

THE DARK SIDE OF SPORTS

A Legal Library for the Layman

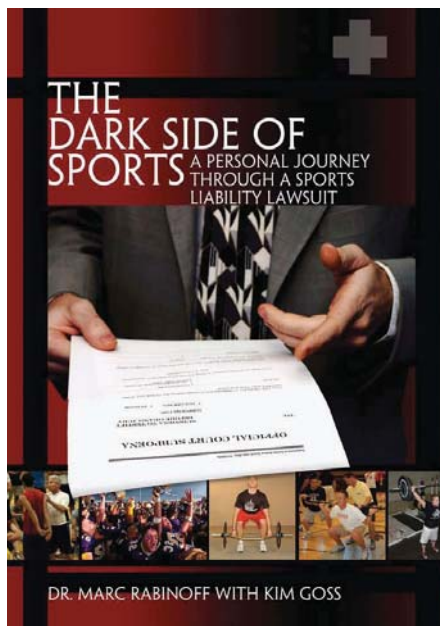
BFS introduces an exciting series of books to help make sense of the legal system

If you've watched *People's Court*, *Law and Order* or even *Night Court* and you believe you've got a good grasp of how the legal system works, think again. The truth is that lawyers will not always take a case, it can take years to reach a verdict, justice does not always prevail, and getting involved in the legal process is a lot more expensive than you think – a lot more.

To help you understand the realities of the justice system and hopefully avoid getting involved with it altogether, Dr. Marc Rabinoff has been working with BFS to develop a series of books called *The Dark Side of Sports*. Each of these readable, pocket-size (5 1/4" x 7 1/4") books will provide essential information you need whether you are a coach, personal trainer, administrator, health club owner or parent.

The books are divided into three subjects: 1) understanding the legal process, 2) practical steps to help avoid becoming involved in a lawsuit and 3) summaries of court cases involving the most common types of litigation in sports and the field of strength and conditioning. With Dr. Rabinoff's experience as an expert witness in more than 300 lawsuits – for both defendants and plaintiffs – these books will provide a unique resource that has never before been made available.

The first book, now available through BFS, is *The Dark Side of Sports: A Personal Journey Through a Sports*



Dr. Marc Rabinoff's new book, *The Dark Side of Sports*, is now available through BFS.

Liability Lawsuit. This 64-page treatise is divided into eight chapters, starting with the process of retaining a lawyer – or at least trying to retain one – and progressing, step-by-step, to the verdict. It also contains real-world samples of legal documents, including a *complaint for damages* and a *deposition testimony*, and a glossary of legal terms.

Dr. Rabinoff is a professor at Metropolitan State College of Denver in the department of Human Performance and Sport. He is also president of Rabinoff Consulting Services, Inc., a sport and fitness risk management and facility operations consulting company.

His experiences in the courtroom have dealt with many disturbing cases, thus inspiring the title of his regular column in *BFS* magazine and this book series: *The Dark Side of Sports*.

How disturbing were these cases? Dr. Rabinoff has testified in five cases in which high school cheerleaders became paralyzed as a result of improper spotting; in four cases in which individuals became paralyzed from improperly using Smith machines (one client died before the court case was completed); and in four cases in which individuals died from falling off treadmills, hitting their heads against walls and dying from swelling in the brain. The most frustrating aspect of Dr. Rabinoff's testimony is that every one of these tragic accidents could have been prevented.

Although no one is immune from the risk of having an accident or contributing to one, there is plenty you can do to protect yourself and the people in your charge. For wise counsel on avoiding – or facing – your day in court, you'll want *The Dark Side of Sports* books in your corner. BFS

The Dark Side of Sports is a regular feature by Dr. Marc Rabinoff that answers questions about safety and liability based upon actual litigations.



THE DARK SIDE OF SPORTS

The Cost of Cutting Corners

You can't bypass safety when training athletes

In the current economic crisis, coaches and owners of facilities are looking for ways to reduce the costs of doing business. Unfortunately, a lot of unwise decisions are being made that can end up being resolved in the courts.

For example, many coaches and physical education instructors are cutting back by letting their certifications lapse and not attending professional seminars or other forms of continuing education. As a result, many organizations are downsizing or canceling their local, state and national conferences, which results in fewer opportunities for attending activities to further their education. When trainers stop participating in activities that will make them better at their jobs, they become more isolated, relying only on their current knowledge, which ultimately lowers the standards in the profession.

