

# Lawsuits Can Arise When Officials Penalize

Courts are generally reluctant to review how an official called a game unless a player is injured. That is fortunate as sports leagues and officials cannot afford a barrage of postgame lawsuits.

Officials are involved in three types of suits based on how they handled sportsmanship and called a game. First, they're sued by people who claim that the official's incompetence cost the people some benefit. Second, they're involved in suits that people bring to overturn a game result or player discipline. Third, they're sued when there's an injury.

People who claim that the official's incompetence cost them some benefit almost always lose. Most of those people want money to compensate them for something — whether that something is being seen by a scout or not being able to sell championship T shirts because of the official's call.

## Challenges to game results and player discipline are usually high publicity court cases.

People who challenge a game result or player discipline usually create major problems for leagues and officials. Courts may be reluctant to review officials' calls, but people who challenge the results of

games or officials' rulings can often get an injunction from a lower court. The injunction has the effect of temporarily reversing an official's decision or a game's outcome until a higher court can hear the case. Those injunctions are almost always vacated by state courts of appeals and supreme courts, but often by then the damage is done. Leagues or state governing bodies have to delay their games for weeks so they don't play a game that shouldn't be played (or let a player who shouldn't be playing participate) and then have to reverse the result later. The officials get trashed during the delay as their calls are scrutinized in the local press. Worse, the officials can be sued along with the league or governing body and end up having to incur legal fees.

Challenges to game results and player discipline are usually high publicity court cases. They're result-oriented cases that stem from officials' sportsmanship rulings. Often those cases are brought because an official enforced the sportsmanship rules and the people challenging the calls don't like the consequences. Professional pride and public scrutiny mean that the official should enforce the rules, make the right call and buy good insurance.

Now courts are always willing to get involved when somebody gets injured. Courts will review how an official called a game if an injury occurs. However, it's still not easy for an official to be liable based on her ruling on a sportsmanship issue because the injury must be foreseeable. It's a lot easier to foresee an injury when one doesn't inspect a field or lets a bleeding player play than it is when one simply didn't issue a warning to a player with a bad attitude or when an official gave a warning instead of a technical foul.

The official who properly enforces the sportsmanship rules will probably not be held liable for a failure to control the game. Therefore, officials need to do their jobs properly and reduce their liability risk.

The basic problem here is that sports ultimately can't function if officials have to be subjected to courts second-guessing their calls. Thus, a lot of states have passed laws that say an official has to be grossly negligent (or incredibly irresponsible) in order to be liable for an injury. Those laws provide a lot of protection for officials, but officials still must be careful as some of the laws only cover volunteers. Officials should check to see if their state has such a liability law and if the law extends to them.

*Written by Don Collins, executive director of the San Francisco section of the California Interscholastic Federation. He is a longtime basketball official and lawyer. This material is for informational purposes only and is not legal advice. □*

## Get to Know Your Local Association

It is especially important if you are a local association officer, but even if you are just a member, you should take interest in how your group is run. Checking in with your association's business will help keep the group in order and running smoothly. Make sure that your referee organization's operating bylaws are clear and precise, that your taxes and other required filings are handled properly, and that your association officers and members of the board of directors understand their roles. Officiating is a lot of fun, but it also is important business. Therefore, it is critical that your association is organized.

## Consider Both Sides

Remember that the world is made up of shades of gray. Most issues have two conflicting sides. Perhaps in no other area is that as clear as in officiating: For every basketball referee who calls "block," there is sure to be a player, coach or fan who screams "charge." Other issues connected with officiating can be tough as well. Is your assigner doing a good job of spreading the officiating wealth? Are your evaluators being fair in their competency assessments? Should an official be responsible for the health and safety of every participant on the field under every circumstance? Those questions are never easily answered. But they are important to consider.