

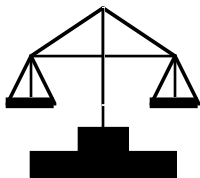
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OCTOBER 1-2, 2012 HOUSTON

THE MEETING PROFESSIONAL'S GUIDE TO LIABILITY AND RISK MANAGEMENT

Protecting Your Organization from Loss and Liability



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THE MEETING PROFESSIONAL'S GUIDE TO LIABILITY AND RISK MANAGEMENT

Protecting Your Organization from Loss and Liability

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I. Introduction and Overview

- What we will discuss

II. Understanding the Basics

- Three areas of the law important to meeting professionals
- Typical risks affecting meetings and events
- Risk management basics
- Four questions that have to be answered before every meeting event regarding liability and risk management
- Five risk management concepts every event planner should know
- Security Planning vs. Liability Planning
- Negligence Liability: Four legal duties meeting and event sponsors have to attendees and staff
- Case examples:
 - Chilko River case
 - Cerasoli vs. Westin Peachtree Plaza
 - Coughlin vs. Las Vegas Hilton

III. Putting “Risk Management” into Practice: Avoiding the Risk, Loss Control / Transferring the risk

- Specific risk management tips

IV. Insurance for Meeting and Event Sponsors – What’s Available

(See Risk Management Tips below for definitions)

- Commercial General Liability
- Event Cancellation Insurance
- Broad Form Property Liability
- Worker’s Compensation

V. Q&A

RISK MANAGEMENT TIPS FOR MEETING PROFESSIONALS

(For future reference. Not all tips will be discussed during the session)

1. Recognize that meeting sponsors owe legal duties to attendees. (Duty to: Investigate - Inform/Warn - Safety/Well-Being - No Subjection to Unreasonable Risks)
2. Understand and implement the five rules of risk management - (risk *avoidance, risk retention, risk transfer, loss control, insurance*)
3. Outsource hazardous activities to specialized vendors and require indemnification.
4. Warn attendees and staff) (in advance and onsite) of uncommon hazards in the facility or locale. (e.g. crime)
5. Get a hold harmless and indemnification agreement from all vendors and suppliers to protect your organization from claims by third parties.
6. Require all vendors and suppliers to add the meeting sponsor (and facility) to the vendor's insurance as additional insured and require certificates of insurance
7. Don't sign hold harmless and indemnification clauses that shift all liability to your organization. (*Only accept liability for your organization's acts or omissions*)
8. Check out all suppliers regarding their reputation for safety and financial stability, before the contract is signed.
9. Use terms in supplier contracts making suppliers responsible for the acts or omissions of their employees and agents
10. Use safety checklists on site inspections, and train your staff how to handle emergencies and where to get help.
11. Have all suppliers indemnify, hold harmless and defend the meeting sponsor for the negligence or misconduct of the supplier. (*All facilities, caterers, AV providers, decorators, transportation providers, etc.*)
12. Ask attendees for personal emergency and contact information and print that information on back of name badge
13. Know who on the staff (yours and theirs) is trained to do what.
14. Communicate risks and solutions to attendees, staff, facility personnel, and vendors
15. Insist that meeting facilities warrant and represent that they will comply with all health, safety, and fire regulations and with the Americans with Disabilities Act (ADA). (*Understand the meeting sponsor's responsibilities under the ADA as well.*)
16. Provide security and medical personnel at large events.
17. Use facilities that have defibrillators readily available. (*Know where to find one when the time comes*)
18. Provide all attendees with emergency information including phone numbers for nearby medical assistance.

