

# Should I call my lawyer? Managing the angry, demanding client



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**WRRMC** |   
WILDERNESS RISK MANAGEMENT CONFERENCE  
OUTWARD BOUND SC2 

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# Scenario One (student kicked off course)



- You run a wilderness program for minors. Your enrollment materials clearly state you have a zero policy for drug and alcohol use. Students who violate the policy will be expelled without a refund. On the course, two students report to the instructors that four other students have been smoking marijuana. The instructors question all the students. Two students (Student A and Student B) say they saw four other students (Student 1, 2, 3, and 4) smoking pot. Students 1, 2, and 3 all admit to smoking and say all four (Students 1, 2, 3, and 4) were smoking. However, Student 4 denies smoking. (In other words, 5 students all say Student 4 was smoking but Student 4 denies it.) Pursuant to your policy, you expel all four students (Student 1, 2, 3, and 4.) The mother of Student 4 is irate and holding on line one for you.

# Questions



- The mother says her son is innocent and you can't prove he was smoking. She demands you reinstate him or give her a full refund. Can you kick the student off course if you can't "prove" he was smoking pot? (The instructors did not see the Student smoking pot and don't have any other evidence. The only evidence is the statements from the five students.)

## Questions



- You took written statements from all 6 students and you have an incident report. The mother is demanding copies all your internal documents. She wants to see your “proof.” How will you respond? What, if anything, will you provide her in writing?

# Questions



- Do you have any obligation to call the police because a crime has been committed?
- Despite your calm and reasonable responses, she continues to be verbally abusive, threatening to sue you if you don't refund her money. What do you do?

## Scenario Two (Providing support to family)

- You run extended wilderness programs for teens and young adults. On day 21 of a 28 day course, the students were on independent student travel. The students were descending a steep ridge that they should not have been descending because it was too steep. A 21 year old student fell and fractured her leg in two places. The student is in the hospital and will likely need surgery to repair the fracture and will likely have a lengthy (but full) recovery.

You are not sure what happened or why. The students were in an area where they should not have been and were not where the instructors expected them to be. They were not trained to navigate that class terrain. You are not sure whether you may have some responsibility for what happened. You are calling to notify the parents.

# Questions



- Should you offer to pay some or all of the parents' travel expenses or to facilitate (i.e. make but not pay for) arrangements for them? Should you worry that offering to pay some expenses will send the message that you think you have done something wrong?

# Questions



- The mother (divorced) is a mess. She says she is coming and bringing a friend because she is so upset. She demands that you buy plane tickets for her and her friend, get them a rental car, and put them up in a nice hotel for as long as the student is in the hospital. (The father will also be coming.) How will you respond?

## Questions



- If you are a small non-profit with limited financial resources, will any of the above answers be different? If so, how?

## Scenario Three (Letter from attorney)



- A student applied for admission to your 28 day winter backpacking and mountaineering course. (This is not a wilderness therapy program.) The medical form noted that the student was depressed after his parents' divorce, is in therapy, on psychotropic medications, and was suicidal several months ago. You spoke with the student, her parents, her therapist, and concluded she was not stable enough to take on this particular course. You denied her application but offered to reconsider her in 6 months.

The father is demanding that you let her come. He insists she is fine now. He hired an attorney who has sent you a letter saying you have violated her rights under the ADA (Americans with Disabilities Act). The attorney demands you admit her.

# Questions



- Do you have to admit her? What do you need to consider in deciding whether to admit her? Would offering to put her on another course satisfy the ADA?
- How do you respond? Do you call or write the attorney yourself or do you need to call an attorney?

## Scenario Four



- Someone in your office just handed you an envelope with the attached documents, saying someone just dropped them off. Read the two attached documents and then answer the questions below.
- [The documents are a Summons and a Complaint.]

# CIVIL SUMMONS



## **A Civil Action Has Been Commenced Against You!**

You are notified to appear and answer the complaint of the plaintiff as follows:

1. Serve a copy of your written answer to the complaint upon the plaintiff or plaintiff's attorney within thirty (30) days after you have been served. You may serve your answer by delivering a copy to the plaintiff or by mailing it to the plaintiff's last known address...

If you fail to answer the complaint, the plaintiff will apply to the Court for the relief demanded in the complaint.

# Questions



- What do these documents mean? What do you need to do in response? How quickly do you need to respond?
- Who should you notify to tell you have received these materials? Do you need to call an attorney or can you send the attorney your “answer” yourself?
- The Complaint says they are only seeking to recover a sum in excess of \$10,000. Does that mean they only want \$10,000 from you?

# Take Home Action Steps



- Inform staff about the legal standard needed to expel students, what information you will or won't provide to students and families, and when you need to notify the police.
- Consider types and amount of financial support you could offer to the family of an injured participant and how you would do that.
- Inform staff about the urgency of responding to a Summons and Complaint (a lawsuit).