

## USMS CONVENTION – San Diego, CA – 2003

Committee Name: Ad Hoc Legal Counselors

Session # (if more than one meeting):

Cmte. report #: **26**

Minutes recorded by: Hill Carrow

Date/time of this meeting: September 14, j003, 9:15 a.m.

### ACTION ITEMS PROPOSED EXPENDITURES

None

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1. MSA to recommend approval of the changes to Part 4 of USMS rules.
2. MSA to have the Legal Counselors Committee work with the Legislation Committee to draft model LMSC bylaws.

Committee Chair: Patty Powis

Vice Chair(s): Mike Lemke

Number of committee members present: 6

Absent: 6

Number of other delegates at this meeting: 7

Committee members present (list all): Patty Powis, Jon Steiner, Hill Carrow, Mike Lemke, Mike Laux, Bruce Hopson

### MINUTES

The meeting was called to order at: 9:15 a.m.

- I. Legal aspects of 2006 FINA Masters World Championships
  - A. Immigration issues: FINA will ask the organizing body for the World Championships to use its best efforts to assist in getting athletes into the host country. Although committee members have contacts with knowledge of immigration law and regulations, no one is specifically knowledgeable on the subject. Bruce Hopson indicated awareness of some US immigration policies that won't allow HIV positive (if known) travelers into the country. Mike Laux read a summary of visa discussions with FINA for the upcoming 2004 Short Course World Swimming Championships in Indianapolis. Jon Steiner will contact an immigration attorney he knows to identify issues in this regard. Hill Carrow will contact US Olympic Committee (and/or NGB) officials who deal with immigration issues to get their suggestions.
  - B. Contracts: Pacific is talking about forming a separate non-profit corporation to serve as the meet Local Organizing Committee for Worlds. Jon Steiner agreed to be the liaison to Pacific on this. He discussed some issues with this including representation on that board, and forming it as a 501(c)(3) organization.
  - C. Stanford's contracted employee: The committee advised that, to avoid any confusion about a person working for Stanford being an employee or agent of USMS, the cost of this person's salary should be included in the lump sum payment (or series of payments) paid to Stanford for facility rent, management, etc.
  - D. Mike Laux expressed reservations about the financial risk and reward structure proposed thus far for Worlds. A number of committee members weighed in on this and it was agreed these issues should be discussed in the International Meeting which immediately follows this meeting.
- II. Part 4 Amendments: A motion was MSA to recommend approval of the changes to Part 4 of USMS rules. New legislation such as this takes effect Jan. 1 according to the rulebook.
  - A. Committee Comments: The Committee praised the Legislation Committee's work on the Part 4 changes and their implications.
  - B. National Board of Review: Patty Powis indicated that members of this Committee might want to serve on the National Board of Review which will be formed if the amendments to Part 4 are approved by the House of Delegates.
  - C. Grievance Procedures for LMSCs: The changes to Part 4 require grievances that arise in an LMSC to be heard first within the LMSC and handled under LMSC grievance procedures. Patty pointed out that some LMSCs don't have such procedures. To help address this, a group is putting together a new set of model bylaws. It was MSA to have the Legal Counselors Committee work with the Legislation Committee to draft

model LMSC bylaws. Bruce Hobson volunteered to serve as our Legal Counselors Committee member with this group.

- III. Assistance to Insurance Committee for guide to signing facility contracts: Some contracts include language assuming liability for even the facility's sole negligence. Colleen Driscoll, Chair of USMS's Insurance Committee, discussed the issue with the Legal Counselors Committee. Colleen and Patty will work on creating some guidance for LMSCs and clubs but may come to the Committee for advice.
- IV. Advice to Registrars on Retention of Registration Information: Patty was asked specifically by the Registrar (George Simon) in NC regarding how long registration information needs to be retained. Registrars in general have been asking for recommendations in this regard. Patty asked for volunteers to do the research on the longest statute of limitations among states for personal injury and wrongful death. Jon Steiner suggested the possibility of having important records scanned and stored electronically in a central location. Patty will explore the issue of scanning/imaging with USMS's Webmaster/Information Technology Director. Bruce again agreed to be our Committee volunteer to research state statutes of limitations. Patty praised Bruce for stepping up to the plate again. After Bruce's research, Patty will draft a guidance statement for LMSC Chairs and registrars, to include advice on records retention in general and the amount of time that records should be retained.
- V. Database Initiative Update: Jim Matysek is working on on-line registration. Patty anticipates that event registration will be available before on-line membership registration.
- VI. Committee Involvement and Communication: Patty encouraged everyone to ask other attorneys to participate on the Committee. Participation is easy given the Committee work is done via e-mail. Committee members do not have to attend Convention to participate.

The meeting was adjourned at: 10:25 a.m.