

Personal Responsibility and Proper Signage — A First Line of Defense

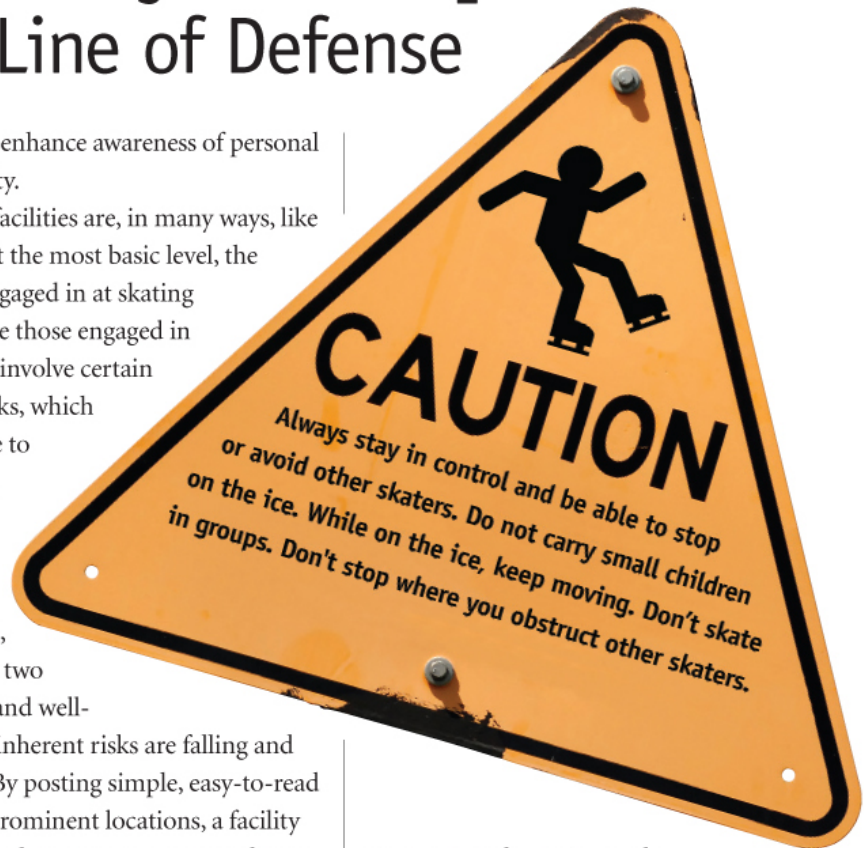
Public skating gives rise to a significant portion of claims arising from ice skating rinks. Skaters fall. Skaters collide. Skaters get injured. These are unfortunate realities of the skating business. Often times, these situations occur because skaters are doing things that they are not supposed to be doing — things like carrying small children while skating; stopping in front of entrances and exits, thereby creating an obstruction; failing to be aware of one's surroundings; or simply failing to exercise common sense. When these situations occur, they all too often lead to litigation. One of the most effective ways that a facility can position itself to defend against these types of claims is through the use of well-written and well-placed signage designed to promote personal responsibility and to document the promotion of personal responsibility.

In the ski industry, “Your Responsibility Code” (formerly the “Skier’s Responsibility Code”) has been universally adopted. Skiers routinely come into contact with Your Responsibility Code on trail maps, at ticket windows, in lodges and at other prominent locations at ski areas. Your Responsibility Code sets forth a simple set of common-sense principles that skiers are required to adhere to at ski areas. Among the principles espoused in Your Responsibility Code are (1) Always stay in control; (2) Be able to stop or avoid other people; (3) People ahead of you have the right of way; it is your responsibility to avoid them; and (4) You must not stop where you obstruct a trail or are not visible from above. These, and other ski-specific principles, make up a short, easily memorable list of “do’s and don’ts” for skiers — common-sense guidelines

intended to enhance awareness of personal responsibility.

Skating facilities are, in many ways, like ski areas. At the most basic level, the activities engaged in at skating facilities, like those engaged in at ski areas, involve certain inherent risks, which can give rise to injuries. In public skating sessions, for example, perhaps the two most basic and well-recognized inherent risks are falling and collisions. By posting simple, easy-to-read signage in prominent locations, a facility can enhance the awareness among skaters of the inherent risks and ways to avoid them. Many facilities post a Responsibility Code similar to that adopted by the ski industry. Such a Code often includes statements like “Skating can be enjoyed in many ways. Regardless of your level of skill, there are elements of risk in ice skating. Use common sense, show courtesy to others, and anticipate dangerous situations before they arise.” A Code should also include statements such as: (1) Always stay in control and be able to stop or avoid other skaters; (2) Do not carry small children on the ice; (3) While on the ice, keep moving. Don’t stop where you obstruct other skaters. Don’t skate in groups; (4) People ahead of you have the right of way. It is your responsibility to avoid hitting them or disrupting them.

A Responsibility Code should be conspicuously posted at a facility. The ticket counter, the rental area and the entrance to the ice surface are good places



to post a Code. By properly posting a Responsibility Code, a skating facility can make skaters aware of the responsibilities that the skaters have when using the facility. A facility also creates a record of making skaters aware of these common-sense principles by posting them, which can be useful when injuries occur, suits get filed and cases go to trial. The Responsibility Code can be a useful tool for a facility’s defense attorney when defending cases arising from inherent risks of public sessions. This simple, common-sense risk prevention tool can go a long way toward protecting a facility in the event of litigation.

Charles F. Gfeller is a partner with the law firm of Seiger Gfeller Laurie LLP and is a resident in the firm’s West Hartford, CT, office. He focuses his practice on the representation of recreational facilities throughout the United States, particularly ice arenas, providing risk management advice and litigation services. He can be reached at cgfeller@sgllawgroup.com or (860) 760-8410.