

EDITED BY DINA ELIASH ROBINSON

LAW ON THE SKI SLOPES

BY RICHARD HARTZMAN

Ski resorts attract winter meetings and conferences. A skiing accident attracts lawyers. It's a good idea for a planner to have a sense of the law as it applies to such accidents, especially if a *schussing* attendee encounters a snow-veiled boulder after a morning session.

James Sunday, a fledgling skier, was enjoying himself at a Vermont resort in 1974. As he traversed a novice trail at the speed of a fast walk, his skis became entangled in a clump of brush concealed by loose snow. Injuries from the ensuing fall left him a permanent quadriplegic. He sued the ski resort for negligent maintenance of the trail and won a jury verdict of \$1,500,000.

When the verdict was upheld by the Vermont Supreme Court in 1978, alarm galvanized the skiing industry. Ski resort operators nationwide lobbied for legislation to set safety standards for themselves and for skiers. The responsibil-

ities of both groups are now defined in several state statutes. Courts, however, still play a central role in interpreting those statutes.

Colorado statute is typical. The law specifies what signs must be posted on lifts, trails and man-made structures. Such obstructions must be covered with shock absorbent material. Vehicles and snowmobiles on the slopes must have lights, and a notice must be posted when a maintenance vehicle is on the slope.

Skiers are responsible for knowing the range of their abilities and have a duty to control their speed and course and to keep a proper lookout. They also must heed posted signs and stay off closed trails.

LIABILITY FOR SKI ACCIDENTS

If one of your meeting attendees has an accident while skiing, you may be asked if anyone is liable for his injuries. Your best bet is to give the injured person a summary of the information that follows and urge him to consult a local attorney.

Liability for skiing injuries, whether based on statutory or common law, can arise in six areas.

(1) Falls—Here, as with James Sun-

day, a skier is injured in a fall while skiing downhill. The ski area operator may be liable if he failed to meet the defined or accepted standard of care for grooming, marking or designing a slope. However, if the skier himself was negligent, liability may be proportionately reduced or cancelled altogether. Local statutes pertaining to the acceptable standards of care for both ski area operators and skiers will often determine the outcome of the injured person's case.

(2) Lifts—A skier can be injured when boarding, riding on, or alighting from a ski lift. The lift operator has a duty to exercise the highest degree of care commensurate with practical operation of the lift. If, however, the skier negligently fails to use the protective devices on the lift, damages may be apportioned according to the comparative negligence of both the skier and the operator. In some cases, the operator may not be liable at all.

(3) Collisions—We don't mean collisions of a skier with a tree, but collisions involving two skiers. In such cases, one or both skiers may sue the other for negligence; liability can depend on which one failed to follow the "rules of the road." In these situations the ski area operator is generally not at fault, unless the collision is a result of the operator's negligence.



ILLUSTRATION BY ANDY MEYER

(4) **Equipment**—Injuries can occur because of faulty, defective or negligently adjusted equipment. Ski rental outlets are responsible for the proper adjustment of ski bindings. To handle this responsibility the outlet should employ competent people to determine the weight and experience of the skier; place and adjust the bindings properly, based on the skier's needs; and explain to the skier how to adjust the bindings. Failure to meet these responsibilities can result in liability if any injuries are due to the negligent adjustment of the bindings by the rental outlet.

(5) **Teaching**—There can be liability when injuries occur because of a ski instructor's negligence. If the instructor is employed by the ski area operator, the operator will also be liable.

(6) **Rescue**—A late or negligent rescue can cause injuries or complications which were otherwise avoidable, and may result in legal liability.

SKI SAFETY

The enactment of ski-related legislation and the rise in the number of lawsuits connected with skiing accidents are signs of the sport's growing popularity and the maturing of the skiing industry. As more people ski, more skiers have accidents. However, according to the most recent figures available, skiing injuries average just two per 1,000 skier days.

Concern over accidents has led to improved trail maintenance, better-marked trails, the padding of lift towers, more safety devices on lifts and safer skis and equipment. This concern has also led the National Ski Areas Association and related organizations to begin a national ski safety campaign, the logo of which is a yellow diamond sign with the slogan, "Be Aware. Ski with Care."

