

## Parental Violence at Youth Sporting Events: Should Landowners Be Liable?

*John Hills was the first base coach of his son's fourteen-year-old Little League all-star baseball team. On July 30, 1990, the Hills' baseball team played in a Little League baseball tournament hosted by Justice Willow Springs Little League. Throughout the game, John Hills received numerous bodily threats from George Loy, Sr., the opposing team's assistant coach. At the end of the sixth inning, George Loy Sr. and George Loy Jr. beat John Hills into unconsciousness.*<sup>1</sup>

### I. INTRODUCTION

Violence involving parents and fans at youth sporting events continues to grow to alarming rates.<sup>2</sup> In the last few years, the media has reported violent behavior by parents occurring at athletic events involving kids ranging from high school to tee-ball games.<sup>3</sup> This new parental violence sweeping over youth sports has been labeled "sports rage" by the media.<sup>4</sup> Sports rage is

---

1. Hills v. Bridgeview Little League Ass'n, 745 N.E.2d 1166, 1171-72 (Ill. 2000) (recalling events surrounding battery of John Hills). George Loy, Sr. waited for John Hills to bend over and pickup his scorebook before punching him in the back of the head. *Id.* at 1172. George Loy Sr. and Jr. beat Hills several times in the head and chest. *Id.* As a result of the injuries, John Hills spent five days in the hospital. *Id.*

2. See Sherman M. Fridman, *The Adult Face of Youth Sports Violence*, in Health Gate Medical Review Board, <http://www.caromont.org/13464.cfm> (last visited Dec. 26, 2004) (discussing growing violence during youth athletic events over last couple decades); Michael Kanters, *Parents and Youth Sports: The Good, the Bad, and Why We Need Them*, PARKS & RECREATION, Dec. 1, 2002, at 20, available at [http://www.findarticles.com/p/articles/mi\\_m1145/is\\_12\\_37/ai\\_96620906](http://www.findarticles.com/p/articles/mi_m1145/is_12_37/ai_96620906) (discussing violent attacks escalating during youth sporting events).

3. See National Association of Sports Officials, *Poor Sporting Behavior Incidents Reported to NASO*, <http://www.naso.org/sportsmanship/badsports.html> (last visited Dec. 27, 2004) (reporting third party and parental violence at youth sporting events); see also Fridman, *supra* note 2 (describing violent acts displayed during t-ball games); Kanters, *supra* note 2 (explaining events occurring over last couple of decades).

4. See Gregg S. Heinzmann, *Parental Violence in Youth Sports: Facts, Myths, and Videotape*, PARKS & RECREATION, Mar. 1, 2002 (defining "sports rage" as used in youth sports context), available at [http://www.findarticles.com/p/articles/mi\\_m1145/is\\_3\\_37/ai\\_84545926](http://www.findarticles.com/p/articles/mi_m1145/is_3_37/ai_84545926); see also Dianna K. Fiore, *Parental Rage and Violence in Youth Sports: How Can We Prevent "Soccer Moms" and "Hockey Dads" from Interfering in Youth Sports and Causing Games to End in Fistfights Rather Than Handshakes?*, 10 VILL. SPORTS & ENT. L.J. 103, 113 (2003) (labeling sports rage as "parental rage" and describing violent parents as "hockey dads" and "soccer moms"); Brad Clifton, *Drugs, Violence in Sport—and That's Just Parents*, SYDNEY DAILY TELEGRAPH, Aug. 6, 2003, at 27 (describing "parental rage," "sideline rage," and "spectator rage" as violence by third parties); Ellen Goodman, Editorial, *A Violent Act Full of Ironies He Will Go to Jail Wearing His Own Moniker: Hockey Dad*, BOSTON GLOBE, Jan. 17, 2002, at A13 (defining "Hockey Dad" as aggressive parent in stands). But see Eileen McNamara, *"Parental Rage" Theory Too Easy*, BOSTON GLOBE, July 12, 2000, at B1 (explaining parental violence not syndrome but each individual's aggression problem).

defined as “[a]ny physical attack upon another person such as striking, wounding, or otherwise touching in an offensive manner, or any malicious, verbal abuse or sustained harassment which threatens subsequent violence or bodily harm.”<sup>5</sup>

One reason violence occurs is because parents place a great deal of importance on their children’s athletic success.<sup>6</sup> Parents push their kids to succeed at all costs in order to get highly competitive sports scholarships.<sup>7</sup> Tensions are also likely to rise when parents see their children injured during a sporting event.<sup>8</sup> In addition to parents, youth coaches are placing a lot of importance on winning which encourages violent play and coaching.<sup>9</sup>

While organizations such as the Little League Association (hereafter “Little League”) and the National Alliance for Youth Sports (hereafter “NAYS”), as well as local legislatures, have taken steps to reduce violence at youth sporting events, the result has been less than what was hoped for.<sup>10</sup> The problem persists because the regulations and sanctions charged with shouldering the burden of reducing the violence are not severe enough to deter the hostility.<sup>11</sup> The courts should impose liability to force landowners to take stronger initiatives to prevent third-party violence from occurring at youth sporting

---

5. See Heinzmann, *supra* note 4 (describing “sports rage”).

6. See Fiore, *supra* note 4, at 116 (noting importance parents rank sports in their children’s lives); Peter Zheutlin, “*Out of Bounds*”, BOSTON GLOBE MAG., July 8, 2001, at A10 (describing local town’s youth baseball draft of players similar to auction).

7. Dennis Docheff & James H. Conn, *It’s No Longer a Spectator Sport: Eight Ways to Get Involved and Help Fight Parental Violence in Youth Sports*, PARKS & RECREATION, Mar. 1, 2004, at 62 (listing reasons why parental violence happens). The six reasons why parental violence occurs are: living vicariously through the child, visions of superstardom, securing a college scholarship, family values, professional role models, and win-at-all-cost attitude. *Id.*

8. See Fiore, *supra* note 4, at 116-17 (demonstrating parental instinct to protect one’s injured child); Nancy V. Burns, *Forum Takes Fresh Look at Values in Youth Sports*, BOSTON GLOBE, Oct. 13, 2002, at B1 (portraying parents’ reaction when children treated unfairly).

9. See Fiore, *supra* note 4, at 119-20 (discussing coach’s negative involvement in youth sports); Charles Harary, *Aggressive Play or Criminal Assault? An in Depth Look at Sports Violence and Criminal Liability*, 25 COLUM. J.L. & ARTS 197, 197 (2002) (concluding athletes use violence as weapon to succeed); Jason R. Schuette, *Adolescent Sports Violence—When Prosecutors Play Referee. Making Criminals Out of Child Athletes, But Are They the Real Culprits?* 21 N. ILL. U. L. REV. 515, 521 (2001) (discussing winning at all costs mentality in youth sports); Eryn M. Doherty, Comment, *Winning Isn’t Everything . . . It’s the Only Thing: A Critique of Teenaged Girls’ Participation in Sports*, 10 MARQ. SPORTS L.J. 127, 160 (1999) (considering changing attitudes in women’s sports from enjoying playing game to just competitive event).

10. See Kenneth W. Biedzynski, *The Federal Volunteer Protection Act: Does Congress Want to Play Ball?* 23 SETON HALL LEGIS. J. 319, 322 (1999) (describing importance of sport volunteer statutes enacted by state legislatures); *Response to Violence at the Hockey Rink; Massachusetts Governor’s Committee on Physical Fitness and Sports Urges Adoption of Sport Parent Code of Conduct*, BUS. WIRE, Jan. 18, 2001, [hereinafter *Response to Violence*] (describing Massachusetts Governor’s Committee’s adoption of Sports Parent’s Code to curb parental violence); see also Jeff Yates & William Gillespie, *The Problem of Sports Violence and the Criminal Prosecution Solution*, 12 CORNELL J.L. & PUB. POL’Y 145, 152 (2002) (evaluating government’s challenge to prevent future hostilities through criminal prosecution as solution).

11. See also Meredith Morrow Nutt, Note, *Missouri Business Owners Beware: Premises Liability Risks Expand*, 71 UMKC L. REV. 747, 748-49 (2003) (making business owners responsible for third party criminal attack).

events.<sup>12</sup> The courts should act because the legislature has failed to protect youth sports by not passing any acts even remotely close to protecting Massachusetts youth athletes.<sup>13</sup>

The prevention must start with the landowners and athletic associations that sponsor or host the youth events.<sup>14</sup> Courts have been reluctant to extend liability in these circumstances, but more progressive methods are essential to stop the violence.<sup>15</sup> Courts realize that extending liability could have a lasting effect on youth sports organizations, towns, sport sponsors, and private individuals who own the premises where the sporting events take place.<sup>16</sup> As a result, landowners will take more preventive steps to avoid liability by securing safer playing conditions for youth athletes and referees.<sup>17</sup>

This note will address the tension between the judicial policy of imposing liability upon landowners of youth sporting events and the courts' reluctance to do so.<sup>18</sup> The history section will discuss an Illinois case that is helpful to explain where Massachusetts courts can learn from the Illinois court's mistakes but contrasts with this note's topic.<sup>19</sup> Additionally, the history section will lay

---

12. See *Brown v. Knight*, 285 N.E.2d 790, 792 (Mass. 1972) (holding defendant had duty to protect child from foreseeable harm, conduct of third parties); see also Nutt, *supra* note 11, at 747-48 (describing courts utilizing broader foreseeability test when determining business owners' duty to invitees).

