

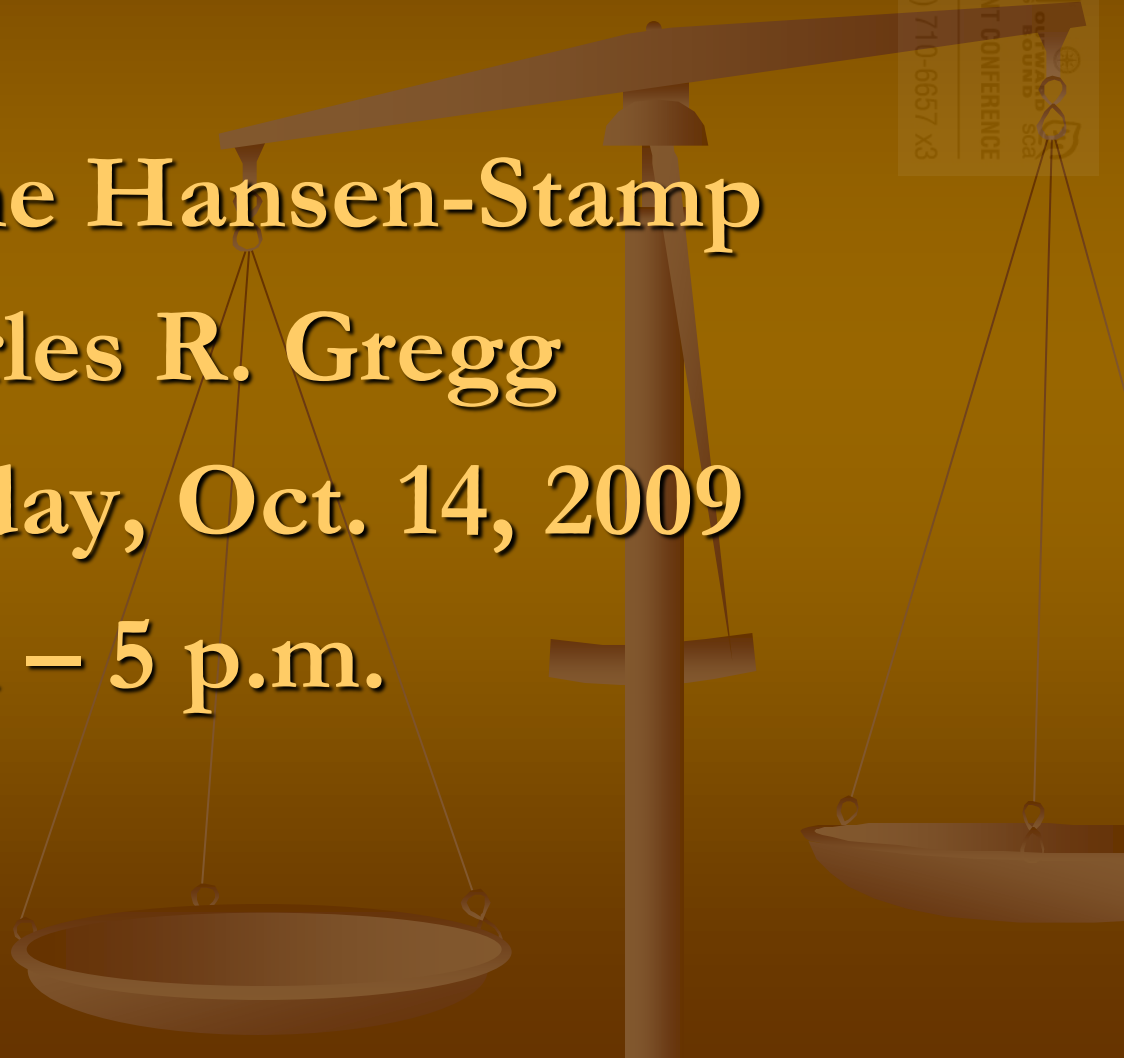
What You Say and Write Down – Practical Value and Legal Impact

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1 – 5 p.m.



What You Say and Write Down – Practical Value and Legal Impact

This presentation contains general information and is not intended to provide specific legal advice. adventure and recreation providers should consult with legal counsel, experienced in recreational law, regarding matters specific to their business or operation, and aware of the laws in their jurisdiction.



