A Review of Legal Cases Involving Concussion in Youth Sports: Risk Management Implications for Coaches and Managers

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Law - Other (Youth Sport)  
Poster  
Abstract 2017-120

Friday, June 2, 2017  
10:15 AM  
Room: Sopris

Traumatic brain injuries, commonly referred to as concussions, have gained considerable public attention worldwide. The CDC estimated that 1.6 to 3.8 million people suffer concussions each year in the U.S. from participation in sport/recreational activities (Langlois, Rutland-Brown, & Wald, 2006). Approximately one-third of those concussions are sustained by children and teenagers (Martineau, Kingma, Bank, & McLeod, 2007; Murphy et al., 2012; Yard & Comstock, 2009) presumably due to their pre-mature brain structures that are more susceptible to concussion (Danov, 2006). Data indicates that 65% of sport/recreation-related concussions, treated in U.S. hospital emergency departments, are sustained by athletes 5-18 years old (Gilchrist, Thomas, Wald, and Langlois, 2007). Over the last decade, medical professionals, scientists, legislators, and sport governing bodies have made a concerted effort to mitigate sport-related concussions. Furthermore, statewide legislation has required responsible youth sport stakeholders to follow reasonable concussion safety protocol. Therefore, youth sport coaches and managers have ethical, professional, and legal responsibility to reduce and reasonably manage concussions. The purpose of this legal case study was to identify legal precedent involving negligence liability and derive risk management implications from case law involving injuries stemming from concussions sustained by youth sport participants.

This study employed a descriptive methodology in performing a content analysis on published U.S. case law involving concussion and/or traumatic brain injuries in youth sport participants. Using the LEXIS/NEXIS database and various secondary legal sources, 12 state and federal cases, decided between 2008 and 2016, were analyzed. The study identified the facts and circumstances, rules of law, precedence, and the courts’ rationale in reaching decisions. Based on the analysis, risk management implications were be derived from the cases. The results of this review may assist youth sport coaches, managers, and other responsible parties in reducing and managing concussions and, potential liability.