13. See MASS. GEN. LAWS ch. 231, § 85 (2005) (defining comparative negligence); MASS. GEN. LAWS ch. 231, § 85Y (2005) (defining premises liability at child care facilities); see also *Brown*, 285 N.E.2d at 792 (1972) (holding defendant had duty to protect child from foreseeable harm, conduct of third parties).

14. See *Hills v. Bridgeview Little League Ass'n*, 745 N.E.2d 1166, 1178 (Ill. 2000) (examining landowner's duty to protect based on special relationships); *Loosier v. Youth Baseball and Softball, Inc.*, 491 N.E.2d 933, 937 (Ill. App. Ct. 1986) (discussing youth baseball organization's duty to supervise participants); see also Daniela D'Amico, *Negligence in the Protection of Third Parties During Youth Sports Programs—The Duty of an Actor to Control the Conduct of Another so as to Protect a Third Person from Attack Will Arise Only if There is a Special Relationship Between the Actor and that Other Party Whose Conduct Requires Restraint—Hills v. Bridgeview Little League Association*, 745 N.E. 2d. 1166 (Ill. 2000), 12 SETON HALL J. SPORT L. 107, 108 (2002) (noting Illinois Supreme Court's decision finding duty on landowner to protect game participants).

15. See *Loosier*, 491 N.E. 2d at 937 (stating public policy does not demand affirmative duties always placed on landowners); *Kelly v. City of Mentor*, No. 2001-L-066, 2002 WL 31895122, at \*4 (Ohio Ct. App. Dec. 31, 2002) (discussing ways venue and landowners can protect youth sport participants).

16. See Docheff & Conn, *supra* note 7 (explaining how parental violence can effect parks, recreation programs, towns, and organizations).

17. See *Goodwin v. Youth Sports Ass'n Purchasing Group*, No. 00-813-L, 2001 WL 128442, \*4 (Mass. Super. Ct. Feb. 14, 2001) (explaining statute does not render non-profit sports organizations immune from all of their tortious conduct); Daniel E. Wanat, *Torts and Sporting Events: Spectator and Participant Injuries—Using Defendant's Duty to Limit Liability as an Alternative to the Defense of Primary Implied Assumption of the Risk*, 31 U. MEM. L. REV. 237, 243 (2001) (stating ballpark owner under duty of care to prevent fan injury); see also Betty van der Smissen, *Legal Concepts Related to Youth Responsibility*, 13 J. LEGAL ASPECTS SPORT 323, 323 (2003) (explaining concerns of facility owner "regarding violent behavior by participants, parents, coaches, and spectators"); Christopher M. Chiafullo, Comment, *From Personal Foul to Personal Attack: How Sports Officials Are the Target of Physical Abuse from Players, Coaches, and Fans Alike*, 8 SETON HALL J. SPORT L. 201, 219-20 (1998) (describing state statutes protecting sports officials).

18. *Infra* notes 49-54 and accompanying text (explaining Illinois court's decision limiting landowner liability).

19. *Infra* notes 34-87 accompanying text (introducing Illinois Supreme Court case used to analyze

the foundation for a claim against a landowner hosting a youth sporting event.<sup>20</sup> This discussion will detail the specific elements of a claim against property owners, grounded in statutory or common law.<sup>21</sup> This note will address the current jurisdictions statutes and regulations, which address imposing liability for “parental rage” at youth sporting events.<sup>22</sup> Third, the analysis section will address the Massachusetts Legislature’s failure to protect victims of assaults at youth sporting events through statute.<sup>23</sup> The analysis section also details what the Massachusetts judiciary can do to extend liability to the owners of the youth playing fields where parents, coaches and third-parties engage in violence.<sup>24</sup> Subsequently, the analysis section clarifies whether courts will extend the duty to protect against third party attacks to landowners.<sup>25</sup> This Note concludes with recommendations why extending liability to landowners to prevent third-party violence at youth athletic events is necessary.<sup>26</sup>

## II. HISTORY

When a person is injured at a youth sporting event due to a third party attack, the victim can sue the landowner of the youth sporting facility for negligence.<sup>27</sup> To succeed on the claim the plaintiff must establish that the landowner owed a duty of care.<sup>28</sup> The plaintiff has a difficult burden because the general rule states a landowner has no duty to control the actions of a third-party in order to prevent harm to another.<sup>29</sup> The common law rule might not

---

landowner duty issue).

20. *Infra* notes 27-32 and accompanying text (describing victim’s negligence claim against landowners).

21. *Infra* Part II.B (detailing landowner duty owed to third person on premises).

22. *Infra* Part II.C.2 (describing prevention of parental violence at youth sporting events).

23. *Infra* notes 113-117 and accompanying text (detailing Massachusetts Legislature’s inaction toward extending landowner liability for third-party violent acts during youth events).

24. *Infra* notes 126-134 and accompanying text (noting court’s power to extend liability to landowners).

25. *Infra* Parts III.E-III.G (explaining positive and negative consequences of extending affirmative duty to landowners).

26. *part IV (offering conclusions)*.

27. *See Hills v. Bridgeview Little League Ass’n*, 745 N.E.2d 1166, 1177 (Ill. 2000) (raising plaintiff’s claims against landowner, Justice Willow Springs Little League); Heinzmann, *supra* note 4 (stating youth sport administrators have legal duty to ensure activity conducted safely); *see also* Dennis R. Toney, Jr., *Sporting Events, Fan Violence, and the Courts of the Future: Make Way for a New Player*, “*The Legal Eagle*”, 6 SPORTS LAW J. 147, 148 (1999) (describing fan violence rivaling gang violence); Fred C. Zacharias, *The Politics of Torts*, 95 YALE L.J. 698, 699 (1986) (indicating trend of extending tort liability for crime-related injuries to libraries, supermarkets, restaurants, and schools).

28. *See Hills*, 745 N.E.2d at 1179 (describing duty owed in master–servant relationship as outlined in Restatement (Second) of Torts); *Yakubowicz v. Paramount Pictures Corp.*, 536 N.E.2d 1067, 1070 (Mass. 1989) (describing process of determining when duty of care arises); *Mullins v. Pine Manor Coll.*, 449 N.E.2d 331, 336 (Mass. 1983) (explaining duty of care concept arises out of particular relationship between parties); *Scott v. Watson*, 359 A.2d 548, 551 (Md. 1976) (describing plaintiff’s argument of extending special relationship duty to landlord–tenant relationship).

29. *See Hills*, 745 N.E.2d at 1177 (defining general common law rule but recognizing special relationship creates affirmative duty); RESTATEMENT (SECOND) OF TORTS § 315 (1965) (explaining general rule). The Restatement states, in relevant part, that “there is no duty so to control the conduct of a third person as to

apply, however, if the plaintiff can prove that he was in a special relationship with the landowner.<sup>30</sup> Alternatively, some states have enacted statutory provisions creating a landowner duty, and some courts have judicially created a landowner duty in the interests of social policy.<sup>31</sup>

In 2000, the Illinois Supreme Court considered the issue of landowner liability for injuries inflicted on a plaintiff by a third-party in *Hills v. Bridgeview Little League Ass'n*.<sup>32</sup> *Hills*, now recognized as authoritative, provides a means for considering a landowner's duty of care in negligence cases occurring at youth sporting events.<sup>33</sup>

#### A. Hill's Case

John Hills coached his fourteen-year-old son's baseball team, the Lemont All-Stars.<sup>34</sup> In July 1990, he entered Lemont in a little league baseball tournament sponsored by Justice Willow Springs Little League.<sup>35</sup> On July 30, 1990, Lemont was scheduled to play a team from Bridgeview, coached by Ted Loy and assistant coaches George Loy, Sr. and Jr.<sup>36</sup>

In the first inning, the Bridgeview first base coach, George Loy, Jr., tried to influence the first base umpire's call by yelling "safe, safe, safe," and gesturing as such.<sup>37</sup> John Hills called a timeout and the umpires held a conference with

---

prevent him from causing physical harm to another. . . ." RESTATEMENT (SECOND) OF TORTS § 315 (1965).

30. William Edward Taylor & Joseph M. Taylor, *A Plaintiff's Approach to the Preparation of Premises Liability Cases Based on the Criminal Acts of Third Persons*, 53 J. MO. B. 98, 100 (1997) (noting special relationship creates duty to protect invitees from criminal acts of third persons).

31. See *Yakubowicz*, 536 N.E.2d at 1070 (concluding principles of negligence may be based on existing social values and customs); *Mullins*, 449 N.E.2d at 336 (imposing duty on colleges to protect their resident students); *LaClair v. Siberline Mfg. Co.*, 393 N.E.2d 867, 870-71 (Mass. 1979) (explaining legislature's workmen compensation scheme creates affirmative duty for employers). *But see* MASS. GEN. LAWS ch. 231, § 85V (2004) (limiting volunteer officials liability at youth programs). The Massachusetts legislature limited volunteer officials' liability in nonprofit sports where the volunteer serves as a manager, coach, umpire or referee. MASS. GEN. LAWS ch. 231, § 85V (2004) (limiting liability for volunteer coaches for non-profit organizations). The statute states that the volunteer shall not be liable "to any person for any action in tort as a result of any acts or failures to act in rendering such services or in conducting such sports program." *Id.*

32. See generally *Hills v. Bridgeview Little League Ass'n*, 745 N.E.2d 1166 (Ill. 2000) (considering issue of landowner liability for third-party attack).

33. See *infra* Part II.A and accompanying text (describing *Hills* case and duties asserted by plaintiffs against landowners).