I am currently working on a case involving an instructor in Texas who runs a type of "boot camp" fitness center based upon militaristic types of training such as calisthenics. During one workout the instructor decided to have his class participate in a tug-of-war using a nylon rope. There were three women in this class and one man, and the instructor put the man and one woman on one side and the other two women on the other. To balance it out, the instructor got on the side with the two women; when the exercise began, he pulled on the rope, and after about



Using homemade equipment like the platform shown here, or failing to properly maintain equipment, places athletes at a high risk of injury.

five seconds he let go. What the instructor didn't realize is that the man had wrapped the rope around his wrist, and when the instructor let go, the resulting torque broke the man's wrist. The injured man is a surgeon, and the wrist is not healing. Thus the lawsuit.

In another lawsuit, an individual suffered a serious injury from improper use of a piece of exercise equipment. When an instructor for that health club was deposed, he was asked about his background. It turned out he had no academic degrees, had attended no seminars and was not a member of any professional organizations in this field. What he said was that he had learned fitness training from "street smarts" and his life experience in the Navy. This is unacceptable.

The basic standard in the fitness industry is that a weightroom must always be supervised, regardless of the

equipment being used. Supervision is defined as the presence of a qualified person who understands the mechanics of what he or she is supervising. Supervision isn't just having someone standing there watching; it's knowing what you're watching for and knowing how to correct any problems and also *knowing how to avoid problems in the first place*. If you have unqualified instructors in a weightroom, you have a serious problem.

In addition to providing insufficient supervision, some coaches make compromises with their equipment purchases and maintenance. They may purchase equipment designed for home use or try to repair equipment themselves. These actions could be considered negligence and could put those using the facility at a higher risk of injury.

Yes, we live in tough economic times. But when coaches and other fitness professionals compromise on education and properly outfitting and maintaining their facilities, they're setting themselves up for accidents, injuries and legal action. It's not worth it. **EF**

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Think Twice Before You Write

A look at a controversial article about overcoaching

When determining professional standards, pertinent articles that are published in peer-reviewed publications are considered very important factors. One such publication, and in fact one that I subscribe to, is the *National Strength and Conditioning Association Journal*. Although I am pleased with this organization's attempt to improve the standard of care in the field of athletic fitness training, I believe it was a mistake for the editors to publish the article on overcoaching that appeared in the April 2009 issue.

The title of this article was "Overcoaching in the Weight Room." The author, Jonathan Janz, says that overcoaching has a negative effect on "learning and training in the weight room." I have taught human movement classes for over 40 years and have been an expert witness in more than 300 litigations in the field of health and fitness, and not once have I ever heard this term used. And even after reading the aforementioned article, I am still not certain that I understand what "overcoaching" is supposed to mean.

That being said, the author explains that there are four primary causes of overcoaching: 1) confusion in finding an optimal teaching method, 2) overconcern for safety, 3) obsession with perfect technique, and 4) lack of confidence in coaching ability. Let's tackle each of these in turn.

Confusion in finding an optimal teaching method. In 99 percent of the litigations I've seen in which a coach has been accused of poor coaching or a school program has been accused of using a poor curriculum, the argument for the defense generally comes down to this: "No, we've coached great." These individuals may certainly believe they are great coaches, but the bottom line is that an athlete missed a skill. This could mean that the skill was not perfected



Photo: Timeless Images Photography

When it comes to coaching, especially in high-risk sports such as gymnastics, you can never be too safety conscious. Shown is gymnast Chloe Van Tussenbroek competing in the Junior Nationals this year.

or the athlete was not at a level of proficiency where they should have been doing it in the first place.

A basic rule in coaching is that "You never sacrifice execution for difficulty." For example, in gymnastics the ability to perform a handstand must be perfected before you can progress to master more-complex skills, such as a handstand on a balance beam. And you know what? There is only one way to properly perform a handstand – there is absolutely no confusion in the gymnastics community about what constitutes a perfect handstand or the optimal progression from a handstand into more complex skills. And this is true with all sports. Whether it's throwing a discus or landing a double Axel or even jumping motorcycles, the optimal teaching progressions are available to any coach who is willing to take the time to learn them.

Overconcern for safety. If there were such a problem as overconcern for safety, then why am I – and other experts – called in to testify in so many court cases in this field? If you diminish the safety component in a sport

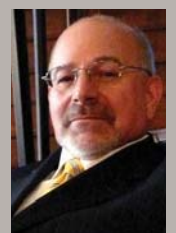
training environment in any way at all, then the most likely result is that someone is going to get injured. You can't prevent all injuries, but what you can do is be vigilant by interacting with your athletes to make certain they are in an environment that is safe, effective and efficient.

Obsession with perfect technique. The bottom line of all sports movements is technique. Why do you think we study biomechanics? Why do you think we study kinesiology? How did Phelps win eight gold medals and break all those records? One reason is that his coaches analyzed him, and sport science has analyzed swimming even more. If Phelps hadn't trained to perfection, he would not have accomplished what he did. Likewise, many of the skills that are being performed in gymnastics today did not exist 10 years ago. This is because we are always looking for ways to perfect technique.