19. Make attendees and exhibitors contractually responsible for their own lost property.
20. Insert errors and omissions clauses in your contracts and registration forms for acts or omissions of third parties.
21. Require attendees who participate in hazardous activities to sign a Release and Waiver of Liability with specific details (*i.e. sporting events, horseback riding, white water rafting, ballooning, etc.*)
22. Have a disaster plan (crisis plan) and train the planning staff to handle emergencies with “what if” scenarios. **STICK TO THE PLAN.**
23. Require all facilities to be responsible for security in the common areas under their control – both inside and outside the building.
24. Monitor and control alcohol at all times and avoid alcohol at sporting events.
25. Get insurance for property losses and third-party liability. Insist on a mutual waiver of subrogation from the hotel and/or convention center for property losses over the amount of your insurance.
26. Require both parties to a contract to hold harmless and indemnify the other party and have insurance for the acts and omissions of either party against third party claims.
27. Contractually state the amount of property insurance required of each party and limit your liability for damage to the other party party’s to the amount of insurance required.
28. Get a Release and Waiver of Liability from parents if children are allowed to participate in meeting activities or if childcare services are provided at the event.
29. Obtain music licenses from ASCAP and BMI when required. (*Always required with the use of mechanical or live performance of copyrighted music. The end user, not the performer, has the responsibility*)
30. Include a comprehensive “Force majeure / Termination / Excuse of Performance” clause in all contracts (*i.e. cover Impossibility, Frustration of Purpose, Impracticability of performance*)
31. If privacy and confidentiality are important to your meeting, take appropriate steps and contractually require facility to comply.
32. Monitor the websites for the World Health Organization and the Center for Disease Control
33. Monitor the Department of State / Overseas Security Advisory Council (OSAC) web site for international meetings
34. Keep up with local events and weather conditions in the cities where your meetings will be held.
35. Get appropriate insurance coverage for risks that can’t be *avoided, controlled, or transferred.*

➤ **Insurance for Meetings and Events**

Third-party Coverage

- **Commercial General Liability (CGL) / Business Event Liability Insurance (BELI)**

CGL insurance protects the company from liability for harm it has caused to others.

It covers:

- Bodily injury and property damage to third parties
- Personal Injury – Libel, slander and false arrest
- Advertising liability
- Fire legal liability
- Medical payments
- Host liquor liability
- Exhibitor’s Liability (Optional)
- Terrorism (Optional)
- Event Cancellation Insurance
 - Covers losses from events that don’t take place or are disrupted for reasons outside the event sponsor’s control caused by covered perils
 - Return of Exhibitor fees
 - Loss of profits or incurred expenses
 - Cost of rescheduling event
 - “No Loss” rebate (variable)
- Broad Form Property Coverage
 - “All Risks” – subject to certain limitations
 - Event materials
 - Property in transit to and from meeting facility
 - Items in storage area
 - Theft from exhibit hall
 - Cash receipts
 - Exhibitors’ property (optional)
- Worker’s Compensation

A non-fault coverage protecting employees who suffer an injury or illness arising out of and in the scope of their business

First Party Coverage

- Fire Insurance
- Non-owned Automobiles coverage
- Employee and Consultant Fidelity coverage

General Risk Management Resources

Crisis Plans

Destination Marketing Association International (DMAI)
www.destinationmarketing.org (Resources – Resource Center – Crisis Management)

International Association of Exhibitions and Events (IAEE)
www.iaem.org (Industry Resources – Center for Exhibition Safety & Security)

Convention Industry Council (CIC)
www.conventionindustry.org (Industry information – Resource Center – Travel Safety)

NFPA1600 Standard for Disaster/Emergency Management and Contingency Planning -
<http://www.nfpa.org/PDF/nfpa1600.pdf?src=nfpa> (not meetings industry specific, but a great resource)

Emergency Management Guide for Business and Industry (FEMA 141)
<http://www.fema.gov/business/guide/index.shtm>

Training & Equipment

American Red Cross – <http://www.americanredcross.org>
American Heart Association (including international training centers) –
<http://www.americanheart.org>
HeartSaver CPR/AED & First Aid (will travel to train groups) -
<http://www.gwemed.edu/training/>
Attainium (disaster drills and exercises) - <http://www.attainium.net/>
Galls (provider of first aid and emergency equipment) – <http://www.galls.com>

Insurance

Aon Insurance – <http://www.asae-aon.com>
MEDEX – <http://www.medexassist.com>

Services

Medical

Worldwide Assistance Services, Inc. – <http://www.worldwideassistance.com>
Inn-House Doctor - <http://www.inn-housedoctor.com/>
In House Physicians – <http://www.inhousephysicians.com>

Security

Allied Intelligence Worldwide – <http://www.alliedintel.com>
Crowd Dynamics (International Crowd Safety Consultants) – <http://crowddynamics.com>

Communications

Crisis communications tips - <http://usinfo.state.gov/products/pubs/pressoffice/crisis.htm>

Risk Management Resource Websites

Overseas Security Advisory Council – www.osac.gov
Centers for Disease Control and Prevention – <http://www.cdc.gov>
Contingency Planning World – <http://www.business-continuity-world.com>
Crime Statistics (US and by State) - <http://www.disastercenter.com/crime/>