Planners will want to warn meeting-goers to know and follow the rules of the road. Denver lawyer James Chalat, who specializes in ski-injuries, suggests following these four rules which are part of the Skier Safety Code: (1) Ski under control. (2) Yield, to avoid objects and skiers downhill. (3) Never ski after drinking alcohol or taking drugs. (4) Look uphill before entering a ski slope intersection.

Richard Hartzman is a member of the bar in New York and Colorado. He practices law in New York City and writes for *M&C* on a variety of subjects. Your law-related questions and experiences as a meeting planner are welcome.

FIRST THINGS FIRST

BY ZELDA BAUM

In the months to come this column will offer the beginner in meeting planning a concise course in the basic elements of the profession. Even experts should find it helpful to review the fundamentals.

This first "seminar" consists of a general overview of the many details that demand a planner's attention.

Let's start with two very important concepts that together lie at the heart of the meeting planning profession:

1) Ask plenty of questions. The answers will set the course for the entire event.

2) Every decision made at the beginning will affect decisions made later.

Keeping these two points in mind, the planner should proceed as follows:

► Determine the objectives of the meeting. Should the meeting generate revenue (profit)? Should it provide a service to members or employees? Is it being held to motivate or reward people? Will it be a "command attendance" meeting or will you have to "sell" attendance?

The answers will affect all subsequent decisions.

► Define the extent of your authority. Obviously, this must be done in concert with the powers that be. Identify specifically which decisions you are empowered to make and which must be made by someone else.

► Estimate the number of attendees expected and the probable length of the meeting. This will determine the amount of space required, and will often be a major factor in selecting facilities.

► Gauge your attendees. Are they upper-echelon executives, accustomed to deluxe surroundings? Young sales staff with a little travel experience? Small business owners, anxious to keep expenses as low as possible?

The nature of the group will dictate the kind of environment you'll need to create, as well as help determine the destination and facility you'll select.

► Set the meeting dates. The larger and longer the meeting, the greater the lead time you must have. Two weeks *might* be enough for a small meeting held at a resort in low season. Two *years* may be necessary for a convention of 2,000 anywhere.

When selecting the dates, consider holidays, both secular and religious. Remember, too, that calendars *outside* the

U.S. will differ—and even when parallel holidays (to ours) exist, there might be discrepancies in their observances. For example, the Monday *after* Easter Sunday is a holiday in many countries.

Whether or not a meeting should include part or all of the weekend also needs to be decided.

► Decide whether food and beverage costs will be handled as group functions (to be paid for from the meeting budget or covered by a registration fee) or whether they will be strictly at the individual's expense and option. The cost of meals often surpasses that of accommodations and may be second only to transportation in your budget.

► Determine who is responsible for the program, both content and arrangements.

Will you or someone else be selecting speakers? Will the speakers be professionals or amateurs drawn from your association or company ranks? Will you be providing transportation or only arranging it? How are their expenses to be handled? Is there an honorarium, and is it to be paid *at* the meeting or afterward?

How the meeting program is to be handled is policy matter, and this policy should be clearly defined.

► Examine the entertainment and recreational aspects of the meeting agenda—unless it is an all-business affair. Will such leisure activities be optional for attendees? If not, how are they to be funded? Corporate (or association) budget? Departmental budgets?

► Lastly, and for the majority of planners, most important, set your budget and itemize exactly what it will cover. Will it include only direct costs (meeting space, speakers, food and beverage, etc.)? Or are peripheral costs—such as publicity—going to be charged against it? If your budget covers direct costs only, whose budgets will cover the other items and how must you account for them? Or will an attendee registration fee cover some of these?

Most commonly, a meeting budget is set before the nine items above are ever considered. While it may be a prevalent practice, it is not ideal. The answers to the above points should guide your decisions on how much to spend on the various components of your meeting.

Zelda Baum, CAE, is a partner in Pressman & Baum Associates, a company that specializes in providing management services to non-profit associations. Next month's column will address questions of budgeting.