A photograph of a rugged mountain range with snow patches and evergreen trees in the foreground. The text "LEADERS AND THE LEGAL SYSTEM" is overlaid in the center in a large, bold, black, serif font.

**LEADERS
AND THE
LEGAL
SYSTEM**



**WHAT RESPONSIBILITY DO YOU HAVE AS
LEADER?**

**DUTY
STANDARD OF CARE**

ORDINARY CARE

Ordinary care for an adult or for a legal entity such as a corporation means the care a **reasonably careful** adult person or corporation would exercise under the **same or similar circumstances.**

NEGLIGENCE

Negligence is the failure to exercise **ordinary care**. It is the doing of some act that a **reasonably careful** person would not do under the **same or similar circumstances** or the failure to do some act that a **reasonably careful person** would have done under the **same or similar circumstances**.

A photograph of a sunset or sunrise through a forest of bare, dark trees. The sun is a bright orange orb on the right side, partially obscured by a tree trunk. The sky is a gradient of orange and yellow. The trees are silhouetted against the bright sky.

**ORDINARY CARE = WHAT DO
SIMILAR LEADERS / GUIDES
DO?**

**STANDARD OF CARE = WHAT IS
THE REST OF THE INDUSTRY
DOING?**

BUT I'M A VOLUNTEER!



IT'S NOT ABOUT THE MONEY!



What protection do you have?

*Insurance

*Liability Releases

*Volunteer Statute



MOUNTAINEERS STEWARDSHIP/EVENT WAIVER AND SIGN-IN SHEET

Name and Location of Project: _____

Date: _____

THE MOUNTAINEERS SIGN-IN AND LIABILITY RELEASE

I hereby state that I wish to participate in event, courses and/or activities offered by The Mountaineers, a non-profit corporation. I recognize any outdoor activity may involve certain dangers, including but not limited to the hazards of traveling in mountainous terrain, accidents or illness in remote places, force of nature, and the actions of participants and other persons. I further understand and agree that without some program providing protection of its assets and its leaders, The Mountaineers would not be able to offer its courses and activities.

I understand that in this course our activity, I MAY BE PHOTOGRAPHED. I agree to allow my photo, to be used for any legitimate purpose by The Mountaineers.

In consideration of and as part payment for the right to participate in the activities offered by The Mountaineers, **I agree to RELEASE, HOLD HARMLESS AND INDEMNIFY The Mountaineers and its members from any and all liability, claims and causes of action arising out of or in any way connected with my participation, or the participation of any minor that I am signing on behalf of, in any activities offered by The Mountaineers.** This includes but is not limited to all liability claims and causes of action **in any way connected to property owned or leased by the Mountaineers, or the actions or inactions of any Mountaineers employees, members, agents, and or volunteers.**

I personally assume all risks in connection with these activities. If I am signing on behalf of a minor, I further agree to HOLD HARMLESS AND INDEMNIFY The Mountaineers and its members from all liability, claims and causes of action which the minor may have arising from the minor’s participation in activities. The terms of this agreement shall serve as a release and indemnity agreement for my heirs, personal representative, and for all members of my family, including any minors (PARENTS OR LEGAL GUARDIANS MUST SIGN FOR ALL PERSONS UNDER EIGHTEEN (18) YEARS OF AGE).


I have read this release and indemnity agreement and have fully informed myself of its contents before I have signed it.

	Name (PLEASE PRINT LEGIBLY)	Signature	Sign out	Under 18?	E-mail	Address	Phone
1							
2							
3							
4							
5							
6							
7							

RCW 4.24.670

Liability of Volunteers

- (1) Except as provided in subsection (2) of this section, a volunteer of a nonprofit organization or governmental entity shall not be personally liable for harm caused by an act or omission of the volunteer on behalf of the organization or entity if:
 - (a) **The volunteer was acting within the scope of the volunteer's responsibilities in the nonprofit organization or governmental entity at the time of the act or omission;**
 - (b) **If appropriate or required, the volunteer was properly licensed, certified, or authorized by the appropriate authorities for the activities or practice,** where the activities were or practice was undertaken within the scope of the volunteer's responsibilities in the nonprofit organization or governmental entity;
 - (c) **The harm was not caused by** willful or criminal misconduct, **gross negligence**, reckless misconduct, or a conscious, flagrant indifference to the rights or safety of the individual harmed by the volunteer;
 - (d) **The harm was not caused by the volunteer operating a motor vehicle, vessel, aircraft,** or other vehicle for which the state requires the operator or the owner of the vehicle, craft, or vessel to either possess an operator's license or maintain insurance; and
- (2) (3) **Nothing in this section shall be construed to affect the liability, or vicarious liability, of any nonprofit organization** or governmental entity with respect to harm caused to any person, **including harm caused by the negligence of a volunteer.**

A landscape photograph featuring several dead, bleached tree trunks in the foreground. In the background, there are snow-capped mountains under a sky with a warm, orange and pinkish glow, suggesting a sunset or sunrise. The overall scene is somewhat desolate and melancholic.

**AND THEY
LIVED
HAPPILY
EVER
AFTER...**