Introduction

Goal: *Run a quality operation!*

- Manage, not eliminate risks
- Proactive, not reactive
- Addresses practical and legal
- Fundamental fairness to participants and staff



Introduction

Information Exchange Concept -

Focus on Program information:

- External – Intended for public
- Internal – program staff or other

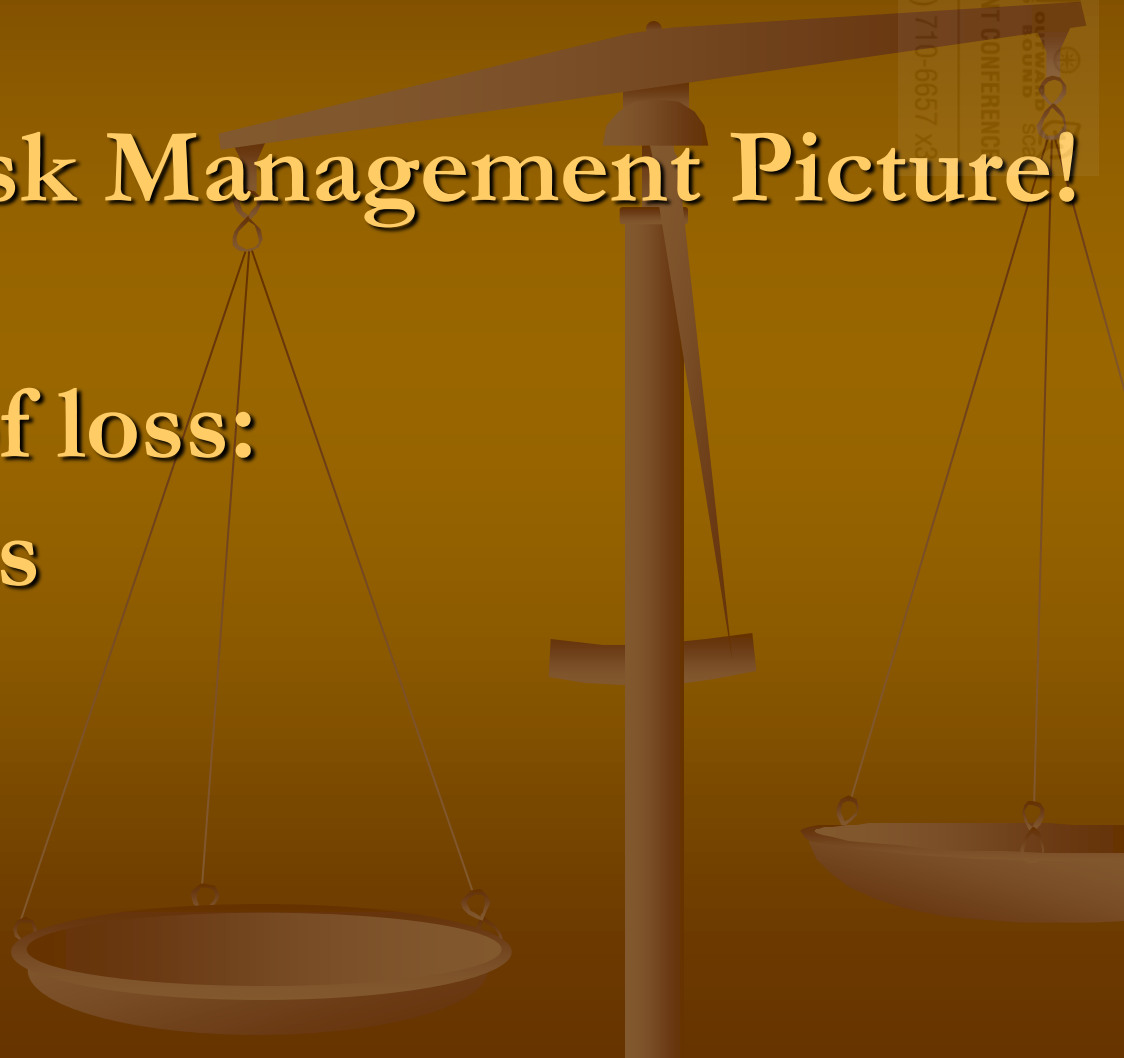
Perspective

One Piece of Risk Management Picture!

Addresses risk of loss:

*to participants

*to program



External Information

Intended for public: (e.g.)

- Website
- Brochure
- Participant agreement
- Photos or DVDs
- Press Releases
- Oral statements by staff!