34. See *Hills*, 745 N.E.2d at 1170 (describing preceding moments before attack).

35. See *id.* (requiring entrance fee to enter little league tournament). To enter into the tournament, John Hills had to pay a \$125 tournament fee and post a surety bond. *Id.*

36. *Id.* (describing earlier match-up between these two teams). The previous meeting between Lemont and Bridgeview went without incidence. *Id.* In addition, Hills had never heard any negative comments about the Bridgeview coaches or manager. *Id.* at 1170-71. The Lemont team occupied the third base dugout and the Bridgeview team occupied the dugout near first base. *Id.* at 1171. There were roughly twenty people in the Lemont bleachers. *Id.* at 1172. The field was surrounded by a chain-link fence and there was a public address booth directly behind home plate where the announcer sat during the game. *Id.* at 1171.

37. *Hills v. Bridgeview Little League Ass'n*, 745 N.E.2d 1166, 1171 (Ill. 2000) (recounting Hills' description of George Loy, Jr.'s, actions).

the team coaches.<sup>38</sup> The umpire told the Bridgeview coaches to stop trying to influence the first base umpire's calls.<sup>39</sup> From that point on, each time John Hills coached from first base, George Loy Sr. shouted derogatory statements at him from the Bridgeview dugout.<sup>40</sup> Hills testified that Loy Sr. yelled things such as "Hey you four eyed M-fer, I'm going to kick your [sic] a\*\*."<sup>41</sup> Hills responded by telling him to let the incident go; "it's only a kid's game."<sup>42</sup>

Hills stated that anybody in the Bridgeview dugout, as well as the first base umpire, would have heard the statements.<sup>43</sup> John Hills and the first base umpire, however, never told Loy Sr. to stop yelling.<sup>44</sup> At the end of the sixth inning, Loy Sr. and Jr. beat Hills until he lost consciousness.<sup>45</sup>

John Hills filed a complaint against the Loys, Bridgeview Little League Association (hereafter "Bridgeview"), and Justice Willow Springs Little League (hereafter "Justice").<sup>46</sup> His complaint alleged a theory of "direct negligence" against Bridgeview in failing to supervise and control its coaches.<sup>47</sup> In addition, the complaint alleged that Justice negligently failed to protect John Hills from getting attacked.<sup>48</sup> The jury returned verdicts in the plaintiff's favor.<sup>49</sup>

On appeal, both Bridgeview and Justice unsuccessfully challenged the negligence findings.<sup>50</sup> The appeals court concluded that a special relationship existed, thereby imposing an affirmative duty on the defendants to control George Loy Sr. and Jr.<sup>51</sup>

---

38. *Id.*

39. *Id.* (describing umpire conference).

40. *Id.* (describing Loy Sr.'s statements).

41. *Id.*

42. *Id.* (illustrating Hills' non retaliation in response to Loy's threats). Hills stated that he tried to calm Loy Sr. down by telling him to let the incident go. *Id.* Loy Sr. responded, "no way, I'm coming after you. *Id.* These threats toward Hill continued into the first half of the sixth inning. *Id.*

43. *Id.* at 1171-72 (indicating no witnesses heard Loy Sr.'s threats). Hills never complained about Loy Sr.'s behavior to Ted Loy or any of the umpires. *Id.*

44. Hills v. Bridgeview Little League Ass'n, 745 N.E.2d 1166, 1172 (recognizing Hills' failure to warn umpires about threats).

45. *Id.* (describing witnesses perception of events). Witnesses testified that the attacks lasted about ten to fifteen minutes. *Id.* at 1174. John Hills could not remember being taken to the hospital or being treated in the emergency room. *Id.* at 1172. He suffered serious injuries and was hospitalized for five days. *Id.*

46. *Id.* at 1177 (describing causes of action in Hills' complaint).

47. *Id.* (explaining negligence cause of action against Bridgeview).

48. Hills, 745 N.E.2d at 1177 (explaining negligent cause of action against Justice).

49. *Id.* (finding Ted Loy, George Loy Sr. and Jr. negligent based on default in court). The court instructed the jury on the plaintiff's theories of liability that Bridgeview and Justice owed John Hills a duty to exercise ordinary care for his safety. *Id.* The jury awarded John Hills \$632,710, apportioned equally between Bridgeview and Justice. *Id.*

50. *Id.* at 1177-78 (citing appeals court's affirmance of trial court's finding of negligence against Bridgeview and Justice).

51. *Id.* at 1177 (noting appeals court's conclusion). The court acknowledged that while generally one has no duty to control another's conduct to prevent harm against a third party, a special relationship existed in this situation. *Id.* The court reasoned that Bridgeview stood in a master-servant relationship with George Loy, Sr. and Jr. and, in accordance with Restatement (Second) of Torts § 317, it had to control their conduct. *Id.* at

The Illinois Supreme Court reversed the appeals court's decision, relying on the common law principle that a landowner does not have a duty to protect an entrant on the land from criminal assault.<sup>52</sup> Additionally, the court ruled that the playing field where this attack occurred was not a business and, therefore no business invitor/invitee relationship existed.<sup>53</sup> The court further explained that the plaintiffs did not raise the argument that the public demands an affirmative duty to protect those in John Hills' situation.<sup>54</sup> The court declined to impose an affirmative duty because the plaintiff failed to produce evidence of the prevalence of criminal assaults on coaches or players at Little League games or other youth sporting events.<sup>55</sup> The court left open the possibility that when confronted with the same issue in the future, it may find that hosts of youth athletic events or landowners have an affirmative duty to protect players and coaches.<sup>56</sup>

### B. Plaintiff's Negligence Claim Against Landowner

When there has been an incident of parental rage at a youth sporting event, the victim must be able to prove that the landowner owed a duty of care to protect against attacks by third parties.<sup>57</sup> The plaintiff must also establish that the landowner breached that duty, and that the breach proximately caused the plaintiff's injury.<sup>58</sup> The plaintiff has a difficult burden because the general

---

1177-78.

52. *Hills v. Bridgeview Little League Ass'n*, 745 N.E.2d 1166, 1192 (Ill. 2000) (holding appellate and trial courts findings reversed). The court explained that the term "business invitee" means those invited on the property for some benefit to the landholder. *Id.* at 1190.

53. *Id.* at 1191 (determining playing field not business). The court reasoned that such a relationship as a business invitee does not depart from the general common law rule. *Id.*

54. *Id.* (noting plaintiff's failure to present evidence of violence occurring during youth sporting events in Illinois). The court stated that no evidence exists in the record that suggests a high number of violent attacks committed by coaches at little league baseball games or other youth sporting events in Illinois or elsewhere. *Id.* The *Hills* court appeared amiable to the idea of finding an affirmative duty in the future, provided it has sufficient evidence of attacks committed at youth sporting events. *Id.*

55. *Id.* (discussing lack of affirmative duty). The Illinois Supreme Court leaves open the possibility of creating an affirmative duty when sufficient evidence is presented to it in the future. *Id.* *But see* Candace Purdom, *Youth Sports Game Plan Targets Managing Anger*, CHI. TRIB., May 19, 2002, at C7 (describing Illinois Youth Soccer Association's requiring training to curb hostility). The executive director of the Illinois Youth Soccer Association stated that parental violence at youth sports has become too frequent and "the alarm is ringing". Purdom, *supra*, at C7.

56. *Hills*, 745 N.E.2d at 1191 (leaving open possibility of extending affirmative duty when enough evidence presented to court).

57. *See* D'Amico, *supra* note 14, at 113-14 (discussing common law negligence claims including violence at youth sporting events); *see also* C. Peter Goplerud, III & Nicolas P. Terry, *Allocation of Risk Between Hockey Fans and Facilities: Tort Liability After the Puck Drops*, 38 TULSA L.J. 445, 448 (2003) (explaining sports facilities owe spectator customers duty of reasonable care). The landowner owes a duty of care by warning of any known dangers or actually protecting against them. Goplerud & Terry, *supra*, at 448.

58. *See* *Hills v. Bridgeview Little League Ass'n*, 745 N.E.2d 1166, 1178 (Ill. 2000) (stating negligence cause of action elements); *see also* Goodwin v. Youth Sports Ass'n Purchasing Group, No. 00-813-L, 2001 WL 128442, \*4 (Mass. Super. Ct. Feb. 14, 2001) (stating if landowner does not owe duty to plaintiff then motion

common law rule is that a landowner has no duty to control the actions of a third party to prevent harm to another.<sup>59</sup> An exception to this rule creates a duty to protect if there is a special relationship between the landowner and the plaintiff.<sup>60</sup>

### *I. Duty*

#### *a. Special Relationship*

The “special relationship” duty to protect is only imposed if the criminal attack was reasonably foreseeable.<sup>61</sup> Furthermore, foreseeability is normally a question for the trier of fact.<sup>62</sup> The Restatement (Second) of Torts lists four examples of special relationships in section 314A: 1) common carriers-passengers 2) innkeepers-guests 3) landowners-public and 4) one who voluntarily or by law takes custody of another.<sup>63</sup> The victim of a parental rage incident should attempt to establish duty through the special relationship of a landowner who holds his land open to the public, also known as the business invitor-invitee relationship.<sup>64</sup> A person is a business invitee on the land of another if “(1) the person enters by express or implied invitation; (2) the entry is connected with the owner’s business or with an activity conducted by the owner on the land; and (3) the owner receives a benefit.”<sup>65</sup> The duty to control acts of third persons requires the landowner to protect against known or

---

for summary judgment granted).

59. See *Hills*, 745 N.E.2d at 1177 (defining general common law rule concerning landowners duty to public); RESTATEMENT (SECOND) OF TORTS § 315 (1965) (explaining general rule of no duty to control third-party). The Restatement states, in relevant part, that “there is no duty so to control the conduct of a third person as to prevent him from causing physical harm to another.” RESTATEMENT (SECOND) OF TORTS § 315 (1965).

