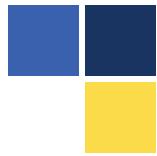


# Equine Law



## Overview

Hinshaw & Culbertson LLP attorneys provide the equine industry with valuable services protecting professionals, trainers, facilities, service providers, transporters, individual horse owners, and other equine industry participants with effective contracts, focused consultation, structured mediation and courtroom representation.

Hinshaw lawyers draft equine industry contracts including: liability releases; boarding and training agreements; transportation contracts; purchase, sale and lease agreements; commission arrangements; and other written agreements specifically tailored for each individual client's liability protection needs and intended agreement terms.

Additionally, Hinshaw attorneys represent clients in litigated cases and other forms of dispute resolution including: arbitration; mediation; settlement conferences; and negotiations on issues including personal injury, property damage, breach of contract, fraud, negligence, malpractice, misrepresentation, and other equine industry matters in various state and federal jurisdictions nationwide. We also regularly assist clients in enforcing and defending against equine lien claims for unpaid equine-related services.

Hinshaw's equine industry group also creates and organizes equine syndicates, enabling riders and individual owners to develop and compete horses of all levels from just starting out to Olympic-level caliber for a fraction of the cost and with all available liability protections afforded by the limited liability company established for this purpose.

## Equine Activity Liability Act

- Forty-seven states have a liability protection law; three do not (California, Maryland and New York)
- States recognized: (1) inherent dangers of equine activities, and (2) substantial economic and personal benefits
- Delineates responsibilities of equine activity participants

## Know Your Own State's Law

- Definitions
- Exceptions to liability protections
- Warning sign posting
- Warning language required in contracts

## Equine Activity Liability Act Definitions

- Equine activity
- Equine activity sponsor or professional
- Risks of engaging in an equine activity
- Participant
- Spectator

## Participant's Responsibilities

- Assumption of risk
- Know and act within limits of ability
- Maintain reasonable control of horse
- Heed all posted warnings
- Perform only where designated
- Refrain from acting in manner that may cause or contribute to injury of others



Yvonne C. Ocrant as featured on the cover of *Chicago Lawyer* magazine in February 2015.



I had never heard of a legal contract for horse syndication. The contract we developed through Yvonne Ocrant, and with the help of Mark Hart from the Eventing Owners Task Force, has become the template for many other syndications and partnerships today. This contract was so innovative in that it recognized not only the interests of the owner and rider, but it also dealt with our own country's desire to help keep the best horse and rider combinations together and thus able to represent our country. Yvonne Ocrant did an amazing job of facilitating this process for us. Our experience was a truly pleasant and co-operative approach to help deal with and prevent any potentially challenging situations and allow us to focus on the future. I highly recommend Yvonne Ocrant for all your legal needs.



- Allison Springer,  
2014 Rolex competitor riding Arthur and Copycat Chloe



We rely on Yvonne Ocrant for all our legal needs, from drafting liability releases to negotiating and closing business transactions. She understands the equine industry and is always available to help. Between our busy training and sales business and the hours of work it takes each day to prepare our competition horses, the last thing we want to worry about is a legal matter. Yvonne's years of experience as a lawyer and equine enthusiast, make her the only person we trust for any legal matter our business may encounter. We would refer anyone needing legal services to Yvonne whether related to equine or any other matter.



- Jonathan Holling,  
2014 Rolex competitor riding Zatopek B

## Exceptions to Liability Protections

- Faulty tack or equipment
- Mismatch
- Dangerous latent condition
- Willful or wanton disregard
- Intentional act

## Warning Sign Posting

- Post in clearly visible locations
- Where conduct equine activity
- Specific warning notice language
- One-inch black letters

## Warning in Contracts

- Specific warning notice language
- Professional services, instruction, or rental of equipment, tack or horse
- Clearly readable print

## Reducing Risk of Liability With Releases and Insurance

- Form releases fail to provide **your** material terms
  - » Statute of Limitations; limit exposure by activity, amounts, etc.; choice of jurisdiction and venue; acknowledge of assumption of risk; and signed on behalf of minor **and** parent
- Proper policy required for **your** equine activities
  - » Proper type of policy; adequate coverage limits; understand coverage and exclusions; and identify insured and additional insured individuals and entities

## Create a Legal Entity for Your Business

- Limited Liability Company
- Corporation



Yvonne C. Ocrant as featured in *Chicago Lawyer* magazine in June 2008.



---

If you are interested in learning more about our  
**Equine Law practice, contact:**

**Yvonne C. Ocrant**

222 North LaSalle Street, Suite 300  
Chicago, Illinois 60601-1081  
[yocrant@hinshawlaw.com](mailto:yocrant@hinshawlaw.com)  
312-704-3080

---

## About Yvonne C. Ocrant

As a representation of Hinshaw attorneys' knowledge of the equine industry, Yvonne C. Ocrant, a partner in the firm's Chicago office and a highly experienced equine law attorney, annually attends the National Equine Law Conference in Lexington, Kentucky — the premier seminar for equine professionals — and presents extensively on equine law issues at various conventions, association meetings, industry sponsored events, and organization training programs nationwide. She also publishes monthly columns on various equine law-related issues, which are available upon request, or online at [equestrianlawattorney.com](http://equestrianlawattorney.com).

In addition, Hinshaw, through Ms. Ocrant, provides *pro bono* legal services for equine-related humane societies.

Ms. Ocrant is: an Officer and a member of the Board of Directors with the Eventing Riders Association of North America (ERA of NA); a member of the Illinois Dressage and Combined Training Association (IDCTA), United States Eventing Association (USEA) and United States Equestrian Federation (USEF); and an active participant with the Eventing Owners Task Force (EOTF). She is an active competitor in equestrian disciplines including three-day eventing, dressage, and show jumping and trains in Ocala, Florida for the winter season.

For more information about Ms. Ocrant, visit: <http://www.hinshawlaw.com/attorneys-Yvonne-Ocrant.html>

**HINSHAW**  
& C U L B E R T S O N L L P

Arizona California Florida Illinois Indiana Massachusetts  
Minnesota Missouri New York Rhode Island Wisconsin ♦ London