

Client Alert

Business Information for
Clients and Friends of
Shumaker, Loop & Kendrick, LLP

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Protect Yourself: Are You Prepared for a Personal Lawsuit?

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Head coaches are subject to personal lawsuits for a variety of reasons, and these cases are probably more common than you think. Many times the situation is swept away quietly without public knowledge; however, the recent suit filed against the University of Oregon and its men's head basketball coach, Dana Altman, serves as a good reminder that head coaches need to understand their indemnification rights.

The lawsuit arises out of an incident involving alleged misconduct by three student-athletes on the men's basketball team (sexual assault of a female student). Although no formal charges were filed by prosecutors following the incident, the student-athletes were suspended by the university and dismissed from the team. This month, the alleged victim filed a federal Title IX lawsuit alleging negligence and civil rights violations against the university as well as the head coach for his role in recruiting players accused of sexual misconduct at their prior school. (A link to the story can be found here: http://espn.go.com/mens-college-basketball/story/_/id/12139436/oregon-ducks-head-coach-dana-altman-sued-student-alleged-sexual-assault.html)

This recent development should raise the question, "What if I am sued?" The duties of a head coach reach beyond X's and O's today, and may extend to behavior and conduct on the part of student-athletes. It is important to make sure you are prepared by understanding your legal protection and potential liability.

Here are several takeaways to consider:

- Ask your school's General Counsel about its indemnification policy and review it with your attorney
- Inquire if the policy allows you to use your own attorney if both the school and coach are named in the lawsuit
- Review your umbrella insurance policy to make sure the coverage is adequate should you be sued personally
- Consider with your attorney and financial advisor whether it may be appropriate to engage in additional planning to protect your assets given the increasing personal risks associated with your profession.

If you would like further information or have concerns as to your protection against personal lawsuits, please feel free to contact Bennett H. Speyer or Dana Drew Shaw.