60. See *Hills*, 745 N.E.2d at 1177 (describing special relationship imposes affirmative duty); RESTATEMENT (SECOND) OF TORTS § 315(a) (1965) (defining common law exception through existence of special relationship). The Restatement states, in relevant part, that the exception applies if “a special relation exists between the actor and the third person which imposes a duty upon the actor to control the third person’s conduct.” RESTATEMENT (SECOND) OF TORTS § 315(a) (1965); see also D’Amico, *supra* note 14, at 113-14 (describing special relationship exception to common law rule).

61. *Hills*, 745 N.E.2d at 1187 (defining when special relationship exception imposed). The court stated that it will consider many elements in deciding whether a duty exists, including, “a consideration of the likelihood of injury, the magnitude of the burden to guard against it, and the consequences of placing that burden upon the defendant.” *Id.*, (quoting *Rowe v. State Bank*, 531 N.E. 2d 1358, 1370 (Ill. 1988)).

62. See *Hills*, 745 N.E.2d at 1192 (Harrison, J., dissenting) (stating jury decides foreseeability issue in negligence cases); *Winnett v. Winnett*, 310 N.E.2d 1, 5 (Ill. 1974) (noting questions of foreseeability normally left to the jury).

63. RESTATEMENT (SECOND) OF TORTS § 314A (1965) (describing common law special relationships). The Restatement states, in relevant part, that “[a] possessor of land who holds it open to the public is under a similar duty to members of the public who enter in response to his invitation.” *Id.*

64. See *Hills v. Bridgeview Little League Ass’n*, 745 N.E.2d 1166, 1178 (Ill. 2000) (relying on affirmative duty created by theory of business invitor and invitee); see also D’Amico, *supra* note 14, at 112-13 (stating landowner of baseball field owes duty to protect third parties from criminal attack).

65. *Id.* at 1189 (describing definition of business invitor-invitee relationship (quoting *Hill v. Charlie Club, Inc.*, 279 Ill. App. 3d 754, 759 (1996))).

reasonably foreseeable risks.<sup>66</sup>

In *Hills*, the court recognized the existence of a duty between a “business invitor and invitee.”<sup>67</sup> The *Hills* court concluded that a duty arises when the invitee is on the premises for a business purpose.<sup>68</sup> The court also determined a duty would arise if the invitee was on the premises for the owner’s benefit.<sup>69</sup> The *Hills* court determined that the general public was not allowed on the field and that only players, coaches, and umpires were allowed on the field, therefore, because Hills was not a member of the general public, he did not qualify for the “special relationship” classification.<sup>70</sup>

The plaintiff can also establish the special relationship duty by showing a master-servant association.<sup>71</sup> A master is under a duty to exercise reasonable care over his servant acting outside the scope of employment to prevent him from intentionally harming others.<sup>72</sup> In *Hills*, the plaintiff argued Bridgeview and Loy along with George Loy Sr. and Jr. were in a master-servant relationship.<sup>73</sup> The *Hills* court held that Ted Loy, as Bridgeview’s agent, stepped into Bridgeview’s shoes as a master to George Loy Sr. and Jr.<sup>74</sup> The *Hills* court stated Ted Loy’s managerial position entrusted him with supervisory authority over the other two coaches and players, creating a master-servant relationship.<sup>75</sup>

After establishing the master-servant relationship, the *Hills* court considered

---

66. See *Riley v. Marcus*, 177 Cal. Rptr. 827, 830 (Cal. Ct. App. 1981) (defining standard for landowners). The *Riley* court further explained that the landowner is “not required to take precautions against attacks by third persons which he has no reason to anticipate.” *Id.*; RESTATEMENT (SECOND) OF TORTS § 344 (1965) (describing foreseeability of danger). The Restatement states, in relevant part, that “a possessor of land who holds it open to the public . . . for his business purposes is subject to liability to members of the public while they are upon the land for such a purpose, for physical harm caused by the accidental, negligent, or intentionally harmful acts of third persons.” RESTATEMENT (SECOND) OF TORTS § 344 (1965).

67. See D’Amico, *supra* note 14, at 121 (explaining duty to protect exists if special relationship exists and attack foreseeable).

68. See D’Amico, *supra* note 14, at 125-26 (reasoning why *Hills* court changed benefit rule).

69. See D’Amico, *supra* note 14, at 125-26 (explaining business invitor and invitee relationship no longer governed by landowner’s benefit standard).

70. See D’Amico, *supra* note 13, at 126 (reasoning invitee from general public but Hills was not considered member of general public).

71. See *Hills v. Bridgeview Little League Ass’n*, 745 N.E.2d 1166, 1179-84 (Ill. 2000) (determining elements of master and their agents); RESTATEMENT (SECOND) OF TORTS § 317 (1965) (defining duty of master in master-servant relationship). The Restatement states, in relevant part, that “[a] master is under a duty to exercise reasonable care so to control his servant while acting outside the scope of his employment as to prevent him from intentionally harming others or from so conducting himself as to create an unreasonable risk of bodily harm to them.” RESTATEMENT (SECOND) OF TORTS § 317 (1965).

72. RESTATEMENT (SECOND) OF TORTS § 317 (1965) (noting duty to protect third party from harm when servant acting outside scope of employment); see also D’Amico, *supra* note 14, at 115 (referencing restatement language).

73. *Hills*, 745 N.E.2d at 1179 (stating court found Bridgeview Ted Loy’s master).

74. *Id.* at 1181 (asserting agent can become master when special relationship exists).

75. *Id.* at 1181 (outlining duty to protect against third-party attack when master-servant relationship exists).

the duty owed to John Hills under Ted Loy's "status as a master."<sup>76</sup> The court determined the master is not automatically responsible for stopping an attack once it has started.<sup>77</sup> The ability to control an agent is a major factor in determining a master's liability.<sup>78</sup> The court determined Ted Loy lacked control over his assistant coaches because their volunteer status precluded any financial leverage.<sup>79</sup> In addition, masters may not know what threats will cease their servant's unruly behavior.<sup>80</sup> The *Hills* court concluded that the lack of control and financial incentive between Ted Loy and his two volunteer assistants did not give rise to a duty to control their assault upon others.<sup>81</sup> Though the court found the existence of a master-servant relationship, it denied liability, as Ted Loy had no effective means to control his assistants.<sup>82</sup>

*b. Statutory*

In addition to the special relationship exception, some state statutes exist which create duties based on societal needs.<sup>83</sup> The Massachusetts Legislature found it important to protect volunteers involved in sports programs by passing a statute limiting the duties owed by nonprofit associations conducting sports programs.<sup>84</sup> The statute provides that "no nonprofit association conducting a sports . . . program, shall be liable to any person for any action in tort as a result of any acts or failures to act in rendering such services or in conducting such sports program."<sup>85</sup> A nonprofit organization, however, is not immune from all

---

76. *See id.* at 1178 (explaining attack foreseeable to master once it began); *see also* D'Amico, *supra* note 14, at 124 (explaining appellate court decided duty owed once attack started and foreseeable to master attack would continue).

77. *See Hills v. Bridgeview Little League Ass'n*, 745 N.E.2d 1166, 1184 (Ill. 2000) (finding no evidence Ted Loy knew of George Loy Sr. and Jr.'s violent tendencies); *see also* D'Amico, *supra* note 14, at 124 (citing *Hills*, 745 N.E. 2d at 1184).

78. *See Hills*, 745 N.E.2d at 1184-85 (setting forth duty to restrain servant when reasonable); *see also* D'Amico, *supra* note 14, at 124-25 (citing *Hills*, 745 N.E. 2d at 1184-85).

79. *See Hills*, 745 N.E.2d at 1185 (discussing financial leverage as restraint to servant conduct); *see also* D'Amico, *supra* note 14, at 125 (citing *Hills*, 745 N.E. 2d at 1185).

80. *See Hills*, 745 N.E.2d at 1185 (analyzing volunteers not always able to predict what verbal threats servant will acknowledge).

81. *Id.* at 1185-86 (concluding based on all factors Loy could not reasonably control actions of Loy Sr. and Jr.).

82. *Id.* (holding no effective means available for master to control servant).

83. *See Goodwin v. Youth Sports Ass'n Purchasing Group*, No. 00-813-L, 2001 WL 128442, \*3-\*4 (Mass. Super. Ct. Feb. 14, 2001) (setting forth Massachusetts Legislatures reasoning for imposing duties on one party). *See generally* MASS. GEN. LAWS ch. 90, § 14 (2004) (establishing duty on motorists to slow down when approaching animals, pedestrians, school buses, etc.); *Mullins v. Pine Manor Coll.*, 449 N.E.2d 331, 335 (Mass. 1983) (explaining duty for colleges to protect resident students from foreseeable harm); *LaClair v. Silberline*, 393 N.E.2d 867, 872 (Mass. 1979) (explaining duty for corporations to provide employees with worker's compensation coverage).

84. *See* MASS. GEN. LAWS ch. 231, § 85(v) (2004) (establishing limit on nonprofit association duties to third parties).

