

USMS CONVENTION – Greensboro, NC - 2005

Committee Name: **Ad Hoc Legal Counselors** Session # (if more than one meeting):

Cmte. report #:

15

Minutes recorded by: **John Hughes & Patty Miller**

Date/time of this meeting: **September 16, 2005/11:30 a.m**

ACTION ITEMS - PROPOSED EXPENDITURES

None

ACTION ITEMS - OTHER

None

Committee Chair: **Patty Miller**

Vice Chair(s): **Bruce Hopson**

Number of committee members present: **7**

Absent: **6**

Number of other delegates at this meeting: **6**

Committee members present: Patty Miller (Chair); Bruce Hopson (Vice Chair); Mike Lemke; Lianne Crittenden; Nan Stager; Jon Steiner; John Hughes; Bruce Hopson

MINUTES

The meeting was called to order at: 11:35 a.m.

1. On-line Registration

The committee discussed the status of efforts to institute on-line registration within USMS, both with regard to registration for membership and event registration. The legal issue for such registration involves the “signing” of liability waivers. The committee discussed the balance of risk and level of assurance with regard to validity of such waivers signed electronically.

Dan Cox of Ohio Masters brought to the committee the on-line registration form he plans to use for the USMS 1-Hour Postal Swim. Dan explained the features of the process he would use that impact validity, including inability to pass through the form without clicking to accept the waiver, individual identifiers that registrants will be required to provide, two actions required to accept the waiver, and automatic downloading of waiver information for record-keeping. Patty Miller will investigate insurance acceptance of such a waiver and make a recommendation to the new Executive Committee about allowing on-line registration for this particular event.

The committee noted that USMS has double waiver protection, in that members must sign a waiver with their registration every year and must also sign waivers for each competitive event in which they participate. It was suggested that, for extra emphasis, the registration waiver be expanded to explain that such waiver covers all events in which a member participates. Bruce Hopson will work on additional language – trying to keep it as simple as possible – that may be added when USMS switches to on-line membership registration.

Also, in the event that a task force is formed through the Registration Committee or otherwise to work on on-line registration, Bruce Hopson volunteered to serve as the legal advisor to the task force.

2. Trademark

Lianne Crittenden reported on the status of efforts with regard to the USMS trademark registration renewal. In relation to that work, she suggested that the committee poll LMSCs through their Zone Representatives to determine the frequency with which the term “masters swimming” is used on the local or national level for non-USMS events and practices. Such information will be informative for determining the scope of our trademark efforts but may also help reveal some marketing opportunities for USMS.

3. Legal Support for XI FINA World Masters Championships

Michael Moore, from the XI FINA World Masters Championships Local Organizing Committee, attended the committee meeting and thanked committee members for their assistance to date with legal issues related to the World Championships. He does not have any current needs for legal assistance, but will call on the committee if necessary.

4. **Governance Changes**

In light of the current governance focus on committee structure, the committee discussed the model for Ad Hoc Legal Counselors. It was suggested that the group may function best as an advisory board rather than a formal committee, albeit ad hoc. The formal committee structure can hinder full discussion about legal advice and the reporting requirements for committees can be inappropriate when privileged matters are discussed by the committee.

5. **Policies and Procedures for National Board of Review**

The committee discussed briefly the existence of draft Policies and Procedures for the National Board of Review. It was the consensus of the group that it is appropriate for the National Board of Review Chair to complete draft policies and procedures and then submit them for legal review.

6. **New Business**

After inquiry about the status of a project that the Legislative Committee had undertaken in previous years to create model LMSC bylaws, the committee discussed how it could help move the process forward. We will focus on one aspect of LMSC bylaws – grievance procedures. Jon Steiner and Nan Stager will gather exemplar LMSC grievance procedures and create a model provision.

The meeting was adjourned at: 12:48 p.m.

TASKS FOR THE UPCOMING YEAR

1. Provide legal support to any task force assigned to accomplish on-line registration.
2. Accomplish renewal of USMS trademarks and explore the need for enforcement.
3. Create model grievance provisions for LMSC bylaws.