

Are Participants Required to Sign a Waiver/Release Form?

Yes it is a mandatory requirement under the NFAA endorsed insurance program.

The signing of waiver/release agreements is quickly becoming a universal requirement for organized sports and recreation participation. Waiver/release forms are now required by virtually all of the following organizations: municipal recreation departments, YMCA's, health clubs, private sports organizations, etc.

Waiver/release agreements give protection to the insured archery club and its covered persons against a litigation system that is out of control as evidenced by numerous frivolous lawsuits being filed. A well-written waiver/release (such as the one that has been provided as a sample) can often result in the summary judgment dismissal of a lawsuit filed by an adult if the injury is not characterized by gross negligence. However, even if the lawsuit is dismissed on summary judgment, the legal defense costs can still be in the \$10,000 to \$20,000 range.

In the case of a lawsuit filed by a minor participant (under age 18), waiver/release agreements will not usually result in a quick win on summary judgment, but will ultimately result in an up to 35% reduction in the settlement or adverse jury verdict costs.

What if a Participant Balks at Signing a Waiver/Release Form?

You should hold firm on your requirement and not make exceptions for a complaining participant. Typically, very few participants complain and a waiver/release requirement will not drive them away.

Should a participant complain or ask questions, you should cover the following "talking points":

- 1) Why do you object?
- 2) The archery club is merely following the lead of municipal recreation departments, YMCA's, health clubs and private sports organizations in making this a mandatory requirement.
- 3) The litigation system in the US is out of control and the scales are tilted in favor of those filing lawsuits—many of which are totally frivolous and without merit. However, even these groundless lawsuits can easily result in legal defense costs of \$50,000.
- 4) The cost of legal defense and run away settlements and jury verdicts drives up the cost of insurance and threatens the future survival of archery clubs and the availability of volunteers upon which they depend.
- 5) Requiring participants to sign waiver/release forms helps to equalize the fairness in the legal system since participants must acknowledge that participation in archery does have some element of risk that can't be totally controlled and that they assume this risk. In other words, the archery club will do its best to provide a safe environment, but freak accidents do happen where no one is really to blame.
- 6) If you are worried about your medical bills being paid, a \$25,000 Excess Accident policy is provided for your protection.