



Risk Management *Tips*

Tips on protecting yourself from yourself

By Steven F. Goldstein, Esq.,
Attorney at Law, Steven F. Goldstein, LLP

In any business a conflict exists between satisfying customers and protecting the organization from the pitfalls of litigation. This conflict increases for camps, which must deal with the emotions of the parent(s) of an injured child.



Every camp owner wants to make the parent(s) of an injured child feel comfortable and secure; and in doing so, they may go out of their way to express sympathy, remorse, or sorrow for the incident. While these expressions may be well received by the parent(s) initially, once they speak with an attorney (and in most cases, they will), those same expressions can be spun to show legal liability for the child's injury.

As laws of negligence may vary from state to state, the following are intended as general tips on what to do when confronted with an injury to a child.

Many states, if not all, toll the time for an infant to bring a lawsuit until after the child's eighteenth birthday, which means that lawsuits can be filed years after the event is long forgotten by staff. It is therefore very important that all incidents be reported immediately to your insurance carrier, in order that they may begin their investigation in a timely fashion. That investigation will include obtaining statements from any staff or witnesses to preserve the evidence in the event a claim is asserted or a lawsuit filed at some future time.

While it is alright to express concern and reassurance for the camper, do not admit to any actions or omissions by your staff which caused or contributed to the incident.

If other campers observed the incident, you should note their names and contact information. While it would be preferable to take a statement from a camper as well, that should be done only after getting their parents' permission.

If an object such as a bat, golf club, or hockey stick caused the injury, it should be taken out of service and kept in a secure place for as long as necessary.

Photographs of the injured camper and the area where the incident occurred should be taken, dated, and securely saved until needed by a lawyer or insurance company.

(continued)

If an accident/incident is prepared, it should reflect where the information came from and who is writing the statement. A camper's version of the story should begin with "Jimmy Smith said..." The author of the report should keep the information factual, with no opinions or comments added.

Steven F. Goldstein is a Senior Partner with the law firm of Steven F. Goldstein, LLP. His practice focuses on litigation, labor and employment law, corporate law, and insurance-related matters throughout the state of New York. His office is located at One Old Country Road, Suite 318, Carle Place, New York, and he can be contacted at 516-873-0011 or sgoldstein@fgtda-law.com.

If you have a safety or risk management question or a suggestion for a topic, please contact Markel's Risk Management Department at safety1st@markelcorp.com.