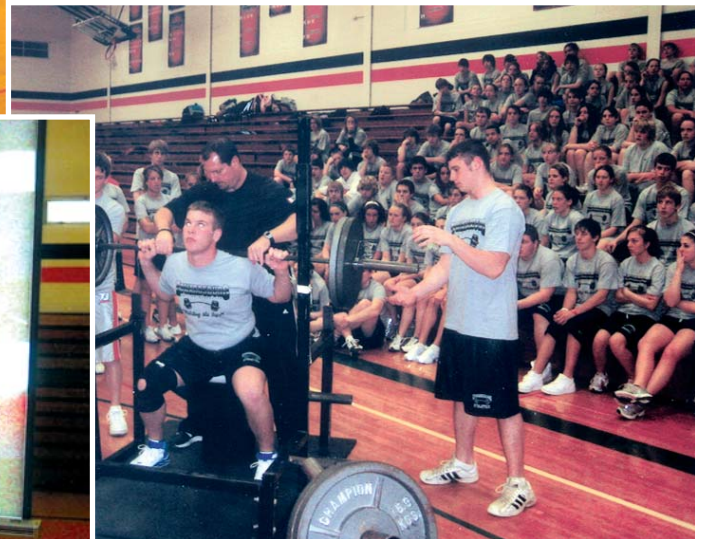


To ensure proper lifting and spotting techniques that will avoid injuries, BFS clinics involve hands-on training with all participants. These photos were taken last March at a clinic that BFS Clinician Lance Neven gave at Edwardsburg High School in Edwardsburg, Michigan.



BY KIM GOSS

The Coach and the Courts:

Weight Training for Kids

A legal expert's advice on reducing injuries, and the risk of lawsuits, when working with kids



At a weightlifting competition last year I met a colleague who had recently accepted a job as a high school strength coach. With an impressive competitive background in Olympic lifting and a graduate degree in exercise and sport science, he exemplified the definition of “overqualified.” But when I asked him how his job was going, going, I was shocked when he said he had resigned when he was told to stop teaching freshmen such basic core lifts as the bench press, squat and power clean.

The problem occurred when one of the school’s coaches decided to push this policy after finding a position paper by the American Academy of Pediatrics that said, “Preadolescents and adolescents should avoid competitive weight lifting, power lifting, body building, and maximal lifts until they reach physical and skeletal maturity.”

Although this represents a radical policy, it’s another example of the decades-long conflict between strength coaches and members of the medical

community. Some of the heated debates have questioned if weight training makes athletes muscle bound, damages their knees and causes chronic lower back pain. Although most of these issues have been resolved, the one that has continued as strongly as ever is whether or not weight training is safe for children.

On the side of the coaches are many peer-reviewed studies, many of which are in a position statement and literature review about youth weightlifting that can be downloaded from USA Weightlifting’s website, usaweightlifting.org. There are also the opinions of many respected sport scientists, such as the late Mel Siff, PhD, one of the most respected experts in the field of exercise science.

Said Siff in his book *Facts and Fallacies of Fitness*, “It is extremely misleading to focus on the alleged risks of weight training on children when biomechanical research shows that simple daily activities such as running, jumping, striking or catching can impose far greater forces on the musculoskeletal system than very heavy weight training.” Siff

added that it is “ridiculous” to condemn many sporting activities solely because of a presumed greater risk of injury. “Many school sports place the bodies of youngsters in danger – it is the nature of sport and, if one is going to take part in any physical activities, no matter how well controlled, there is going to be a greater risk of injury than if kids sat in front of the TV.”

Despite the support of many sport scientists and peer reviewed research, the warnings by many members of the medical community have many coaches reluctant to encourage young athletes to lift weights. We live in a litigious society, and the controversy surrounding this subject is enough to make any coach or school administrator hesitant about giving athletes an early start in the weightroom.

Is such extreme caution justified? Can coaches have children lift weights without putting themselves, or their organizations, at an exceptionally high risk of legal action? To learn the answer, I turned to Dr. Marc Rabinoff.

The Coach and the Courts

Dr. Marc Rainoff is a full professor in the Department of Human Performance, and Sport at Metro State College in Denver, Colorado. He has served as an expert witness in over 280 legal cases involving weight training and fitness training injuries, and as such understands both the causes and the devastating effects of injuries. In this exclusive interview, Dr. Rabinoff addresses the legal issues of inviting children into the weightroom.

■ **BFS:** How many lawsuits against coaches have you seen that involved kids injured while lifting weights?

