. It would be acceptable to have all people of all ages meet rigorous physical job requirements, but the application requirements cannot be related to unreasonable gender, age, or other protected categories limitations.

Because a person may not be personally liable does not diminish the fact that suits are exceptionally expensive, both in time and money to their organization or business—win or lose. It is very important that every individual in an organization recognizes personal responsibility to reduce the organization's exposure to negligence suits. If persons are named in a suit where they are indemnified (held harmless) by policy or statute, the legal counsel for that organization will represent them if necessary, and the damages will be paid by the organization or public agency. There are prescribed limits in most jurisdictions, usually statutory, as to what an organization is required to pay for recreation-related tort claims.

Special attention is paid to volunteers because recreation service agencies make extensive use of volunteers in a variety of roles. While their time and effort are not recognized with monetary rewards, each supervisor should consider them employees from a legal standpoint. Each volunteer working within the scope of his or her volunteer assignment subjects the

organization to the same type of liability as do regular full-time employees. An injured volunteer can also sue the organization for any damages sustained due to a negligent act of another. It is important that all recreation administrators be extremely careful in recruiting, selecting, training, and supervising volunteers.

Example: A park manager uses volunteers to conduct interpretive programs on the property. One of the approved volunteers strikes out and hits a visitor who has said something distasteful to her. The park would be subject to suit over the incident just as if the volunteer were a full-time employee of the park.

Effective risk-management programs will examine the property, facilities, policies, contracting, and the supervision aspects of recreation services.

The Litigation (Civil) Process

In order for individuals and organizations to understand what type of evidence and what is involved in the litigation process, they need to know the following sequence of events that will take place:

Pre-Trial Phase Sequence

1. An incident occurs causing an injury or property loss.
2. A complaint or summons is filed, requested by the plaintiff and issued by the court.
3. Defendant answers the complaint within a strict time allowance.
4. Motions are made by both the defendant and plaintiff for a default judgment (if the answer was not timely), dismissal, summary judgment, etc.
5. If the trial moves forward, the discovery period starts and includes investigation, depositions, interrogatories, questions, and production of documents.
6. Pre-trial conference is held before the judge in an effort to negotiate a settlement.

Trial Phase Sequence

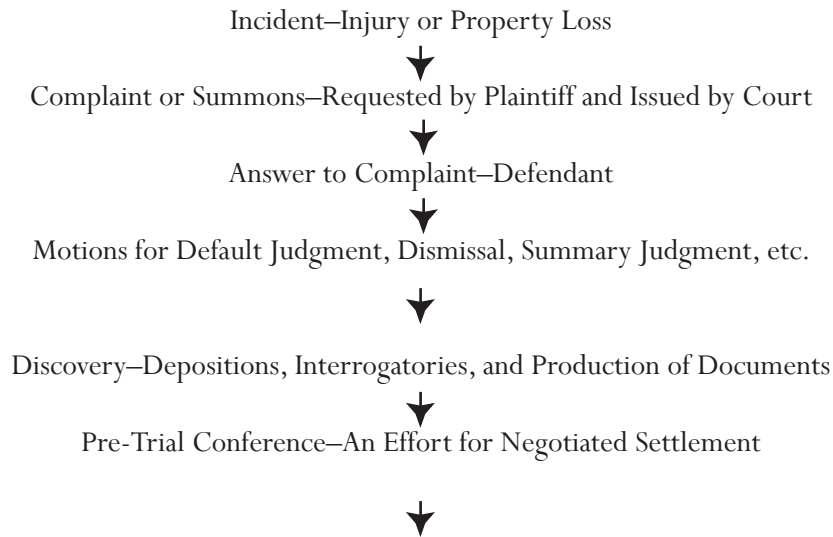
1. Jury selection.
2. Opening statement by plaintiff and defendant (plaintiff goes first).
3. Presentation of plaintiff's case (cross examination by the defendant's witnesses).
4. Presentation of defendant's case (cross examination by the plaintiff's witnesses).
5. Closing arguments by plaintiff and defendant.
6. Instructions by the judge if there is a sitting jury.
7. Verdict by the judge or jury.
8. Sometimes judge issues a judgment that counters a civil jury's verdict. It is called "Judgment Notwithstanding Verdict (JNV)."
9. If appropriate, motions are made for appeal of verdict based upon abuse of discretion, findings of fact, and mistakes (errors).



An administrator can be held liable for the actions of a recognized volunteer.

NEGLIGENCE (CIVIL) LITIGATION PROCESS

Pre-Trial Phase



Trial Phase

