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Advanced Certificate in Sports Law

## Sports Torts and Negligence

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### **\*\*Assumption of Risk:\*\***

In the context of sports torts and negligence, assumption of risk refers to a legal doctrine that protects tortfeasors (wrongdoers) from liability when the plaintiff (the person bringing the lawsuit) voluntarily and knowingly assumed the risk of injury associated with the activity. In sports, participants typically assume the inherent risks associated with the activity, such as the risk of injury from physical contact or the use of sports equipment.

Related terms: Inherent risks, Primary assumption of risk, Secondary assumption of risk

Example: A football player who suffers a concussion after being tackled during a game is unlikely to succeed in a negligence lawsuit against the opposing player, as the risk of injury from tackling is inherent to the sport and the player assumed that risk by choosing to participate.

### **\*\*Battery:\*\***

Battery is a type of intentional tort that involves harmful or offensive contact with another person without their consent. In sports, battery may occur when a player intentionally strikes or makes harmful or offensive contact with an opponent, official, or spectator.

Related terms: Intentional tort, Assault

Example: A baseball player who throws a bat at an umpire in anger and strikes the umpire with the bat has committed battery.

### **\*\*Comparative Negligence:\*\***

Comparative negligence is a legal doctrine that apportions fault and damages between parties in a negligence lawsuit. Under comparative negligence, the plaintiff's recovery is reduced by their percentage of fault for the injury.

Related terms: Contributory negligence, Modified comparative negligence, Pure comparative negligence

Example: A soccer player who suffers a broken leg after colliding with another player during a game may have their damages reduced if it is found that they were partially at fault for the collision.

### **\*\*Contributory Negligence:\*\***

Contributory negligence is a legal doctrine that bars the plaintiff from recovering any damages in a negligence lawsuit if they contributed to their own injury.

Related terms: Comparative negligence, Modified comparative negligence, Pure comparative negligence

Example: A basketball player who runs into a stationary object while dribbling the ball and suffers an injury

may be barred from recovering damages if it is found that they were not paying attention and contributed to their own injury.

**\*\*Duty of Care:\*\***

Duty of care is a legal obligation to exercise reasonable care to avoid harming others. In sports, coaches, officials, and players have a duty of care to avoid causing unnecessary injury to others.

Related terms: Breach of duty, Standard of care, Negligence

Example: A soccer coach who fails to provide proper medical attention to an injured player and allows the player to continue playing may be found to have breached their duty of care.

**\*\*Economic Damages:\*\***

Economic damages are a type of damages that compensate the plaintiff for financial losses resulting from an injury, such as medical expenses, lost wages, and property damage.

Related terms: Non-economic damages, Punitive damages

Example: A tennis player who suffers a broken arm in a car accident caused by a drunk driver may be entitled to economic damages for medical expenses and lost wages.

**\*\*Foreseeability:\*\***

Foreseeability is a legal concept that refers to the ability to anticipate or predict the likelihood of harm or injury. In sports, foreseeability is a key factor in determining whether a duty of care was breached, as coaches, officials, and players have a duty to anticipate and prevent foreseeable risks of injury.

Related terms: Duty of care, Breach of duty, Standard of care

Example: A football coach who fails to provide proper equipment to prevent head injuries may be found to have breached their duty of care if head injuries were a foreseeable risk of the sport.

**\*\*Gross Negligence:\*\***

Gross negligence is a type of negligence that is characterized by a reckless disregard for the safety or well-being of others. Gross negligence may give rise to punitive damages, which are intended to punish the defendant and deter similar conduct in the future.

Related terms: Negligence, Recklessness, Punitive damages

Example: A baseball coach who allows a player to continue playing after suffering a concussion and who fails to provide proper medical attention may be found to have engaged in gross negligence.

**\*\*Inherent Risks:\*\***

Inherent risks are risks that are inherent to a particular activity, such as the risk of injury in sports. Participants in sports are generally assumed to have assumed the inherent risks of the activity and may not be able to recover damages for injuries resulting from those risks.

Related terms: Assumption of risk, Primary assumption of risk, Secondary assumption of risk

Example: A skier who suffers an injury after falling on a ski slope has assumed the inherent risks of skiing and may not be able to recover damages for their injury.

**\*\*Intentional Torts:\*\***

Intentional torts are wrongful acts that are committed intentionally, such as battery or assault. Intentional torts are distinguished from negligence, which is the failure to exercise reasonable care.

Related terms: Negligence, Battery, Assault

Example: A hockey player who intentionally hits an opponent with their stick has committed an intentional tort.

**\*\*Last Clear Chance:\*\***

Last clear chance is a legal doctrine that applies in negligence cases and allows the plaintiff to recover damages even if they contributed to their own injury. The doctrine applies if the defendant had the last clear chance to avoid the injury but failed to do so.

Related terms: Negligence, Contributory negligence, Comparative negligence

Example: A cyclist who fails to stop at a stop sign and is struck by a car may still be able to recover damages if the driver had the last clear chance to avoid the collision but failed to do so.

**\*\*Negligence:\*\***

Negligence is a legal concept that refers to the failure to exercise reasonable care to avoid harming others. In sports, negligence may occur when coaches, officials, or players fail to take reasonable precautions to prevent foreseeable risks of injury.

Related terms: Duty of care, Breach of duty, Standard of care

Example: A basketball coach who fails to provide proper training or supervision to players and who allows a dangerous situation to develop may be found to have been negligent.

**\*\*Non-Economic Damages:\*\***

Non-economic damages are a type of damages that compensate the plaintiff for non-financial losses resulting from an injury, such as pain and suffering, emotional distress, and loss of enjoyment of life.

Related terms: Economic damages, Punitive damages

Example: A golfer who suffers a spinal cord injury in a car accident caused by a drunk driver may be entitled to non-economic damages for pain and suffering and loss of enjoyment of life.

**\*\*Premises Liability:\*\***

Premises liability is a legal concept that holds property owners responsible for injuries that occur on their property. In sports, premises liability may apply to coaches, officials, and facilities that fail to provide a safe

environment for participants.

Related terms: Duty of care, Breach of duty, Standard of care

Example: A soccer club that fails to maintain the playing field and allows dangerous conditions to develop may be held liable for injuries that occur as a result.

**\*\*Primary Assumption of Risk:\*\***

Primary assumption of risk is a legal doctrine that applies in sports and other activities and holds that participants have assumed the inherent risks of the activity and may not be able to recover damages for injuries resulting from those risks.

Related terms: Inherent risks, Secondary assumption of risk, Assumption of risk

Example: A skier who suffers an injury after falling on a ski slope has assumed the primary assumption of risk and may not be able to recover damages for their injury.

**\*\*Products Liability:\*\***

Products liability is a legal concept that holds manufacturers and sellers responsible for injuries caused by defective products. In sports, products liability may apply to defective sports equipment or facilities.

Related terms: Duty of care, Breach of duty, Standard of care

Example: A baseball team that uses defective bats that break and cause injuries to players may be held liable for products liability.

**\*\*Proximate Cause:\*\***

Proximate cause is a legal concept that refers to the direct and foreseeable cause of an injury. In sports, proximate cause is a key factor in determining whether a duty of care was breached, as coaches, officials, and players have a duty to anticipate and prevent foreseeable risks of injury.

Related terms: Duty of care, Breach of duty, Standard of care

Example: A basketball coach who fails to provide proper supervision and allows a dangerous situation to