A lack of confidence in coaching ability. In all the years that I've coached gymnastics, I've never had an athlete question my ability to train them. If you lack confidence in coaching, how are you going to convey confidence to your athletes? One way to develop that confidence is to know anatomy, biomechanics and exercise physiology. If you're not willing to put in your homework, then you shouldn't be coaching.

To be a good coach you must understand how the body can move through space efficiently, effectively and safely. If you are not willing to learn the best ways to coach a sport but you *are* willing to compromise on technique and safety, then you should not be coaching. **ERS**

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Troubling Trends in Coaching Youth

Abusive methods signal a failure in the preparation of coaches

BY DR. MARC RABINOFF

I started teaching physical education in 1969, at a time when the fields of physical education and coaching had status, value and parental support. But over the past four decades I've seen a decline in popularity and status within these fields, with a steadily increasing number of schools dropping physical education and even many sport programs. These professions have gone from being a major player in the school curriculum to, in many cases, a zero player. Let's look at some numbers.

An organization called The Center for Kids FIRST in Sports recently published a report about coaching young athletes called "Troubling Signals from Youth Sports." Here are some disturbing results from surveys of young athletes that were reported in this paper:

- 45.3 percent said they had been called names, yelled at or insulted by coaches
- 21 percent said they had been pressured to play with an injury
- 17.5 percent said they had been hit, kicked or slapped
- 8 percent said they had been called names with sexual connotations
- 3.4 percent said they had been sexually abused

Consider that we're not talking about professional athletes or hard-core football players here, but about kids in high school, middle school or even grade school. So when I saw the statistics which said that 45.3 percent of kids surveyed had been yelled at, I had to ask myself, "Why would a coach insult a kid?" And the only answer I could come up with is that we are fail-



Glenn Morris of Metro State College in Denver is a weight training instructor who conducts himself with the highest professional standards.

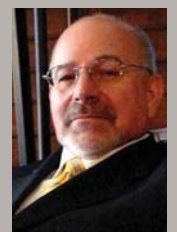
ing miserably in the preparation of our coaches – in fact, the paper also reported that as many as 20 percent of the coaches working with young athletes in the United States have had no training whatsoever in the field!

Because the focus of this issue of *BFS* is on women's sports, let's take a closer look at this area. Since I've been teaching, women's sports have gone through an evolution in which not only do more women want to participate in sports, but more want to train at the highest levels. But the fact is there are differences in the way that young men and women should be coached. Perhaps in the past a coach could get away with using sexually degrading words with young women, but that is certainly not the case now. Every year I find in our local paper reports of at least a half dozen coaches in school districts across the country who are brought up on charges of sexual harassment. Beyond the embarrassment that the actions of these coaches bring to our educational system and the financial costs associated with these lawsuits, there is also lifelong emotional trauma forced upon the young women involved.

From a liability standpoint, male and female coaches alike must be careful about what they say to young women and must be especially careful about touching them. The issue is sensitive enough that performing skin caliber pinch tests to measure bodyfat may be a thing of the past. All that needs to be established is the intent and a coach can get into trouble. And it's not all simply a matter of common sense – coaches need to take special classes in these subjects, whether it is through schools or respected organizations in these fields. You can't just assume, for example, that because a man or a woman is a good parent, they are also a good coach – they are two entirely different sets of skills.

Coaches and physical educators must learn how to treat all athletes with respect, and if they are not willing to do this, then they should not be coaching. When I was in college (1965-1969), we placed second and third in national College Division championships in gymnastics, and I can't remember anyone on our coaching staff ever yelling at us or using bad language. A coach can be hard on his or her athletes, such as by yelling at them to motivate them to do better, but clearly they are not serving the needs of our young people by degrading them with insults and name calling. It's not right, and as many coaches are finding out in the courtroom, in many cases it isn't legal. **BFS**

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Why PE Classes Are Injuring Our Children

A look at the steady increase in injuries in physical education classes

BY DR. MARC RABINOFF

A study that appeared in the September 2009 issue of *Pediatrics* reported that from 1977 to 2007, there was a 150 percent increase in the injuries that occurred in physical education classes. Having been involved in physical education for over 40 years, I find this statistic appalling... but, unfortunately, not surprising.

The most common injuries were lower-extremity sprains and strains, which accounted for 23 percent of the total injuries. But the especially disturbing findings are that the majority of injuries, 52 percent, occurred to middle school children and that the number of head injuries to children of ages 5-10 years *doubled* in those 30 years! Those are the facts. Now the important questions are what is causing these injuries and what can be done about it.

