

PERSONAL INJURY LAWSUITS...IS YOUR GOLF COURSE PREPARED?

Are you, your golf course and/or driving range prepared to defend a personal injury lawsuit? Do you have adequate warning signs and safety barriers or dividers separating the hitting areas on your range? Do you have adequate golf course rules and warning signs posted where they can be seen easily? Sounds unnecessary, I'm sure and you'll think, "we don't need them at our course." Don't be so sure and don't be complacent about warning the golfing public of the rules at your golf course. Rules that we feel to be self evident and common sense are sometimes the ones that need to be most obvious.

All golf courses and driving ranges have certain rules that apply to their specific location and clientele, and, hopefully, a professional staff of maintenance and proshop personnel to establish, oversee, and enforce these rules. With more and more people using golf facilities, I feel it's important to warn and make facilities aware of the possibility of an injury accident happening. From my personal experience, I can give some suggestions and ideas that could help prevent you from going through all the inconveniences caused by being a defendant in a personal injury lawsuit, and, possibly, make you aware of possible dangers at your facility.

While the majority of golfers are familiar with golf course rules and etiquette, they sometimes need subtle reminders of the Do's and Don'ts. However, novice and first-time golfers are a different story. Persons who have never used a facility before need to be warned and directed by signs coupled with verbal instructions.

In my situation, both signs and verbal instructions were given and, unfortunately, an accident still occurred: a person being struck in the head with a golf club while observing a friend hit balls at the driving range. The range facility was staffed at all times and range rule signs posted. In the 2-1/2 years of operation we had one accident. That accident turned into four years of depositions, attorney meetings, court dates, and settlement conferences before the lawsuit went to trial. After three weeks of testimony at the trial an out-of-court settlement was reached by the insurance company and the plaintiff.

During this period of time it was necessary to rehash, reword, and review the list of range rules to make sure we covered all areas of danger on and around the driving range and golf course facility. We all know that each facility is not the same, but I hope that following suggestions will help make everyone more aware of the dangers we overlook or take for granted. I'm sure these suggestions can be modified, but the intention here is to assist you in establishing your own golf course and driving range rules.

In addition to our standard list of golf course rules I have added a couple that helped to control play and eliminate some problem areas:

- 1) No ice chests or coolers
- 2) No spectator or caddies

Driving range rules:

- 1) When walking to tee area, keep a safe distance behind golfers hitting area
- 2) No one is allowed in front of tee line
- 3) Practice swing on hitting area only
- 4) Aim at targets or center of range
- 5) Shots are played from brush mats only
- 6) Never attempt to retrieve a mis-hit ball
- 7) Never pick up balls on range
- 8) Only one person per hitting stall
- 9) No sitting on barriers or ropes
- 10) Lessons by pro shop staff only
- 11) These rules will be strictly enforced for the safety of range patrons

Also beneficial is an accident/incident report form. I feel it's a very important document to have. Major points would be:

- 1) Name, address, phone
- 2) Date and time of accident
- 3) Type of accident/incident
- 4) Action taken
- 5) Witness(es) address and phone number

Make sure the report is filled out at the time of the accident and keep it on file.

We all know that rules are sometimes overlooked and not given as much attention as they should be. If we all take a few minutes to review our rules and policies, or the lack of them, we can eliminate the possibility of a lengthy and expensive personal injury lawsuit. Remember we are "to make more abundant the pleasures of golfing."

Article submitted by Steve Good, Napa Municipal Golf Course



RECAP OF JANUARY SPEAKER: Our speaker at the January meeting at Crow Canyon CC was **Paul Vermeulen**, from the USGA. The title of his presentation was "Golf Keeps America Beautiful". In regards to Greens Construction there are some basic methods. 1) All are based on soil modification; 2) If a sand base, keep these physical characteristics in mind; a) fine sand does not drain (only 25% of total particle size should be fine sand), b) should be a maximum of 5% silt, 3% clay, c) Pore space-50% pore space is ideal, d) Infiltration rate should be 15 inches/hour, e) should have good moisture retention. 3) Organic Matter-is the % ash left after burning is a measure of silt and clay content; 4) Mix contents off site-Rototilling organic matter into sand does not work; have good drainage-Cambridge drain system can help without rebuilding entire green;

On Top dressing-accomplishes three things; 1) biological control of thatch, 2) Increases surface smoothness; 3) soil modification-builds up a layer of sand over original greens construction. Once you start a top dressing program, stay with the material decided on. Do not change between. In regards to frequency, some top dress in the spring and the fall to correct surface irregularities; some top dress lightly and frequently to correct surface irregularities. This method is preferred for high quality. A light application would be 0.05-0.1 cu. yard/1,000 sq. ft. at 3-5 week intervals.

When aerification takes place, one can either fill or not fill the openings with sand. Most people will fill. In conclusion, follow these pointers for a successful program: 1) plan ahead; 2) don't change unless there is a problem; 3) choose material carefully and watch the sand, silt, clay content.