

Suing a Personal Trainer for Negligence

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Personal trainers have been a mainstay in health clubs and gyms across the United States for many years. They also train people in their homes as well as outdoor locations. And, many are not providing personal training by video during the Covid-19 pandemic.

The purpose of hiring a trainer is to obtain professional help and guidance with a fitness and health regimen. While most trainers are highly qualified, there are those who lack the education, formal training, and experience to safely guide a client through a strenuous workout. This can result in serious injuries and even death.

Along with these trainer-related injuries, there has been the filing of personal injury lawsuits. Cases are being filed against the individual personal trainers and the health clubs that employ them. The legal theories and defenses in these lawsuits continue to evolve and vary from based upon jurisdiction. There is no uniformity in court rulings across different states.

Most personal injury lawsuits against a personal trainer are premised on general negligence theories. In most states, negligence is often defined as “the failure to reasonable care in a specific circumstance.” Negligence can be an act or omission that causes harm to another person.

The relationship between a personal trainer and client can be compared to a healthcare setting. Like a physician-patient relationship, the personal trainer has a legal duty to train the client in manner consistent with a duty of care. This includes a duty to ensure that the client can physically handle the regimen and to perform training in a manner so as to not harm the client.

Common allegations of negligence include, but are not limited to the personal trainer failed to:

- Consider pre-existing injuries or medical conditions when developing the training regimen
- Provide appropriate types of exercises
- Limit the weights lifted or length of cardiac exercises
- Properly supervise the client
- Recommend health supplements that were not harmful

In addition to proving negligence or a breach of a duty, a plaintiff must prove that a serious injury was caused by trainer's acts or omissions. Common injuries include orthopedic fractures, spinal cord injuries, nerve damage, and muscle tears. More serious conditions include heart attacks and strokes caused by overexertion and other preventable factors.

A case will likely be defended on multiple common legal defenses. This includes that the plaintiff was comparatively negligent and that the exercises provided were reasonable based upon the abilities and conditions of the client. A defendant will also argue that the injuries alleged were not the result of the training but rather some other unrelated condition.

Finally, both the trainers and health clubs will move to have the case dismissed based upon signed waivers of clients. Many states hold these waivers to be strictly enforceable and dispositive of negligence claims. Other states use tests to determine the applicability of the waiver. In all cases, a plaintiff's lawyer should carefully review any signed waivers before proceeding and review the relevant law in the jurisdiction to determine if the suit is viable.

Many personal trainers have liability policies to cover claims filed against them. Most gyms and health clubs also have policies to defend and indemnify them in the event of a lawsuit. The policies will not cover an employed trainer who is training individuals outside of his employment with the company. A full investigation of all potential insurance policies is essential to achieving a successful outcome in a personal trainer lawsuit.

Sources:

- <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5066109/>
- [https://www.law.cornell.edu/wex/vicarious liability](https://www.law.cornell.edu/wex/vicarious_liability)

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