85. MASS. GEN. LAWS ch. 231, § 85(v) (2004) (establishing limit on nonprofit association duties to third parties). *See generally Crocker v. Wakefield*, 1999 Mass. Super. LEXIS 155 (Mass. Super. Ct. Apr. 23, 1999)

liability for negligence because some activities may fall outside of the statute's parameters.<sup>86</sup> To date, Massachusetts courts have yet to provide examples of what activities would expose an organization to liability, but have highlighted the clear legislative intent to limit the statutorily-created immunity for nonprofit organizations.<sup>87</sup>

### *c. Common Law*

If the plaintiff is unable to establish the landowner's duty, either through the special relationship exception or a statutory provision, he may still establish a Massachusetts judge-made duty.<sup>88</sup> A court may impose a duty to recognize the continually changing concepts of individuals' rights and duties in relation to all other members of society.<sup>89</sup> This rule reflects the public's concern with the personal safety and well being of all.<sup>90</sup> The Massachusetts Supreme Judicial Court has stated that negligence depends on whether there is a duty to be careful, which is a question of law.<sup>91</sup>

### *2. Breach of Duty/Proximate Cause/Damages*

If the plaintiff can establish that the landowner owes a duty of care, the plaintiff must then prove that the landowner breached the duty.<sup>92</sup> The evidence must show that the landowner's breach of duty was the proximate cause of the

---

(explaining statutory protection does not apply to activities with no connection to organization's charitable purpose).

86. See *Goodwin v. Youth Sports Ass'n Purchasing Group*, No. 00-813-L, 2001 WL 128442, \*4 (Mass. Super. Ct. Feb. 14, 2001) (noting limit on nonprofit organizations' immunity). The Massachusetts court reasoned that section 85V should be broadly read to "encompass all activities integral to a sports program." *Id.* at \*3.

87. *Id.* at \*4 (describes limits of non-profit immunity). The *Goodwin* court reasoned that "a nonprofit organization conducting a 'Sports program' is not immune from liability for negligence arising out of care and maintenance of real estate which it owns, possesses or controls." *Id.* The language of section 85V does not include sports programs, but rather only the volunteers who help run them. MASS. GEN. LAWS ch. 231, section 85V (2004). Therefore, the volunteers are immune if acting within the scope of their services, but the sports program could be liable for its negligence. *Id.*

88. See *Yakubowicz v. Paramount Pictures Corp.*, 536 N.E.2d 1067, 1070 (Mass. 1989) (maintaining duties created based on "existing social values and customs"); *Pridgen v. Boston Hous. Auth.*, 308 N.E.2d 467, 477 (Mass. 1974) (describing court-created duties based on changing social values); *Whitman v. Sacchetti*, 2001 Mass. App. Div. 122, 123-24 (2001) (describing duties created when appropriate to social policy).

89. *Pridgen*, 308 N.E.2d at 477 (discussing court's societal concern for public's well-being). The *Pridgen* court extended an affirmative duty to a landowner who knowingly refrained from exercising reasonable care to a trespasser injured on his property. *Id.*

90. *Id.* (discussing trend imposing reasonable care duty on premise owners to all persons on property).

91. See *Yakubowicz v. Paramount Pictures Corp.*, 536 N.E.2d 1067, 1070 (Mass. 1989) (determining duty of care created by existing social values, customs, and appropriate social policy); see also *Schofield v. Merrill*, 435 N.E.2d 339, 342 (Mass. 1982) (determining current negligent rules based on socially accepted moral principals).

92. *Commercial Molasses Corp. v. N.Y. Tank Barge Corp.*, 314 U.S. 104, 110 (1941) (stating burden of proving breach of duty rests on moving party); see also *RESTATEMENT (SECOND) OF TORTS* § 281 (1965) (defining when cause of action for negligence exists).

plaintiff's injuries.<sup>93</sup> Finally, the plaintiff must have suffered an injury as a result of the defendant's negligent act.<sup>94</sup> If the judge finds the plaintiff has presented sufficient evidence to establish negligence, the case will go to the jury.<sup>95</sup>

### C. Violence at Youth Sporting Events

#### 1. Incidents of Parental Violence

Parental violence at youth sporting events has become more prevalent in the last decade.<sup>96</sup> Parents are forcing their children to excel in athletics for their own personal gratification.<sup>97</sup> Rational parents become irrational because of their for their children to be number one in sports.<sup>98</sup> Over-involved parents

---

93. See *Ward v. Tri-City Realty*, 2000 Mass. App. Div. 298, 299 (2000) (establishing plaintiff bears burden of illustrating injuries were proximately caused by defendant's negligence); see also *Glidden v. Maglio*, 722 N.E.2d 971, 973-74 (Mass. 2000) (asserting causation as essential element for proving negligence). See generally, *Murgo v. Home Depot*, 190 F. Supp. 2d 248 (D. Mass. 2002) (stating plaintiff must prove his injuries came from defendant's negligent act).

94. See also *Whitman v. Sacchetti*, 2001 Mass. App. Div. 122, 124 (2001) (concluding negligence must cause injury).

95. See *McPhee v. Scully*, 39 N.E. 1007, 1009 (Mass. 1895) (declaring sufficient evidence to enable jury finding negligence exists). *Contra Yakubowicz v. Paramount Pictures Corp.*, 536 N.E.2d 1067, 1071 (Mass. 1989) (concluding defendants did not violate duty of care by exercising First Amendment rights).

96. See *Fiore*, *supra* note 4, at 114 (stating number of violent incidents has increased at alarming rate over last five years); *Clifton*, *supra* note 4 (explaining increase of serious injuries from parental violence); *Goodman*, *supra* note 4 (describing horrific incident of hockey dad beating coach to death). A jury found Thomas Junta guilty of involuntary manslaughter after beating his son's youth hockey coach to death. *Goodman*, *supra* note 4. The father believed the action on the ice was too rough. *Goodman*, *supra* note 4; see also *Brian MacQuarrie & Kathleen Burge, Junta Guilty in Rink Death Jury Convicts Him of Involuntary Manslaughter*, BOSTON GLOBE, Jan. 12, 2002, at A1 (summarizing witness accounts describing Junta's repeated attack on Costin as he lay on his back); *Eric Sondheimer, Football Incident is Latest Indication that Parents Are Spinning Out of Control*, L.A. TIMES, Oct. 26, 2000, at D13 (describing recent violence at California high school football game). "Sports is a microcosm of society and in society right now we have violence that is pervasive." *Sondheimer*, *supra*, at 1B. See also *John Zarrella, Florida Youth League Requires Parents to Learn Sportsmanship*, CNN, July 10, 2000, <http://edition.cnn.com/2000/HEALTH/07/10/kids.sports.parents/> (explaining parents more violent because they view athletics as "pot of gold" for child's future).

97. See *Pete Grathoff, Violence Alters Face of Sports... Unruly Adults Can Mar Kids' Games*, [http://www.naperymca.org/Sports/parental\\_sports\\_violence.htm](http://www.naperymca.org/Sports/parental_sports_violence.htm) (last visited Oct. 27, 2004) (noting amount of money and time parents dedicate to children's sports teams); *Gwen Morrison, Parent Rage in Youth Sports: Giving the Game Back to Our Children*, <http://preteenagerstoday.com/resources/articles/parentrage.htm>, (last visited Jan. 4, 2005) (illustrating expectations and monetary rewards athletes can expect); see also *Andrew Tufts, For the Love of the Game?*, Wellness Junction, <http://www.wellnessjunction.com/athome/exercise/kidsport.htm> (last visited Nov. 5, 2004) (indicating parents relive youth through children's sports).

98. See *Harary*, *supra* note 9, at 202 (stating on-field success takes precedence over all other aspects of game); *Heinzemann*, *supra* note 4 (explaining differences between anger and rage). Anger is a precursor to rage, and is experienced at one time or another. *Heinzemann*, *supra* note 4. Rage, however, is "violent and uncontrolled anger." *Id.* *Barbara Kantrowitz, Don't Just Do It for Daddy: Parents Can Push. But Real Success Awaits the Kids Who Want to Achieve for Themselves*, NEWSWEEK, Dec. 9, 1996, at 56 (explaining

take the fun out of the game for their children.<sup>99</sup> Parental violence may range from taunting coaches and players to physically assaulting them.<sup>100</sup> In May 2001, a survey USA polled 500 parents in Indiana about parental violence in youth sports, in which fifty-five percent of the respondents reported witnessing other parents verbally abusing children at youth sporting events.<sup>101</sup> Several reported incidents were so severe that the batteries led to serious physical injuries, including death.<sup>102</sup>

## 2. Steps Taken to Stop the Violence

Youth sports associations have taken steps to eliminate or reduce the number of annual incidents.<sup>103</sup> Some associations require sportsmanship classes for

---

young athletes struggle to win for parents approval not personal ambition); *see also* Morrison, *supra* note 97 (portraying youth sports devastating effect on parents); Sondheimer, *supra* note 96 (describing irrational behavior of parents at youth sporting events); *U.S. Parents Play Dirty to See Their Kids Win*, STRAITS TIMES, June 10, 2001 [hereinafter *Parents Play Dirty*] (illustrating parents desperation for kids to win).

99. *See* Schuette, *supra* note 9, at 515-16 (indicating young athletes forego sportsmanship for competitiveness); Doherty, *supra* note 9, at 131 (maintaining children are forced to realize their parent's failed dreams). *But see* Fridman, *supra* note 2 (stating seventy five percent of children play football for fun and not necessarily to win); Tom Mashberg, *Youth Leagues Fed Up With Foul Play—By Adults*, BOSTON HERALD, Mar. 26, 2000, at N1 (asserting parental violence results in psychological problems and decrease in fun for child athletes); Morrison, *supra* note 97 (explaining results of survey explaining violence rising); Zheutlin, *supra* note 6 (arguing children would rather win than lose but winning is not reason for playing).

