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Equestrian trainer liability not as easy as it seems

Many highly publicized sports have endured the unfortunate reality of athletes utilizing illegal substances to enhance performance in competition arenas and training programs.

Equestrian sports similarly regulate medication and supplement use for both the human and equine athlete. In addition to horse blood and urine testing protocols, competitors are required to identify their “trainer” and their “coach” on each equestrian competition entry form, in part, to facilitate state and federal regulators’ efforts to combat corrupt practices attempting to influence the performance of horses through the use of illegal substances and medications.

The United States Equestrian Federation, pursuant to its authority as the national governing body for equestrian sports, maintains a “drugs and medications rule,” entitled Responsibility and Accountability of Trainers, which provides that:

“Trainers in the absence of substantial evidence to the contrary are responsible and accountable under penalty provisions of these rules.”

The rule establishes the circumstances under which a horse trainer is liable when a horse’s pre- or post-competition drug test reveals the presence of a prohibited substance.

Providing the competitor’s trainer and coach information on the competition form facilitates federation’s investigation and prosecution of rule violations. The rule is not intended to hold a mere coach liable as trainer.

Competitors must correctly identify one as a “coach” or “trainer” and understand the responsibilities and legal accountability for this naming. In-

correctly, or possibly even unnecessarily, listing a “coach” as a “trainer” may have serious, yet inadvertent, legal and professional consequences.

Responsibility and accountability

Under the rule, trainers are responsible and accountable for (a) the condition of a horse or pony at a recognized competition (b) to guard each horse and/or pony at, and sufficiently prior to, a recognized competition such as to prevent the administration by anyone of, or its exposure to, any forbidden substance and (c) to know all of the provisions of the equine drugs and medications rule.

The federation reasons that trainers, more than anyone else, are in the position to either know who was responsible for administering or exposing a horse to a forbidden substance, or to guard the horse in order to prevent it. The rule is touted as a rational means to accomplish the goal of preventing use of prohibited substance and enforcing violations by compelling trainers to exercise a high degree of vigilance in guarding their horses and reporting any illicit use of drugs, medications or other restricted substances by other individuals having access to their horses.

The rebuttable presumption of responsibility facilitates the difficult enforcement of the restrictions on the use of drugs and other substances in equestrian sports. Indeed, it would be virtually impossible to regulate the administering of drugs to competing horses if the trainers, the individuals primarily responsible for the care and condition of their horses, could not be held accountable for the illicit drugging of their horses or for the failure either to safeguard their horses against such drugging or



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to identify the person actually at fault.

The rule, however, is not an “absolute liability” rule in that it provides an opportunity for the trainer to defend against a claim of culpability with substantial evidence of his or her innocence.

This “rebuttable presumption” of liability enables the trainer, at a federation hearing, to present evidence establishing his or her lack of responsibility and accountability or the responsibility of another individual.

This burden of proof, however, is a strict one. The trainer must submit actual evidence, not mere speculation, conjecture or circumstantial evidence. Actual evidence could include proof that he or she was not the trainer of the horse as it has been defined in the rule, that someone else was the trainer; that the illegal substance was administered to the horse by another person or an environmental factor; that the horse was exposed to the substance by some third party or an otherwise innocuous product (i.e. contaminated feed or water supply) or that the trainer took some affirmative action to prevent the horse’s exposure to the substance.

The trainer

As detailed above, the rule applies to the “trainer” of the tested horse. The rule defines a trainer as: “[A]ny adult or adults who has or shares the responsibility for the care, training, custody, condition or performance of a horse and/or pony.” It is not uncommon, under this definition, for a competing horse to have more than one trainer.

While the “trainer” is required to sign the competition form, even if she/he is also the owner, rider and coach, an individual may be held responsible as a trainer even if he/she did not sign the entry form.

If a rule violation is alleged, the “trainer” signing the entry form is typically initially charged and others may be added as the facts develop. For example, Trainer Bob is not available to sign the entry form and instructs the Rider Joe to sign as “Trainer.”

A post-competition drug test reveals the presence of a forbidden substance. Rider Joe is charged as the trainer until it is later determined that Trainer Bob had the actual responsibility for caring for and training the horse. Trainer Bob would be added to the charge, while Rider Joe would remain charged until the federation hearing committee determines who is ultimately responsible.

The coach

A coach is defined as “any adult or adults who receives remuneration for having or sharing the responsibility for instructing, teaching, schooling or advising a rider, driver, handler or vaulter in equestrian skills.”

As mentioned above, the rule is not intended to hold a coach responsible in the capacity of a trainer where he or she merely meets the horse and rider at a competition, makes no decisions

about the horse and had no responsibility, at or prior to the competition, for its care, training, custody, condition or performance.

However, if a coach gives a horse medication, or made decisions about its diet, for example, the federation could then classify the coach as a trainer and hold him or her answerable for any rule violations.

Consequently, the manner in which an individual signs the

competition entry form is not dispositive of his or her responsibility under the rule. The completed form simply expedites the investigative and hearing process in determining who should be held responsible and accountable.

The federation hearing committee, based on the facts in each situation, will determine whether an individual is found to be responsible for, or sharing responsibility for, the training of the

horse or its care, custody, condition or performance and thus is the trainer.

Conclusion

The rule clearly demonstrates the importance of understanding the implications of information provided in entry forms for equestrian sports and the role individuals assume for a competitor at each event, namely whether they are acting as a trainer or merely a coach.

In the event of a suspected

rule violation, individuals may be charged as a trainer despite his/her intention to be merely a coach or outside any category whatsoever such as mom, dad or just a supportive friend.

The hearing committee will determine one's responsibilities and accountability, if any, after a complete hearing weighing the facts and circumstances of each case.

So, it is not necessarily what you know, but who you are that matters here.