

RISK MANAGEMENT IN THE DOJO: Checklists to Reduce Liability Exposure

by Mark Lonsdale

Surviving in any business, in a litigious society, is a process of constant risk assessment and risk management. Business owners live in fear of accidents on their premises, either staff or customers; but contacts sports such as judo carry with them additional inherent risks. It is only through constantly assessment of those risks and due diligence that we are able to mitigate the possibility of personal injury law suits.

Contributing factors for accidents and liability exposure are:

1. Lack of qualified supervision in the dojo
2. Unsafe games and activities
3. Unsafe training environment (mats, walls, furniture)
4. No posted rules (Dos & Don'ts)
5. No national affiliation, membership & liability insurance
6. No liability releases / waivers
7. Lack of documented instructor training or coach certifications
8. Inappropriate behavior by instructors or staff
9. No first aid kit or emergency plan
10. Failure to seek professional advice on risk management

Even with signed liability waivers, an instructor or club can still be sued for negligence.

Negligence occurs when there is an assumed duty that is breached or not performed, and you are the proximate cause that has resulted in some damage. Thus negligence is a result of a duty, breach of duty, causation, and damages.

Some sports and activities have what is termed an "assumption of risk," which means the there is a common understanding that anyone participating has assumed those risks. These activities include skydiving, rock climbing, SCUBA diving, horse riding, bull riding, snow skiing, and **any full-contact sport**. This does not protect the business operator or instructor from negligence, only from the injuries that may be inherent to that sport or activity. For example, it is understood that while doing judo, one can expect bumps, bruises, sprain and even breaks. But if those same

injuries are the result of furniture being placed too close to the mat area, then this could be construed as negligence. Or if the mat area is dangerously overcrowded while doing *randori*, and someone's leg gets broken, then fault falls on the instructor for allowing an unsafe training environment.

Suggestions for Risk Management:

1. In addition to having a brown or black belt, it is recommended to have a teaching or coaching certification from a nationally recognized organization or institution.
2. Keep your credentials current by attending continued education classes and judo coaching clinics.
3. Maintain a clean & safe environment in the dojo, and any attached facilities.

4. Vigilance and close supervision are paramount.
5. When registering new students, or when attending tournaments, clinics or special events, have the students and/or parents fill out, sign and date all waivers. It is important that they read and understand what they are signing.
6. Have a checklist of rules (“do’s and don’ts”) in the dojo. This should be posted in the dojo, explained to new students, and periodically reviewed. Examples are: no horseplay, no judo activity without an instructor present, no jewelry or sharp objects, short finger and toe nails, clean judogi, no arm bars for juniors, etc.
7. Have a safe and well structured lesson plan based on nationally accepted standards for judo training.
8. Keep a dated log of serious incidents or injuries that may occur. You may even want to keep signed witness statements as to what occurred.
9. Have a posted procedure list of things to do in the unlikely event of an accident; example: call 911, nearest hospitals, police dept. where the first aid kit is to be found, notification of parents, etc.
10. Finally, set the example by acting in a professional manner at all times.

Additional information on risk management is covered in most coaching clinics, so be sure to attend and keep your certifications updated.

In addition to being an active judo instructor and coach, Mark Lonsdale works as a consultant for a major international risk management company. Mark has also been called as an expert witness in cases related to negligence in training and operations.

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