100. *See* Morrison, *supra* note 97 (illustrating parental violence continues to escalate); *see also* Harary, *supra* note 9, at 198-200 (describing incidents of professional, collegiate, and high school sport violence); Fridman, *supra* note 2 (believing youth sports violence stemming from "movies, television and video games"). *But see* Heinzmann, *supra* note 4 (stating lack of published studies proving prevalence of violence at youth sporting events). Heinzmann believes that this violence stems from professional sporting events and the entertainment industry. Heinzmann, *supra* note 4.

101. *See* Morrison, *supra* note 97 (highlighting more than fifty percent of parents in study witness violence). In addition, the survey reported that twenty-one percent of parents have witnessed a violent encounter between parents at youth sporting events. *Id.*; *see also* *C'mon, Dad . . . Focus!*, L.A. TIMES, Jan. 12, 2003, at M4 [hereinafter *C'mon*] (describing wide number of parental incidents witnessed). The violent behavior by parents has become more common. *C'mon*, *supra* note 101.

102. *See* Clifton, *supra* note 4 (describing possible poisoning death of tennis rivals by father of competitors); Mac Daniel, *Charges Expected in Rink Assault Case*, BOSTON GLOBE, Jan. 13, 2005, at B2 (describing parent grabbing and choking youth during eight-year old hockey game); *Man Barred From Hockey Games After Allegedly Attacking 8 Year-Old*, Associated Press, available at [www.boston.com/news/local/massachusetts/articles/2005/01/06](http://www.boston.com/news/local/massachusetts/articles/2005/01/06) (describing father attacking 8 year old at youth hockey game); Mashberg, *supra* note 99 (reporting parents throwing fruit at youth hockey goalies during game); *see also* Purdom, *supra* note 55 (describing father's anger at soccer field when five-year-old daughter not getting enough playing time); Sondheimer, *supra* note 96 (recounting assault on football coach by player's family members for player's lack of playing time). The player's father punched the head football coach in the jaw and struck an assistant coach in the eye. Sondheimer, *supra* note 96; *Parents Play Dirty*, *supra* note 98 (describing California man beating coach of eleven-year-old because son taken out of baseball game); *When Sports Parents Rage, Everyone Loses*, SAN ANTONIO EXPRESS-NEWS, Jan. 25, 2002, at 6B (describing father throwing referee into swimming pool after daughter's disqualification from swim meet).

103. *See* Zarrella, *supra* note 96 (reporting first youth association from Florida to take steps to reduce parental violence); *see also* Paul Starick, *PM Puts Up the Cash for Crime Busters*, ADVERTISER, May 7, 2004, at 5 (highlighting Australian Prime Minister allocating \$500,000 to prevent parental violence at youth sporting events).

parents, while others provide classes that teach parents how to behave at youth sporting events.<sup>104</sup> Youth programs have even prevented children from participating in sport programs if their parents do not attend the mandatory sportsmanship programs.<sup>105</sup> Even with these classes, the violence continues to increase at an alarming rate.<sup>106</sup> Many league officials believe that extensive training and classes are inadequate to stop or curb the violence.<sup>107</sup>

Recently, the Massachusetts Legislature implemented a program to help prevent parental violence at sporting events.<sup>108</sup> The Massachusetts Governor's Committee on Physical Fitness and Sports advocates for all cities and towns to adopt the Sport Parent's Code of Conduct.<sup>109</sup> Other jurisdictions have passed or proposed legislation increasing penalties for individuals who attack sports officials.<sup>110</sup> For example, in Oregon, a proposed bill encourages youth sports leagues to have coaches undergo both background checks and completion of a sports education class.<sup>111</sup> Other jurisdictions, however, have passed statutes

---

104. See also Greg Bach, *Combatting Violence in Youth Sports*, III. PARKS AND RECREATION (explaining summit of youth sport organizers trying to solve youth sport violence), available at <http://www.lib.niu.edu/ipo/2001/ip010927.html> (last visited Dec. 18, 2005). At the National Summit on Raising Community Standards in Children's Sports the professionals recognized six areas that needed to be addressed: all programs "should adhere to a national philosophy" of safe, positive parental behavior; eradicate political influences; all programs should have trained supervisors; volunteer parents should be educated and held accountable; parents should adhere to strict code of conduct; prior to children enrolling, parents must undergo orientation on ethics. *Id.*; see also Morrison, *supra* note 97 (describing Parents Association for Youth Sports (PAYS) program gaining widespread attention). PAYS is "a program that educates parents and motivates youth leagues to make the sports experience safe and meaningful." Morrison, *supra* note 97. The training consists of a thirty minute clinic, meeting other parents, participating in discussion and signing the Parents' Code of Ethics pledge. *Id.*

105. See *Little League Child Protection Program*, Little League Online, (detailing new policy of all local little leagues requiring background checks on managers and coaches) <http://www.littleleague.org/common/childprotect/index.asp?cid=5> (last visited Oct. 12, 2004); Mashberg, *supra* note 99 (describing zero tolerance policy ejecting child from league if parent misbehaves); see also Zarrella, *supra* note 96 (explaining parent must attend sportsmanship program for child to participate).

106. *Hockey Death Not a Deterrent For Problem Sport Parents* [hereinafter *Hockey Death*] (stating violence increasing since hockey dad incident), available at [http://www.fox23news.com/guides/parenting/story.aspx?content\\_id=B6A94C6E-4161-45AE-8A8B-A34900832068](http://www.fox23news.com/guides/parenting/story.aspx?content_id=B6A94C6E-4161-45AE-8A8B-A34900832068) (last visited Dec. 27, 2004). See generally Bob Still, *Naso Special Report: Officials Under Assault Update 2002* (describing attacks on sports officials continue despite efforts), available at <http://www.naso.org/rprt/SpecReptAssault.pdf> (last visited Dec. 18, 2005). The special report cited incidents where fans would yell "[k]ill the ump" and have engaged in such violent, physical actions. Still, *supra* note 106.

107. See *Hockey Death*, *supra* note 106 (arguing training classes must be mandatory to have an effect).

108. See *Response to Violence*, *supra* note 10 (stating effort taken by Massachusetts legislature to prevent parental violence).

109. See *Response to Violence*, *supra* note 10 (describing sport parent code of conduct as contract agreeing to behavioral guidelines at sporting events).

110. See Chiafullo, *supra* note 17, at 201-02 (discussing legislation adopted preventing assaults on sports officials); Fiore, *supra* note 4, at 124 (discussing legislation strengthening penalties against individuals who attack youth league officials).

111. See Fiore, *supra* note 4, at 124 (discussing bills proposed in U.S. jurisdictions). "Fourteen states have passed or proposed legislation increasing penalties for individuals who assault sport officials." *Id.* In Massachusetts, the only action at this point was the creation of the Massachusetts Governor's Committee on Physical Fitness and Sports. *Id.* at 125.

which exempt coaches from liability for tortious conduct unless it constituted gross negligence or recklessness.<sup>112</sup>

### III. ANALYSIS

#### A. *What's Not Been Done*

The Massachusetts Legislature has done little to protect the children of its state.<sup>113</sup> The legislature has taken steps to reduce liability for volunteers at sporting events, yet has failed to take affirmative steps to protect youth participants at sporting events.<sup>114</sup> No laws exist which make a volunteer coach liable for his hostile behavior at youth games.<sup>115</sup> In addition, there are no laws which hold a landowner liable for third-party attacks committed on his/her premises during youth games.<sup>116</sup> At this point in time, potential plaintiffs can only pursue criminal recourse against an aggressor.<sup>117</sup>

Criminal actions have had a minimal effect on aggressors at youth sporting events.<sup>118</sup> Criminal sanctions have not deterred fans, parents, or coaches from letting their emotions interfere with their actions, evidenced by the continued escalation of parental violence.<sup>119</sup> The potential monetary effect on landowners

---

112. See, e.g., MASS. GEN. LAWS ch. 231, § 85V (2004) (protecting volunteers from liability who render services at sports and sailing programs); MASS. GEN. LAWS ch. 21, § 17C (2005) (limiting liability for persons permitting public use of their land); MASS. GEN. LAWS ch. 258, § 10 (2005) (granting immunity to public employees in certain torts claims); see also Anthony S. McCaskey & Kenneth W. Biedzynski, *A Guide to the Legal Liability of Coaches for a Sports Participant's Injuries*, 6 SETON HALL J. SPORT L. 7, 61-63 (1996) (explaining seventeen states, have passed volunteer statutes, including Massachusetts).

113. See, e.g., MASS. GEN. LAWS ch. 231, § 85V (2004) (protecting volunteers from liability who render services at sports and sailing programs); MASS. GEN. LAWS ch. 21, § 17C (2005) (limiting liability for persons permitting public use of their land); MASS. GEN. LAWS ch. 258, § 10 (2005) (granting immunity to public employees in certain torts claims).

114. See MASS. GEN. LAWS ch. 231, § 85V (2004) (limiting liability for volunteer managers, coaches, umpires, and assistants in sports programs); MASS. GEN. LAWS ch. 21, § 17C (2004) (limiting liability for landowners permitting public use of their land). The immunity only applies to volunteers when "rendering such services" and does not apply if they become the aggressor. MASS. GEN. LAWS ch. 231, § 85V. Additionally, a landowner has immunity only if the land is leased free of charge and in the absence of "willful, wanton, or reckless conduct by such person." MASS. GEN. LAWS ch. 21, § 17C (2004); see also *Ayala v. Birecki*, 2001-1272A, 2003 Mass. Super. LEXIS 449, \*5 (Mass. Super. Ct. Dec. 22, 2003) (reasoning volunteers immune from suit under Massachusetts General Laws chapter 231, section 85V).