Getting Back to Basics

In physical education there should be a progression in skills from kindergarten through middle school to high school. If basic-movement skills are not mastered in the early years and our children are not becoming progressively more fit, then later on they will be unable to handle more-difficult skills and the sports they want to start participating in. The *Pediatrics* study supports this idea and reports that approximately 70 percent of all the injuries occurred in running, basketball, football, volleyball,



Gymnastics at any level can be a relatively safe sport if skills are taught progressively. Shown is Level 10 gymnast Chloe Van Tussenbroek, who represents the Black Diamond Gymnastics Club in Park City, Utah.

Photo: Timeless Images Photography.

soccer and gymnastics.

Put another way, if a kid is not physically, mentally and emotionally ready to learn a skill, they are not going to learn it. And the result is that they are more likely to get injured. Today more kids are overweight than ever before, and it's really tough for an overweight child to walk along a balance beam because their center of gravity is off – and vaulting may be pretty much out of the question.

Despite recognizing that these kids have not learned many basic skills, teachers simply follow the PE curriculum without regard to ensuring that

prerequisite skills are taught. Let's say during the first two weeks of a PE class the students work on tumbling. If some kids can't tumble, they sit on the side or do something else. Then the next two weeks the class plays volleyball. If a kid or two can't do that well, they sit on the side or do something else. So although the curriculum is being followed, kids are being taken out of the equation because they are not learning the prerequisite skills needed to progress to higher levels of physical and athletic fitness. There is no progression.

This progressive series of skill learning is what we teach our PE majors

to do, and physical education programs are supposed to be accredited based upon how well they implement this type of program. One of the reasons injuries are so high in backyard trampoline is that those using this equipment do not follow the prescribed learning curve. I am currently doing a case that involves an 11-year-old girl who was double bouncing, which occurs when two individuals are jumping on the same trampoline – the type of activity often seen in circus shows. Because neither the children nor anyone supervising them knew what the progression was to perform double bouncing, which



A BFS clinic is a hands-on experience designed to further the education of physical education instructors and coaches. Perfect technique and optimal spotting methods are stressed to reduce the risk of injury.

is extremely tricky and requires professional coaching, one of the children broke her leg in four places.

Changes for the Worse

One cause of injury that was discussed in the *Pediatrics* study was collisions, which the article explains are injuries that can occur by contact with another person, a playing surface or a stationary structure. Collisions can occur because teachers are not storing away equipment after classes as they should, which can interfere with subsequent classes. Combine this problem with the fact that PE classes are getting bigger and bigger, making it more difficult for a single teacher to properly supervise the classes, and there will be an increased likelihood of collisions when kids run after lost balls or do whatever they are doing in a less-than-ideal environment.

The next issue is one of proper training of physical education teachers. I've noticed that many college programs for a PE major are being dumbed down, especially with online courses, with less science being required. I know of one college program that does not have a single class devoted to organization and administration – how can you possibly certify a physical education teacher if they never had to study how to organize a physical education class? This is absurd!

What's worse is that due to budget cuts or lack of qualified applicants, school districts often do what is called "emergency certifications," which means they allow individuals who are not properly trained to work with students. What's worse still is that they often put these people in the primary grades. It is absolutely critical to have the most skilled physical educators in elementary schools, as opposed to higher grades, where they can often learn sport skills from outside sources such as club sports



During a BFS certification program, coaches are encouraged to show that they can demonstrate correct lifting techniques.

or Little League.

Lara McKenzie, PhD, one of the authors of the study, said that the increase in PE injuries was unlikely to be "attributable to an increase in PE participation." This gives a false impression. Whether the number of students in PE is rising or not, it is a certainty that there are fewer PE teachers per number of students. I've heard of many school districts that have a teacher/student ratio of 1/40, but often the real numbers are up to 65 – and I just heard of one school that had up to 120 kids in one class! Allowing 40 kids in one class is outrageous, and there is no way a single teacher can supervise 65 kids in a single class. And from a legal standpoint, having 65 kids in one PE class is not just unacceptable; an injury that occurs in such a class is nondefensible in a court of law.

The "big three" legal complaints against PE teachers I've seen in the legal system are 1) lack of supervision, 2) failure to warn and 3) improper instruction.

Although many school administrators believe they have a governmental immunity against lawsuits, and this is true to some extent, most attorneys will tell you that there are exceptions to governmental immunity that would enable a lawsuit to occur.

The *Pediatrics* study has already garnered considerable national attention, and the authors are to be commended for bringing this research to the attention of not only physical educators but also the parents who put their trust in the school system. Hopefully, the end results will be a decrease in injuries and a more valuable education for our children. BFS

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