Playing Hardball: An Analysis of Court Decisions Involving the Limited Duty (Baseball) Rule

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(including questions)

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Baseball is said to be ingrained in American culture, a national pastime with which everyone is familiar, and of the utmost importance to our society. Its simplicity from the 1800s has been replaced with modern stadia, technological advancements and entertainment options within the ballparks, potential distractions, as well as bigger, faster, and more powerful participants. Fans are no longer only concerned with the wins/losses of their favorite club, but proximity to favorite players and the overall entertainment experience at the major and minor league levels. Projectiles leaving the field of play at baseball games present a concern for both fanatical and casual spectators, especially when deciding at which price level seat one should sit. Although historical case law has referenced the elements of negligence, assumption of risk, as well as risk inherent in the game (and of common knowledge), the limited duty (baseball) rule defines the duty of care owed to spectators at baseball games.

A dichotomy of symmetrical duty exists at baseball games between spectators and stadium owners (McNair, 2011). Individuals owe a duty of care to protect themselves from dangers, yet management owes a duty to provide a reasonably safe environment for spectators; teams and stadium operators owe a duty of care as it relates to providing protective screening and not increasing the risk inherent to the sport (Perkins, 1951; Waller, Cohen, & Finkelman, 1995; Zollmann, 1940). Balancing the duty of care owed, while protecting our “America’s Pastime” and allowing for individuals of all economic classes to witness its beauty, is the challenge faced by the courts in each particular case (Novosel, 2011). Without granting immunity to baseball stadium owner/operators, courts have been asked to balance spectator safety with the duty of care owed by the facility (Marrs & Milligan, 2011). The question remains as to how best balance the relationship between the fan experience and safety, while providing a protective netting for fans who desire such safeguards is seen as a compromise.

Beyond the traditional tort legal theories of negligence and intentional tort case law, sport has intensified its own set of legal theories. Certain courts have fashioned a legal theory of defining the duty requiring stadiums to protect spectators from projectiles leaving the field of play. The legal theory is referred to as the limited duty rule (or baseball rule). The limited duty rule was an evolution of the doctrine of assumption of risk. Also referred to as the baseball rule, it offers a two-pronged approach to fulfilling the duty of care owed by stadium owners/operators to the spectators in their care. In states which have adopted the limited duty (baseball) rule as law, a duty to fans has been satisfied by ballparks when a protective netting is made available for the most dangerous areas of the ballpark. In addition to providing safety for the most dangerous portion of the stands, it must also offer protection for as many spectators who may foreseeably request such safety measures. Reaffirmed in Benejam v. Detroit Tigers, Inc. (2001) and reviewed in a magnitude of prior case law, the limited duty rule provides that, “…the proprietor fulfills the duty of care imposed by law and, therefore, cannot be liable in negligence”. In establishing parameters surrounding the professional duty owed, state courts have been able to limit the liability of stadium owners/operators (Juliano & Healey, 2010) and control the parameters of tort claims (Thorton, 2012) for all who install protective screening as specified in the two prong approach of the limited duty rule.

According to Thornton (2012), the limited duty rule was first documented by our judicial system in 1915, however, the limited duty rule is not the law in all jurisdictions. While the Supreme Court of Nevada asserted in Turner v. Mandalay Bay Sports Entertainment, LLC (2008), that at least twelve states had implemented the limited duty rule, not every state has examined this issue. Proponents would advocate that it is sensible and makes for a safer baseball environment (Juliano, 2010), yet their counterparts vehemently disagree. Opponents to the baseball rule claim that, “…no proof that has ever been presented identifying the most dangerous part of the ballpark. The area behind home plate has been sheer conjecture” (Fried, Pittman, Milsten, Abell, & Mills, 2012, p. 11).

The purpose of this study was to examine the characteristics of injured parties in legal cases involving projectiles leaving the field of play, as well as the relationship between which factors contributed to a winning or losing decision in a court of law utilizing qualitative (document analysis) and quantitative (logistic regression analysis) methods.
Results describe case characteristics, victim demographics, and present log odds regarding liability cases involving injuries to spectators caused by projectiles leaving the field of play at baseball games. The dependent (binary) variable is the court’s decision whether or not to hold the defendant as responsible for the injuries sustained by the plaintiff and is categorical in nature. As the dependent variable (court’s decision) is categorical in nature and involves only two response choices (0 = losing, 1 = winning), binary logistic regression was the appropriate statistical analysis to be employed in such instances (Andrew, Pedersen, McEvoy, 2011). In addition to corresponding fit of the dichotomous dependent variable, “…the logistic regression model has advantages in interpretation of regression coefficients in terms of the odds, that is, the ratio of the probability that an individual is a case to the probability that the person is a noncase” (Cohen, Cohen, West, & Aiken, 2003, p. 486). The odds ratio indicates the percent odds that the independent variable will be classified into the dichotomous dependent variable and reveals the variation in odds subsequent to the change in the independent (IV) predictor variable in binary logistic regression (Andrew, Pedersen, & McEvoy, 2011; Field, 2012).

Results of this research are intended to supply the baseball/legal community with information regarding liability litigation as a result of projectiles leaving the field of play. In reviewing the regression analysis, the statistically significant independent variables theory referenced (p = .031), 1950-1999 - injury date (p = .031), MLB - level of play (p = .045), protected - seat location (p = .006), and concourse - seat location (p = .005) are of most importance. Stadium owners/operators, as well as the spectators in their care, are affected by projectiles leaving the field of play at sporting events and, “These findings provide a way by which industry professionals and litigators can better assess the plaintiff’s odds of winning in a court of law” (Clement & Otto, 2007, p. 119). While the limited duty rule was interpreted independently by each jurisdiction, this research examines the possible relationships between court decisions and common independent variables. The major significance of this undertaking was in its ability to examine the factors which affected judicial opinions regarding claims of negligence. Through this investigation into case law, the study is able to add to existing legal/risk management knowledge by providing a greater understanding of the implications of litigation involving the limited duty rule.