■ **Rabinoff:** I’ve probably testified over 75 times in court cases involving weight training accidents, and of those, about 10 involved either a physical educa-

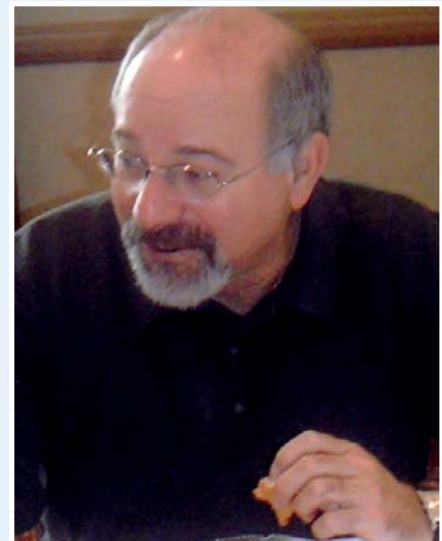
tion teacher or a coach in a weightroom at a high school or middle school setting.

■ **BFS:** What were the primary causes of those lawsuits?

■ **Rabinoff:** They involved what I call the “Big Three”: 1) Failure to supervise, 2) Failure to warn, and 3) Failure to instruct. I haven’t seen many lawsuits as a result of equipment failure, but I have seen many examples of misuse of equipment, which comes back to poor instruction or lack of supervision.

■ **BFS:** Were the weight training injuries primarily caused by free weights or machines?

■ **Rabinoff:** About 95 percent of the litigations I have done are related to machines. My conclusion after 25 years of testifying is that most people know that if



Dr. Marc Rabinoff is a sport/risk management liability expert who has been an expert witness in over 280 legal cases involving weight training and fitness training injuries.

you drop free weights you're going to get hurt, so we tend to be really cautious about using them. With machines, most people think that nothing could happen to them, so they become less safety conscious and tend to use more weight than they should.

■ **BFS:** So would you say it's a mistake to assume that if the administrator at a middle school wanted to make their weightroom safer, the only thing they would need to do is buy machines?

■ **Rabinoff:** Yes – that's my point. What makes a weightroom safer is avoiding the Big Three. A weightroom should always be supervised with qualified weight specialists who will provide proper instruction on all the equipment. And you must warn kids and their parents of the fact that you can get hurt in the weightroom, and *how* you can get hurt, so they can minimize the risk of making a mistake that could cause injury

■ **BFS:** There are hundreds of organizations that offer certifications in weight training, most of which only involve passing a true/false, multiple-choice test. Are these certifications being challenged in the courts?

■ **Rabinoff:** I would prefer that any certifications involving strength and conditioning have a practical portion to ensure that coaches know how to teach these activities. I haven't seen any of the certifications being questioned in a court of law as to their validity, but lawyers are becoming very sophisticated. So although it hasn't happened, it doesn't mean that it won't in the future.

■ **BFS:** The recommendations from the American Academy of Pediatrics are rather extreme. Why do you think they took that position?

■ **Rabinoff:** I haven't read the entire paper, but my best guess is that they are erring on the side of caution with a global statement that too many people might be moving children into hardcore training on



BFS certifications are *learn-by-doing* sessions in which coaches are taught how to demonstrate and teach all the exercises in the BFS program.

weights before they are capable of doing it. But I seriously doubt that they were suggesting that, say, a 17-year-old high school football player on a state championship team shouldn't be doing squats.

■ **BFS:** Isn't it a problem to make general recommendations about training children, as they have different physical maturity levels?

■ **Rabinoff:** Absolutely, and age is just one factor involved in determining when it is appropriate for a child to lift weights and to what degree.

■ **BFS:** What about banning certain sports? If gymnastics has the highest injury rate of any sport, why not just ban the sport entirely?

■ **Rabinoff:** That's an argument I've heard my whole career, that schools should take away the sports that cause the most injuries. My response is that when you do that, the next sport in line moves up and that becomes the high-risk sport. Eventually, as you keep banning sports, all you'll have left are checkers and chess!

I'd like to add that gymnastics is not, as many people believe, the sport with the most injuries, but the injuries we see in gymnastics are the most catastrophic ones. You might only see one injury on a high school gymnastics team

in five years, but that injury might be a broken neck. So it isn't just the number of injuries that scares school administrators, it's the severity of those injuries that causes them to try to cut those sports in their curriculum.

■ **BFS:** What about the idea of having athletes play with injuries? Often football players with minor injuries will go back into a game – how should coaches deal with these situations to avoid lawsuits?

■ **Rabinoff:** There should be a series of checks and balances in athletic programs with a series of people who should have their say on whether an athlete is ready to come back: athletic trainers, team physicians, the athlete's personal physician and the coaching staff. All of these individuals should be involved in determining whether an injured athlete can be allowed to play or practice, and at what level.

■ **BFS:** What about athletes who don't tell coaches they are hurt so they can continue playing? What liability risks do these athletes present to coaches?