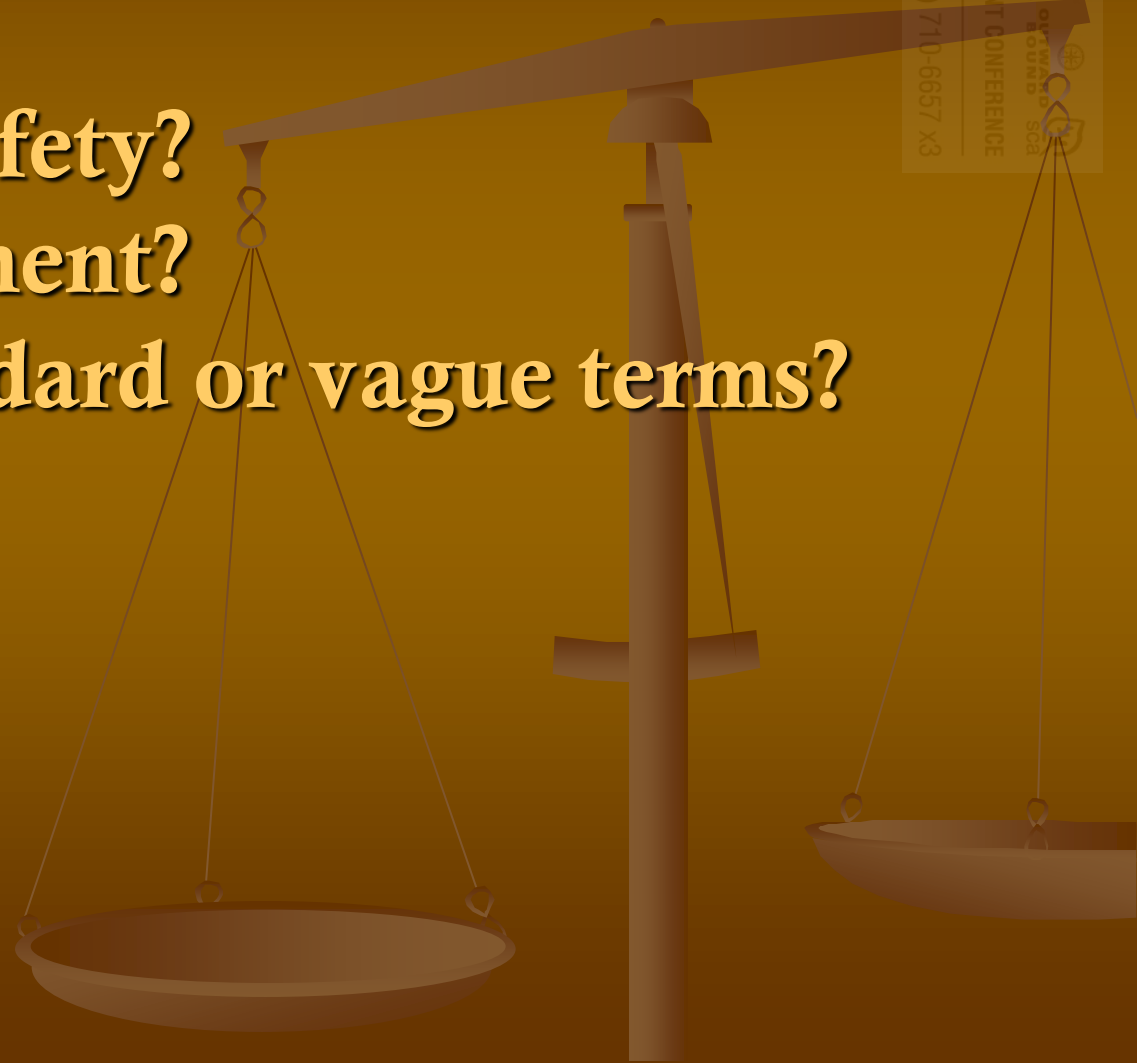


External Information

- **How much information?**
- **Accurate – BALANCE of information**
- **Write for the reader (your audience)**
- **Beware different drafters!**
- **Overall information consistency**

External Information

- Assurance of safety?
- Absolute statement?
- Undefined standard or vague terms?
- Untrue?
- Incomplete?



