

Living Through a Lawsuit

*U S Youth Soccer Risk Management Committee
(Information abstracted from U.S. Olympic Committee guidelines.)*

HELP! I'VE JUST BEEN SUED!

What to do?

- Call your insurance company or agent immediately.
- Photocopy the summons/ complaint/petition along with any other pertinent documents.
- Mail the original of summons/ complaint/petition and other documents to your insurance company via certified mail, return receipt requested or by fax; send a copy to your insurance agent and your attorney, if you have one. Also, make and keep copies for your file.
- Request that your insurance company appoint an attorney to represent you.
- Note the response due date (on the summons/complaint/petition) on your calendar.

What NOT to do!

- DO NOT discuss the case with anyone other than your insurance carrier or your attorney.
- DO NOT have any contact with the plaintiff/complainant.

HII! I'M YOUR ATTORNEY.

You should receive either a letter from your insurance carrier telling you the name and address of the attorney assigned to your case, or a call from the attorney telling you he/she has been assigned to defend you.

If you don't hear from your insurance representative or from an attorney appointed by the company within five (5) days prior to the response due date, call your insurance representative and consult with your own attorney about filing an answer/response within the specified time period. This will prevent a default judgment from being entered.

I HAVE TO DO WHAT!?!?

- Your defense attorney will eventually call you and ask for any details you have about the incident giving rise to the complaint.
- Please take the time necessary to provide the information. He/she is only trying to help you.
- Make sure any employees, coaches, volunteers, players or others involved in the incident which is the basis of the suit are available to be interviewed.

WHAT IS DISCOVERY?

- Discovery is the method by which each party to the lawsuit discovers the other party(ies) positions and their basis.
- Discovery includes interrogatories, which are written questions, many of which only you can answer. The plaintiff can file written interrogatories and your attorney will advise you which questions must be answered. Don't be afraid to ask your attorney if you don't understand what is being asked, or if a request for information or documentation is unclear.
- Discovery can also include a request to produce documents which are pertinent to the incident.
- This process can be very time consuming, but unless your attorney says that you don't need to answer a question or provide documents which are requested, it must be done, and done within a prescribed period of time. Your only consolation is that the plaintiff must do this also.
- If you fail to provide the answers or documentation, a court can fine you and possibly not allow your attorney to use all of the defenses he/she feels necessary. This can jeopardize your insurance coverage.
- Finally, the last type of discovery is a deposition. This is an oral examination, under oath, by the other party's attorney of persons that he/she feels may have pertinent information about the case. You, your coaches, volunteers, or employees may be asked by the plaintiff to give a deposition.
- Your attorney will spend whatever time is necessary to prepare each person to be deposed.
- A deposition is time consuming and inconvenient; however, it is not optional.

- Your attorney will be present during the deposition to help guide you through the process. Follow his/her advice.

WHAT HAPPENS NEXT?

The case could be settled without a trial, possibly with mediation. Please remember that the decision to settle may be solely up to the discretion of your insurance carrier. Be sure you understand these terms, up front.

If the case isn't settled, it will go to trial. Your attorney may ask to have a representative from your association at the defense table during trial. The presence of a person with your attorney at the defense table lends a human quality to your case. The plaintiff will be there in person. It's possible that his/her attorney will refer to the defendant as a company or a corporation, hoping that the jury will find it easier to render a verdict for his/her "poor client", by taking money from "this large, cold and impersonal corporation."

Your attorney knows that attending a trial will take up a lot of your valuable time, but may determine it is necessary. The results in your local paper are not going to say that the plaintiff won a large verdict from your insurance carrier; the results will say they won a large verdict from your club or association. Please do your best to help.

I PAY INSURANCE PREMIUMS, SO... WHY ALL THE WORK?

The bottom line is that the litigation process takes a tremendous amount of cooperation and time from the persons involved. You have paid the insurance premiums to obtain professional help to guide you through the legal maze, if necessary. The burden, however, cannot be borne solely by your insurance company or by your attorney. They need your help and cooperation in order to provide you with a proper defense.

WHAT IF THE PLAINTIFF DID NOT FOLLOW USYSA APPEAL PROCEDURES?

The U S Youth Soccer Official Administrative Rulebook, Rule 4020, Section 7 (Penalties) states: No National State Association, official, club, league, team, coach, referee, or player or their representative, may invoke the aid of the Courts of any State or of the United States without first exhausting all available remedies within the appropriate soccer organizations as set forth in section 5(c) of this rule.

For violation of this rule, the offending party shall be subject to the sanctions of suspension and fines, and shall be liable to the USYSA and State Associations for all expenses incurred by the USYSA and its officers, and state associations and their officers, as appropriate, in defending each court action, including but not limited to the following:

1. court costs.
2. attorneys fees.
3. reasonable compensation for time spent by USYSA and State Association Officers and employees in responding to and defending against allegations in the action, including responses to discovery and court appearance.
4. travel expenses.
5. expenses for holding special National Youth Council meetings necessitated by court action.