115. See generally *Response to Violence*, *supra* note 10 (explaining Massachusetts has only created committee to urge people to follow code of ethics). *But see supra* note 110 and accompanying text (observing other jurisdictions passing legislation to protect youth participants and officials).

116. See MASS. GEN. LAWS ch. 21, § 17C (granting immunity to landowners when they hold land open for public recreation). The statute does not state whether a landowner will be liable for negligence if he/she receives a fee from the participants. *Id.*

117. See *Taylor & Taylor*, *supra* note 30, at 106 (arguing extension of landowners' duty because they are in best position to secure premises).

118. See *supra* note 96 and accompanying text (illustrating violence continues to escalate after Hockey dad's manslaughter verdict).

119. See *supra* note 98 and accompanying text (detailing horrific incidents of parental violence at youth

is likely to decrease the number of incidents.<sup>120</sup> This is not a revolutionary concept; landowners are held responsible for what occurs on their property all the time.<sup>121</sup> Because the legislature failed to act in this area, courts must consider current social policies to determine whether to extend liability in limited circumstances.<sup>122</sup>

Civil actions allow the victim of a violent attack to recover monetarily for physical and emotional harm suffered as a result of the attack occurring at the youth sporting event.<sup>123</sup> Liability should fall on landowners because they “are often in a better position than police departments to prevent certain kinds of crime.”<sup>124</sup> It is time landowners, including the government, take responsibility for what occurs at their facilities and protect our nation’s youth.<sup>125</sup>

### B. Judiciary

The *Hills* Court had the opportunity to extend a landowner’s affirmative duty to protect against third party attacks at youth sporting events, yet failed to do so.<sup>126</sup> The court reasoned it did not extend liability to Justice Willow Spring’s Little League because *Hills* failed to argue the court should abandon or modify the general, no affirmative duty rule in order to protect an occupant from criminal attack.<sup>127</sup> In fact, the *Hills* court stated it might have extended liability had enough evidence been presented at trial to establish the prevalence of violence at youth sporting events.<sup>128</sup> The jury verdict provided additional evidence of the current public policy to hold landowners monetarily responsible for the violence occurring on their land.<sup>129</sup>

---

sporting events).

120. See Taylor & Taylor, *supra* note 30, at 99 (noting affirmative duty would allow property owners how to better manage and secure premises).

121. See Taylor & Taylor, *supra* note 30, at 99 (describing United States Circuit Court twenty-five years ago extending affirmative duty of landowner in landlord-tenant law).

122. See *supra* notes 89-91 and accompanying text (describing judicial authority to extend duties based on public policy).

123. See Nutt, *supra* note 11, at 747 (highlighting plaintiffs’ claims against business owners now reaching juries where previously dismissed).

124. See Taylor & Taylor, *supra* note 30, at 100 (asserting landowners in better position to prevent crime than police).

125. See Taylor & Taylor, *supra* note 30, at 100 (indicating under appropriate circumstances landowners should protect invitees from criminal acts of third persons); see also Nutt, *supra* note 11, at 747-48 (examining duty imposed on business owner under “foreseeable criminal activity” exception). Business owners have a duty to protect invitees from criminal attacks by unknown third parties when the facts “show evidence that would cause a reasonable person to have foreseen injuries of the type suffered by the plaintiff and to have taken precautionary actions to protect its invitees from such injuries.” Nutt, *supra* note 10, 748.

126. *Hills v. Bridgeview Little League Ass’n*, 745 N.E.2d 1166, 1189-91 (Ill. 2000) (holding landowner not responsible for criminal acts of third persons at youth sporting events).

127. See *supra* note 96 and accompanying text (describing violent incidents of parental rage increasing in time).

128. *Hills*, 745 N.E.2d at 1191 (stating if issue of duty were presented to court they would have considered extending liability).

129. *Id.* at 1193 (Harrison, J. dissenting) (stressing jury believed in its decision and should never have been

### C. Massachusetts Public Policy

Massachusetts agrees with the *Hills* court that athletes and coaches require more protection because increased competitiveness among parents.<sup>130</sup> A number of shocking incidents have occurred in Massachusetts, most notably the fatal beating Thomas Junta inflicted upon his son's hockey coach.<sup>131</sup> Because of the inaction of the Massachusetts Legislature courts should use their judicial power to extend the duty for reasons of social policy.<sup>132</sup> Landowners would not be strictly liable if the court were to extend an affirmative duty to prevent third party attacks at youth sporting events; potential plaintiffs would still need to prove that the attack was reasonably foreseeable.<sup>133</sup> The extension of affirmative duty to landowners would enable plaintiffs to clear the motion to dismiss hurdle and present their cases to a jury.<sup>134</sup>

### D. How to Prove Duty

The Massachusetts Supreme Court has not considered the issue of extending affirmative duty to landowners at youth sporting events. As a result, plaintiffs must still prove an existing duty.<sup>135</sup> Most likely, that duty will be created through the special relationship of business invitor-invitee.<sup>136</sup> A business invitee is a person who enters the land for business purposes establishing a duty of ordinary care against known dangers.<sup>137</sup>

In the *Hills* case, the Illinois Supreme Court held that John Hills was not a business invitee of Justice Willow Springs because Hills did not give a monetary benefit to Justice.<sup>138</sup> While Hills was not paying for anything other than the tournament entry fee from Justice, he was bringing business to Justice

---

second-guessed).

130. See *Reponse to Violence*, *supra* note 10 (advocating adoption of code of conduct in response to increased violence at youth events); see also *supra* note 97 and accompanying text (discussing increased competitiveness and violence among parents at youth sporting events).

131. See *supra* note 102 and accompanying text (describing violence occurring at youth sporting events on rise).

132. See generally *supra* note 102 and accompanying text (explaining preventive measures curtailing violence not enough to stop violence completely); Goodman, *supra* note 4 (describing Thomas Junta incident occurring in Massachusetts hockey rink).

133. See *supra* note 66 and accompanying text (discussing issue of foreseeability and duties landowner owes to general public).

134. See Taylor & Taylor, *supra* note 30, at 105-06 (recognizing extension of duty would allow victims to hold wrongdoers responsible for their negligent acts).

135. See *Whitman v. Sacchetti*, 2001 Mass. App. Div. 122, 123 (2001) (stating cause of action for negligence requires legally recognized duty).

136. See *supra* notes 83, 88, 91, and accompanying text (explaining alternative causes of action for plaintiff if duty not based on special relationship).

137. RESTATEMENT (SECOND) OF TORTS § 344 (1965) (defining business invitor-invitee relationship).

138. See *Hills v. Bridgeview Little League Ass'n*, 745 N.E.2d 1166, 1193 (Ill. 2000) (Harrison, J., dissenting) (emphasizing Illinois Supreme Court's erroneous determination invitees may only be member of general public). The court believed that only the general public gave an economic value to the landowner. *Id.*

through ticket sales and concessions.<sup>139</sup> Under the majority view, the landowner would have a duty to the people who bought tickets and refreshments but never to the actual participants.<sup>140</sup> Hills argued that the tournament fee established the duty, but failed to suggest the indirect benefit that resulted from the participants attracting of fans to the event.<sup>141</sup> Once establishing the duty, the plaintiff must show that the attack was reasonably foreseeable or that the landowner breached his duty to stop the aggressor from committing further harm after the attack had begun.<sup>142</sup>

The Restatement (Second) of Torts does not require the benefit to be monetary.<sup>143</sup> In some instances there will be no admittance fee for the youth teams or the fans that support them.<sup>144</sup> In those cases, the plaintiff will need to prove that the landowner received a benefit via game publicity and the marketing gained from fan attendance.<sup>145</sup> The more youth games played at the facility, the more athletes, coaches, fans, and family members who will see the advertisements.<sup>146</sup> Therefore, there is a direct correlation between the amount of people who attend games and the number of companies advertising at the facility.<sup>147</sup>

#### E. What Can Be Expected

If a common law business invitor-invitee relationship cannot be established, the plaintiff may look to establish a statutory duty.<sup>148</sup> In Massachusetts, however, the legislature has failed to establish that duty.<sup>149</sup> Therefore, the plaintiff must argue to the Massachusetts courts for the extension of liability to

---

139. *Id.* (Harrison, J., dissenting) (determining sporting participants should be considered business invitees like ticket purchasers).

140. *Id.* (Harrison, J., dissenting) (suggesting ruling that landowner would have duty to fans and not to participants is preposterous).

141. *See* Nutt, *supra* note 11, at 748 (indicating change in courts to protect invitees on property by attack from third party); *see also* Hills v. Bridgeview Little League Ass'n, 745 N.E.2d 1166, 1193 (Ill. 2000) (Harrison, J., dissenting) (arguing landowner owes duty to invitee on property).

142. *See* Hills, 745 N.E.2d at 1177-78 (discussing appellate court's holding defendant owes duty to control after seeing attack on plaintiff begin).

143. *See* RESTATEMENT (SECOND) OF TORTS § 344 (analyzing language of Restatement as not stating benefit must be monetary).

144. *See also* RESTATEMENT (SECOND) OF TORTS § 344 (arguing benefit conferred to business owner can be indirect).

145. *See* RESTATEMENT (SECOND) OF TORTS § 344 (noting benefit not necessarily determined by monetary measures).

146. *Contra* RESTATEMENT (SECOND) OF TORTS § 344 (supporting idea monetary benefit can be indirectly related to participant by family and friends they bring to game).

147. *Contra* RESTATEMENT (SECOND) OF TORTS § 344 (determining correlation between participants and advertisers should be enough to satisfy benefit requirement).