External Information

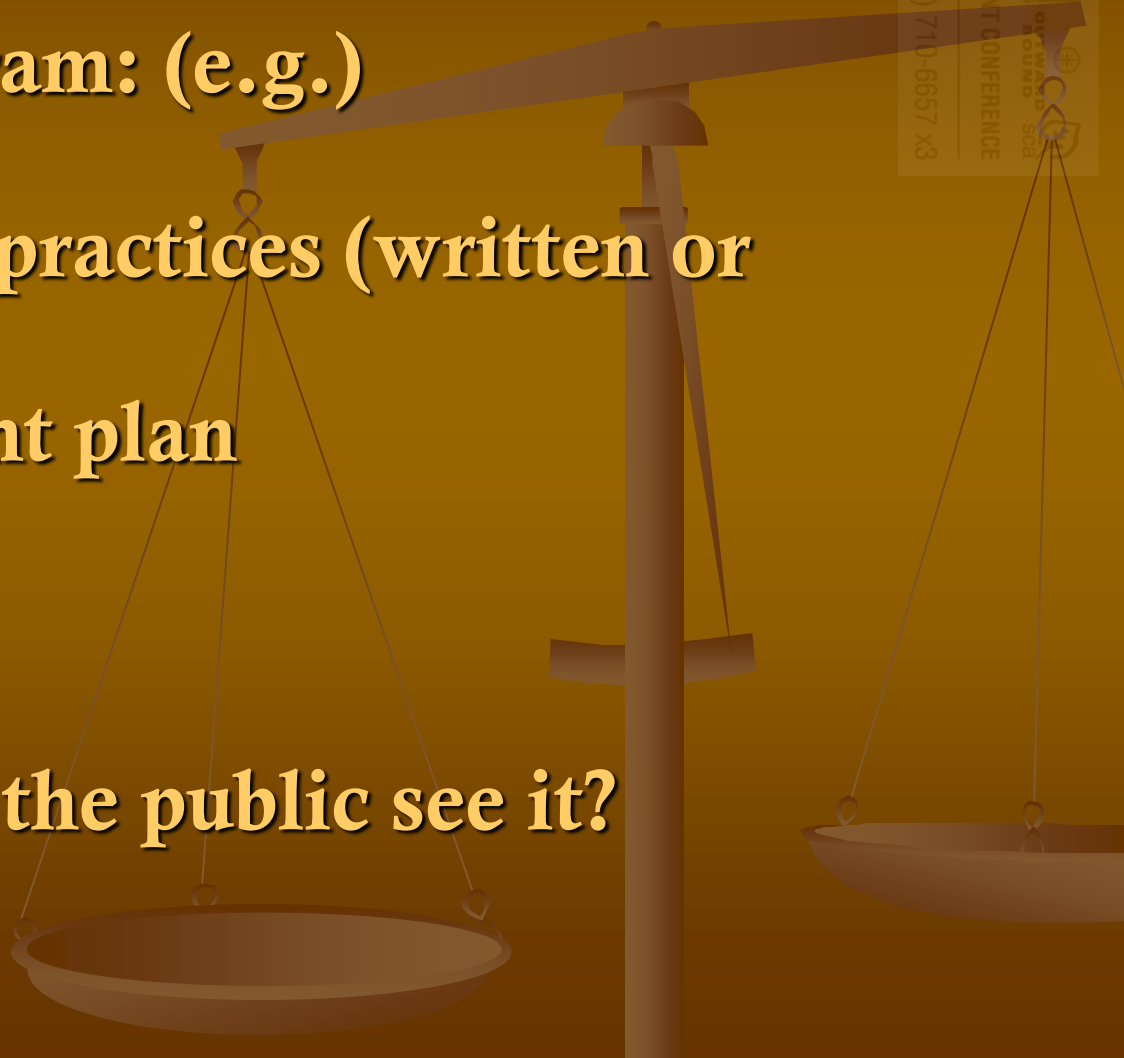
- **What result? Practical and Legal issues**
- **Implications before and during program and after an incident**
- **Case examples and Tips (handout)**

Internal Information

Intended for program: (e.g.)

- Staff policies or practices (written or unwritten)
- Risk management plan
- Training video
- Oral directives

BUT...can or will the public see it?



Internal Information

- Great concept, but are you ready?
- Craft and define words carefully (guideline, practice, standard, policy...)
- Beware different drafters!
- Consistency with other documents
- Is it overwhelming?

Internal Information

- **Incomplete or inaccurate?**
- **Rigidity or flexibility? Staff in a box**
- **Document on a shelf**
- **Staff discontent with policies**
- **Industry standards or practices?**

Internal Information

- **What result? Practical and Legal issues**
- **Implications before and during program and after an incident**
- **Case Examples and Tips (handout)**

Take Aways

- Craft words carefully
- Be internally consistent
- LISTEN to your staff – take input
- Review and revise – live documents!
- Go to the Mock Trial!

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