

“Best Legal Practices in this Sue or be Sued Society”

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America: Land of the Free, Home of the Lawsuit

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Our Mottos for the Day:

- It’s easier (and cheaper) to keep your organization out of trouble than to get it out of trouble
- Hope for the best, plan for the worst



Risk Management

- Focus on:
 - Risk Management Techniques
 - Possible Sources of Liability



Risk Management Techniques

- Avoid the Risk
- Accept the Risk
- Transfer the Risk
 - Indemnification – “The Belt”
 - Good word – DEFEND
 - Bad word – SOLE



Sample Indemnification Clause

"Supplier shall indemnify, defend, and hold harmless [Organization Name], its officers, directors, employees and agents and each of them (collectively "the indemnitees"), from and against any and all claims, demands, actions, judgments, costs, and expenses, including costs of defense thereof, incurred by any of the indemnitees caused by or arising from the negligence, gross negligence, or intentional misconduct of Supplier, its officers, directors, employees, agents or contractors."

Insure the Risk

- Insurance – “The Suspenders”
- Types
 - General Commercial Liability
 - Property & Casualty
 - Directors & Officers
 - Event Cancellation
 - Publisher’s Liability



Releases and Waivers

- Knowing and Voluntary
- Enforcement Policy



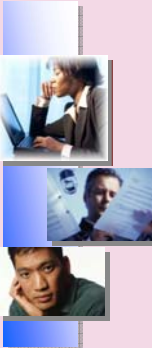
Sources of Liability

- Tort
- Contract
- Statutory



Tort

- Negligence
 - Duty
 - Breach
 - Cause
 - Damages



Tort

- Slip and Falls/Injuries at Conferences
- Defamation



Contract

- Hotel and Facility Contracts
- Vendor Contracts
- Speaker and Entertainer Contracts



Statutory

- Trademark/Copyright
 - Ownership
 - Infringement



Statutory

- Music Licensing
- Americans with Disabilities Act
 - Title III (Public Accommodations)



What Else is on Your Mind?



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