148. *See also* Goodwin v. Youth Sports Ass'n Purchasing Group, No. 00-813-L, 2001 WL 128442, at \*4 (Mass. Super. Ct. Feb. 14, 2001) (identifying statutory duties created because of public policy concerns).

149. *See also* Goodwin, No. 00-813-L, 2001 WL 128442, \*4 (Mass. Super. Ct. Feb. 14, 2001) identifying statutory duties created because of public policy concerns).

landowners by presenting ample evidence of the growing violence at youth sporting events.<sup>150</sup> Courts have the authority to determine the law based on changing concepts of individual's rights and duties in relation to other members of society.<sup>151</sup> Courts have this authority because it reflects the public's concern with the personal safety of every individual.<sup>152</sup>

#### F. New Duty for Landowners

Youth Associations fear that a verdict extending liability to property owners would lead to their accountability for outbursts of each and every irate parent, fan, or coach.<sup>153</sup> The *Hills* court stated that it was respective communities' responsibility to preserve the structure of youth sports programs.<sup>154</sup> The parental violence continues despite community efforts to employ strict policies against violent parents.<sup>155</sup> Landowners or sponsors must have a duty to protect participants from attack.<sup>156</sup> Several preventive methods exist, such as adding security personnel, supervising the bleachers, and prompt removal of overreacting fans.<sup>157</sup> "An across the board imposition of duty would promote judicial efficiency and would guide property owners and their attorneys in managing of their premises."<sup>158</sup>

150. See also Clifton, *supra* note 4 (stressing violence so severe as parents drugging child's opponents); McDaniel, *supra* note 102, at B2 (observing hockey dad's violent temper led to choking eight-year old hockey player); Steve Simmons, *It's Not Minor-or Sporting; Parental Violence Has Not Just Crossed the Line but Erased it*, TORONTO SUN, Jan. 18, 2005, at 23 (recognizing increase in parental violence from five percent in 1995 to fifteen percent in 2000). The National Alliance for Youth Sports (NAYS) performed a study to see how much violence was occurring at youth sporting events. Simmons, *supra* note 150. The report described that even though an estimated 150 violent incidents happening annually, percentage-wise is miniscule, it is way too many. Simmons, *supra* note 150.

151. See *Pridgen v. Boston Hous. Auth.*, 308 N.E.2d 467, 477 (Mass. 1974) (explaining courts' authority to create duties based on changing social values).

152. See *Yakubowicz v. Paramount Pictures Corp.*, 536 N.E.2d 1067, 1070 (Mass. 1989) (distinguishing courts' function to protect public when statute does not); *Whitman v. Sacchetti*, 2001 Mass. App. Div. 122, 123-24 (2001) (determining legal duty based on existing social values and customs).

153. See *Van der Smissen*, *supra* note 17, at 323 (detailing facility providers concerns over their liability); see also *Fiore*, *supra* note 4, at 114 (acknowledging growing problem of violence needs to be addressed before exacerbated).

154. See *Hills v. Bridgeview Little League Ass'n*, 745 N.E.2d 1166, 1193-94 (Harrison, J., dissenting) (Ill. 2000) (demanding communities make landowners due more than look away from violence but actually stop it); see also Douglas E. Abrams, *The Challenge Facing Parents and Coaches in Youth Sports: Assuring Children Fun and Equal Opportunity*, 8 VILL. SPORTS & ENT. L.J. 286 (2002) (focusing on taxpayers' responsibility to remain vigilant at town meetings to challenge elected officials).

155. See *Abrams*, *supra* note 154, at 286 (finding elected officials must do more to protect youth participants).

156. See *Docheff & Conn*, *supra* note 7 (developing directives for youth programs to enhance supervision at youth sporting events). Docheff and Conn suggest possible solutions to youth violence, including: sportsmanship classes, parental codes of conduct, zero tolerance policies, silent Saturdays and Sundays, fining abusive spectators, non-scoring games, and special programs involving methods to just "enjoy the game." *Id.*

157. See *Docheff & Conn*, *supra* note 7 (identifying need for site manager or parents to police themselves).

158. See *Taylor & Taylor*, *supra* note 30, at 99 (suggesting landowners in best position to provide safer playing fields).

*G. Positives and Negatives That This Type of Liability Will Have on  
Landowners, Associations, and Towns*

*1. Positives*

There are many benefits to extending duty on landowners.<sup>159</sup> For one, it would promote landowner responsibility and emphasize player safety by placing a distressing financial effect on landowners.<sup>160</sup> This will force landowners to better secure playing fields with security personnel or obstacles to prevent a violent fan from running onto the field.<sup>161</sup> Additionally, potential financial penalties make the policy one of prevention rather than prosecution.<sup>162</sup>

*2. Negatives*

Providing safe playing fields for children far outweighs the negative effects of a court-imposed duty on landowners.<sup>163</sup> Imposing an affirmative duty, however, may cause landowners to prohibit youth sports organizations from using their facilities.<sup>164</sup> In addition to causing field shortages, it could also cause landowners to defray potential litigation costs by spreading fees among sport participants, fans, and advertisers.<sup>165</sup> In many cases, however, the landowner will not close its doors to youth sports organizations because landowners need the money these programs generate.<sup>166</sup> Also, many athletic fields are owned by towns that have an obligation to continue offering these fields to its youth.<sup>167</sup> Most likely, the landowners will take the initiative to employ tighter policies and security measures to protect the youth participants, volunteer coaches and referees.<sup>168</sup>

---

159. See Docheff & Conn, *supra* note 7 (noting better sport experiences children have without parental violence).

160. See Nutt, *supra* note 11, at 747 (considering incentives created by extending liability to landowners). Landowners would be responsible for legal, insurance, and security costs associated with premises liability. *Id.*

161. See Zacharias, *supra* note 27 (noting similar incentives for public property owners to make their facilities safer).

162. See Starick, *supra* note 103 (focusing on preventive measures government can take to reduce violence).

163. See *Hills v. Bridgeview Little League Ass'n*, 745 N.E.2d 1166, 1194 (Ill. 2000) (Harrison J., dissenting) (stating safer playing fields greatly outweighs inconsequential burdens on landowners).

164. See Heinzmann, *supra* note 4 (suggesting public facilities at risk because of subsequent lawsuits involving spectator violence).

165. See Heinzmann, *supra* note 4 (discussing potential lawsuits involving spectator violence resulting from administrator's negligence).

166. See also Abrams, *supra* note 154, at 281 (recognizing costs associated with organized sports participation).

167. See Abrams, *supra* note 154, at 284 (analyzing different obligations public agencies should owe to private programs). The public agencies must mandate an equal opportunity for the town's children. Abrams, *supra* note 154.

168. See *Hills v. Bridgeview Little League Ass'n*, 745 N.E.2d 1166, 1194 (Ill. 2000) (Harrison, J., dissenting) (determining Little League baseball not at issue with such result).

Requiring landowners and sponsors to take responsibility for what occurs on their fields or at their events should improve the quality and popularity of youth sporting events by facilitating a safer and more secure playing environment.<sup>169</sup> Without making this change in liability, the laws fail to protect the thousands of children who play the game and the volunteers that donate their time to youth sports.<sup>170</sup> As it is apparent that the elected officials will not take steps to extend the liability, the responsibility is placed on the Massachusetts courts' to provide for it.<sup>171</sup>

#### IV. CONCLUSION

Parents always believe their child is the best athlete. In this day and age, parents' expectations for athletic scholarships increase along with tuition costs. Children are being forced to be the next professional athlete at the cost of losing their self-control. Organizations have tried curtailing the violence by forcing parents to do everything from taking sportsmanship classes to signing forms which say they will forfeit their children's right to play if the adult becomes unreasonable.

Unfortunately, the response has not been effective enough because parental rage continues at unprecedented rates. Stronger initiatives must be taken to prevent harm to our nation's children. An unreasonable burden should not be placed on the owners of youth sporting venues. The owners, however, are in the best position to secure their own premises and must help protect their patrons. Landowners should not be able to escape liability because a common-law duty does not exist. The courts, as warranted by social policy, must determine an affirmative duty to warn and protect.

Once a duty has been established, either through a special relationship, statute, or judicially, the plaintiff must still prove the foreseeability of the attack. This includes knowledge of individuals' prior incidents of outrage, or witnessing the aggressor becoming enraged or violent before the attack. In addition, the landowner may be on notice already if there have been prior incidents of parental rage at his facility. Lastly, landowners should have strict policies in place to prevent the incidents at their sporting facilities because parental violence is prevalent at youth events.

Extending liability to landowners to guard invitees against attacks from third parties is not a novel concept. As social policy continues to change, so does the concept of individual duties to others. Owners and individuals of youth fields

---

169. *See Id.* (Harrison, J., dissenting) (suggesting affirmative duty placed on landowners will improve quality and popularity of youth sports).

170. *See Id.* (Harrison, J., dissenting) (stating volunteer coaches and players vulnerable to attack unless duty is extended).

171. *See Abrams, supra* note 154, at 261-62 (discussing organizations and associations taken steps to protect youth officials but not youth participants); *see also* MASS. GEN. LAWS ch. 231, § 85V (2004) (limiting volunteer officials liability at youth programs, but not protecting youth participants).

have the ability to protect children and volunteers against parental outbursts. The system in place is wrong; it should not be focused on discipline, but rather focused on prevention. Policies should be in place to have safe playing fields for each child using them. Safety measures should not take effect after a child is injured by an irate parent who could have been handled prior to the attack.

*Kevin P. Polansky*