■ **Rabinoff:** We obviously can't control when an athlete is injured and doesn't tell anyone, and we often see athletes at the high school level hiding injuries so

Maegan Snodgrass, Team BFS

School Age American Snatch Record, 78 Kilos



On June 24, 2006, Maegan Snodgrass broke the School Age American Record in the snatch while winning the School Age National Championships in Detroit, Michigan. Lifting in the 16-17 age category, Maegan snatched 172 pounds in the 139-pound bodyweight division. Maegan has been a gymnast since she was nine years old and has reached a Level 10 ranking in that sport. An honor student, Maegan would like to continue gymnastics in college and become a medical doctor.

(PHOTO SEQUENCE BY STEVE FAUER, WWW.FAUERPHOTOREFLECT.COM)

they can play. That is where the coaching skills come in, such as watching to see if an athlete is breathing too hard or falling down more often than they should. And this includes watching them in the weightroom: if an athlete can squat 300 pounds and then suddenly can't squat 200, there's obviously a problem that must be addressed.

■ **BFS:** Is it necessary to have parents involved in all injuries that occur to athletes?

■ **Rabinoff:** If the child is under the age of 18, the coach has no choice but to involve the parents. The child really has no legal standing – the parents do – and you cannot treat a child without parent approval. Also, the more the parents know about the severity of the injury, the less chance they will push their children into doing something they are not physically ready to do.

■ **BFS:** Is it a mistake to believe that once a child is injured, a parent can quickly and easily win a lot of money in a lawsuit?

■ **Rabinoff:** First, winning a lawsuit can take years, and a law firm will not invest the time and effort to defend someone unless they are pretty sure they have all the necessary elements of a lawsuit. These elements include establishing a duty and determining if there was a breach of that duty. And if the defendant has insurance, it's very rare that the insurance company would settle a lawsuit early because it's to their advantage not to settle because the plaintiff might tire out or not have enough money to continue with the case.

■ **BFS:** Can you give us a rough idea of what a lawsuit costs?

■ **Rabinoff:** The last time I checked, the average lawyer fee in the Denver area was about \$250 an hour, and most law firms would require a \$5,000-\$10,000 retainer on these cases. And if it's a more serious case, such as for a quadriplegic, those numbers could run into six figures.

■ **BFS:** Where can a coach or school administrator go to learn more about legal trends in their profession?

■ **Rabinoff:** One of the best journals I subscribe to, and which I've written some articles for, is *The Exercise Standards and Malpractice Reporter*. They talk frequently about health club- and fitness-related accidents and legal cases.

■ **BFS:** Is there any general advice you have to help coaches minimize their risk of being involved with litigation, especially when it comes to training children?

■ **Rabinoff:** First, realize that you can't avoid lawsuits, because people are always going to blame other people. What you can do is minimize the chances of being involved in a lawsuit, and you can improve your chances of winning if you get sued. The absolute best way to minimize the chances of being involved in a lawsuit is to do the things necessary to prevent athletes from being injured in the first place; because if you don't have an injury, you don't have a lawsuit! **BFS**



Dr. Rabinoff has been involved in producing safety materials for gymnastics to reduce the number of injuries in this sport. Shown taking a break from practice are Kylie Sharp, Summer Raymond, Stormy Julius, Annie Butterfield, and Madison Tueller. They represent the Olympus School of Gymnastics in Sandy, Utah.

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THE EXERCISE STANDARDS AND MALPRACTICE REPORTER

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A Look at "Legally Defensible" Certification Programs

by David L. Herbert, Senior partner, Herbert and Benson, Attorney at Law, Canton, Ohio.

In 2002 IHRSA (International Health, Racquet & Sportsclub Association) began to seek ways to improve – in its opinion – the delivery of services by personal fitness trainers providing relevant services in health and fitness facilities. Ultimately, their Board of Directors adopted and then amended a resolution which "recommended" that its member facilities comply with the following resolution:

"Whereas, given the increasing importance of personal training in health, fitness and sports clubs, IHRSA recommends that, beginning January 1, 2006, member clubs hire personal trainers holding at least one current certification from a certifying organization/agency that has begun third-party accreditation of its certification procedures and protocols from an independent, experienced, and nationally recognized accrediting body.

Furthermore, given the twenty-six year history of the National Organization for Competency Assurance (NOCA) as an organization dedicated to establishing quality standards for certifying agencies, IHRSA has identified the National Commission for Certifying Agencies, the accreditation body of NOCA, as being an acceptable accrediting organization.

IHRSA will recognize other, equivalent accrediting organizations contingent upon their status as an established accreditation body recognized by the Council for Higher Education Accreditation and/or the United States Department of Education for the purposes of providing independent, third-party accreditation."

Continued, see "Legally Defensible" on page 36

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Highlights of This Issue:

- Proposed Personal Fitness Licensure Legislation
- More Litigation
- More Information From The NBFEE
- Legally Defensible Certification Programs

A great source for current information about legal cases involving coaches and schools is the *Exercise and Standards Malpractice Reporter*.