

Tort Liability Memorandum (Revision No. 3)

This memorandum is an attempt to respond to the numerous requests "to develop a guide on Tort Liability." Such requests indicate an increasing concern by 4-H specialists, agents, staff, volunteer leaders, parents, and others. In reviewing this guide, the reader is asked to consider several important factors.

First, it is impossible to anticipate all future questions about tort liability in the area of 4-H. This guide is compiled from what is currently known about past tort liability situations. It is not, nor can it be, all inclusive.

Second, past instances in which tort liability coverage existed, or didn't exist, does not necessarily set any precedent for what might happen in the future. In today's "sue-happy" world citizens, attorneys, judges, and juries are coming up with new twists and seemingly unrealistic awards that leave many of us shaking our heads in disbelief.

Third, although this guide is being written in broad general terms, it may be outdated shortly after staff start using it. As has been the case in the past, when in doubt, or having questions on any tort liability matter, staff should seek clarification from Extension Administration.

Fourth, this synthesis is **not intended for distribution to anyone who is not an Extension 4-H specialist, 4-H agent, or salaried 4-H staff member**. In other words, this is not intended for distribution to 4-H volunteers, 4-H parents, or 4-H youth. The reason is simple: we want to foster a positive supportive relationship with hard-working dedicated volunteers, parents, and 4-H youth. Some of the data in this guide may seem to be negative. It is written to give 4-H specialists, agents, and salaried staff a hard look at the realities and seriousness of tort liability.

Fifth, this guide is **not** a legally binding document. It does **not** reflect any firm commitment by the State of Oregon, State Attorney General's Office, State General Services Risk Management Division, State Board of Higher Education, Oregon State University, College of Agricultural Sciences, Extension Service, etc. It is only intended as an aid to assist our 4-H specialists, agents, and salaried staff in understanding tort liability.