General Risk Management Resources - Continued

Department of Homeland Security – <http://www.dhs.gov>
Disaster Recovery Institute - <http://www.drii.org/>
Emergency Management.net – <http://www.emergency-management.net>
Federal Emergency Management Agency – <http://www.fema.org>
International Association for Medical Assistance to Travelers (IAMAT) – <http://www.iamat.org>
Ijet Travel Risk Management – <http://www.ijet.com>
National Weather Service (NOAA) – <http://www.nws.noaa.gov/>
Nonprofit Risk Management Center – <http://www.nonprofitrisk.org>
Ready.gov – <http://www.ready.gov>
Risk Management Resource Center – <http://www.eriskcenter.org>
Safety Online – <http://www.safetyonline.com>
Transportation Security Administration – <http://www.tsa.gov>
Travel Medicine – <http://www.travmed.com>
U.S. Department of State Travel Warnings - <http://travel.state.gov/travel/warnings.html>
World Health Organization – <http://www.who.int>

Insurance Information

FM Global – www.fmglobal.com
Travel Agency Insurance – www.berkely.com and
Travel Agent Errors and Omissions - www.taprotect.com
Private Event Insurance – www.privateinsurance.com

Books

The Special Events Advisor, Wiley, David Sorin
Risk Management for Meetings and Events, BH, Julia Rutherford Silvers
Professional Meeting Management, PCMA
Convention Industry Council Manual, Convention Industry Council
Event Risk Management and Safety, Wiley, Parter E. Tarlow
Hospitality Law, Wiley, Stephen Barth

Publications

Contingency Planning magazine – <http://www.contingencyplanning.com>
Journal of Homeland Security and Emergency Management – <http://www.bepress.com/jhsem>

Associations

Association of Contingency Planners (ACP) – <http://www.acp-international.com>
American Society of Industrial Security (ASIS) – <http://www.asisonline.org>
Business Continuity Planners Association (BCPA) – <http://www.bcpa.org>
Risk and Insurance Management Society, Inc. (RIMS) – <http://www.rims.org>
The Business Continuity Institute – <http://www.thebci.org>

Laws and Regulatory (U.S.)

ADA Home Page (U.S. Department of Justice) - <http://www.usdoj.gov/crt/ada/adahom1.htm>
American Society of Composers, Authors, and Publishers (ASCAP) – <http://www.ascap.com>
Broadcast Music, Inc. (BMI) – www.bmi.com
FindLaw – <http://www.findlaw.com>
Hotel and Motel Fire Safety Act (Public Law 101-391) - http://www.emergency-management.net/act_fire.htm
Occupational Safety & Health Administration (OSHA) – <http://www.osha.gov>
U.S. Copyright Office – <http://www.copyright.gov>
U.S. Patent and Trademark Office – <http://www.uspto.gov>

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BIO AND PROFESSIONAL BACKGROUND



JOHN S. FOSTER, ESQ. CHME is an attorney and counsel whose firm FOSTER, JENSEN & GULLEY, LLC specializes in the legal aspects of meetings & conventions, trade shows & events, and association management. He has been an associate or general counsel for over four hundred (400) national and regional associations and companies since 1986 and has been named as one of the 25 most influential people in the meetings industry by MeetingNews. His peers have also voted John a Special Recognition Award as “Corporate Member of the Year” through the Georgia Society of Association Executives. Professional Convention Management Association (PCMA) Members voted John special recognition as its “Author of the Year” for his frequent contributions to Convene magazine. John has also been selected as a Subject Matter Expert (SME) for the Meeting Professionals International (MPI) peer-to-peer assistance program, a select member of the MPI Advisory Panel, a Platinum Speaker

for Meeting Professionals International (MPI) and a Best in Class Speaker for the Professional Convention Management Association (PCMA).

John is currently Meeting Professionals International’s (MPI – Dallas Headquarters) outside legal counsel for industry contracts and handling other legal issues.

John’s professional experience includes twelve (12) years as a director of sales and marketing for Hyatt Hotels and Resorts, Marriott Hotels and Resorts, and Holiday Inns and he holds the Certified Hospitality Marketing Executive (CHME) designation from HSMIAI.

John has been an adjunct professor at Georgia State University and a guest lecturer at the University of Oklahoma, Arizona State University, University of North Carolina, and Kennesaw State University in their respective meeting management programs. John handles in-house legal training as well as contract preparation and negotiations for corporations and associations nationwide. He is a well-known expert in the hospitality and association industries and he speaks frequently at industry events. His office is in Atlanta, Georgia.