

THE ESSENTIALS

potential clients," said Van Grack.

He suggested every Box owner meet with an attorney who can draft a relevant waiver specific to the state. Because state laws can change, he advised meeting annually with the attorney. "A helpful attorney will check back with clients when there are changes of law, but a good client will also circle back with their attorneys," he said.

A well-written form also has different sections, according to Van Grack. "When I'm drafting a solid form for a client, you will see multiple sections," he said. "You will often need multiple sections because one of the things the courts will look to is how clear the language is."

Monique Ames, the owner of CrossFit Evolution in Longwood, Florida, uses the same waiver CrossFit HQ had her sign when she Affiliated in 2007, but modified. Ames split the waiver into two separate forms: a release of liability waiver, including every possible activity that a member might try, and an intake questionnaire. In Ames' opinion, both are equally important.

In addition, Ames avoids the same plight as the go-kart company by offering a free, hour-long intro with every new client. During the introduction, she goes over the waiver and intake form, discusses pre-existing injuries, and sets up a routine for clients. "If they did have something wrong with them, then they injure

themselves, it's going to be a lot harder for them to sue me," said Ames.

Kevin Ellison, the Affiliate of CrossFit Salt, in Brunswick, Georgia, said drop-ins are the most difficult to collect waivers from. To solve this, Ellison said he posts the waiver on the

Box's website and requests that visitors and new members read it, print it and bring it in signed. That way, they have plenty of time to read it thoroughly. "The last thing you want to do is stop everything you're doing and go get a waiver for a drop-in to sign," he said. "A lot of [Affiliates] use software. The best thing I've been able to do is attach it to my website."

If a potential member hasn't signed the waiver and gone through the intro with Ames, she won't even give them a tour of the Box. "Absolutely do not let them touch your stuff," she said. "Especially for walk-ins that come in with kids ... you always have to tell the parents, 'Your kids can't play on the equipment without signing a waiver.'"

So, while you tend to the injured member, have faith in your waiver and attorney. "There's no way to ever know what a court is going to say because

courts will do what courts will do," said Van Grack. "But what you can do is know what the law is, if there's any specifics to that area, and also know what the case law is and how courts have interpreted in that state." ❌

"A helpful attorney will check back with clients ... but a good client will also circle back with their attorneys."

**ADAM
VAN GRACK**

WAIVERS AND PHOTOGRAPHY:

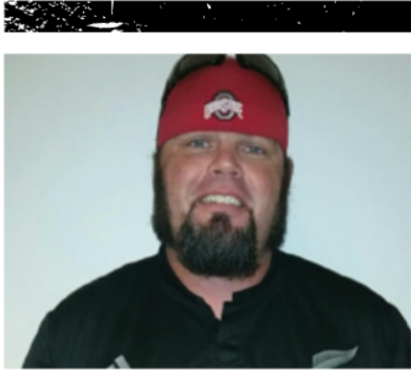
Kevin Ellison believes the photography consent section of his waiver is the most important: "For videotape and photograph, some people have an issue with that and some do not. It always comes up in a time when you've used it and then the member says they don't like it. It's like, 'I'll take it off, but you signed a waiver.'"

Monique Ames includes a photography release in the waiver: "If I decide I like certain photos, I want to be able to use it in my marketing materials without any expectation of paying somebody for it or getting sued by them. Of course, I always ask them if I have their permission because if they don't like a photo or a certain picture ... I won't use it."

WAIVERS AND EVENTS:

Here are three tips for dealing with waivers and liability when it comes to hosting events in your Box:

- Collect a release of liability waiver from every participant. CrossFit Salt collects waivers from spectators, too.
- CrossFit Evolution blocks off parts of the gym that aren't in use during the competition. Also, think about delegating the task of bouncer to a willing volunteer.
- Make sure only competitors are in the warm-up area and don't let anyone who hasn't signed a waiver touch your equipment.

XTRAINSIGHT**BY VAUGHN VERNON**

Owner
Affiliate Guard

vaughn@affiliateguard.info
801.667.0076
affiliateguard.info

The Importance of a Waiver When it Comes to Your Business

People get hurt. Not because our sport is dangerous, but because life happens. Injuries are impossible to prevent, even under the most watchful eye. If someone gets hurt in your Box, even if it's your mom's uncle's cousin's best friend, they will come after you.

As a Box owner, you cannot be defended in a court battle without a signed waiver. Before a client is assessed, warmed up or worked out, they must sign a waiver.

You are only as protected as your waiver keeps you. It's virtually impossible for you to be at your Box every minute, so the people who have your back really need to have a

signed waiver as well. There must be a zero tolerance policy on waiver compliance for every trainer on your staff.

In the event an athlete gets injured without a waiver, you will be financially liable. It's not a matter of fault if there's not a waiver in place. This liability could include damages, lost wages and pain.

Prevent your own pain and suffering by getting that paper, or e-signature, from every person that comes into your Box. Affiliate Guard is just a phone call away, has many customizable templates and would be happy to review your current waiver to ensure you are protected.

PALEO ON THE GO
REAL FOOD DELIVERED

Love your body. Eat Real Food.

SAVE 10% ON YOUR NEXT ORDER
USE PROMO CODE
BOXPRO
PALEOONTHEGO.COM