

WAIVER AND RELEASE BEST PRACTICES

Effective waivers include the following:

- ☑ **Notice of legal document:** The waiver needs to give notice to the person signing it that they are signing a legal document.
- ☑ **Parties:** The waiver needs to identify who is being protected by the waiver and who it applies to.
- ☑ **Assumption of Risk Language:** The waiver needs to contain language that clearly explains the risk of the activities that the person is waiving their rights to.
- ☑ **Agreement to Assume the Risk:** The waiver needs to have language that states the person signing the waiver appreciates the danger of the activity and agrees to assume the risk.
- ☑ **Negligence:** The waiver needs to have language in which the person signing the waiver agrees to give up their right to sue for negligent acts, to include negligence on the part of the insured.
- ☑ **Plain Language:** The waiver needs to be written in a clear and unambiguous manner so that it can be easily understood. The waiver also needs to be designed for the specific activity the signer is participating in.
- ☑ **Waiver Format:** The waiver needs to be formatted in a manner that it is obvious to the signer what they are signing. Waivers should be:
 - No more than one page in length;
 - Written in large and readable font with headings and important sections bolded; and
 - Written in a manner where the waiver language is not embedded with other information (e.g. membership fees, model releases, marketing information etc.)
- ☑ **Signatures:** Waivers need to have a place for the signor to sign and date the waiver.

CONCLUSION

While waivers are not bullet proof, a properly drafted waiver and release can be a very effective risk management tool. Over the years, the waiver is proven to be an effective defense tool in protecting sports and entertainment organizations from lawsuits where an individual “assumes the risks” associated with an activity in where he or she decides to participate in.

If you or your staff have any questions concerning this important Safety Bulletin, please contact us today.



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