Actions of Personal Trainers Which Heighten Risks to Clients May be Actionable

written by David Herbert | June 15, 2016

Two 2012 cases from New York highlight the fact that a personal trainer's actions which heighten the risks to clients may well expose those clients to injuries from the increased risks, which may in turn lead to claims and suits if injuries do occur. In the first case, Layden v Plante, 122712 NYAPP3, 2012-01926, the Plaintiff, a client of the personal trainer, participated in a training session with the Defendant, a certified personal trainer, at No Limits Fitness. The Plaintiff advised the trainer before the session that she had a history of back problems and a herniated disc. The trainer then instructed the Plaintiff in a program of weight-lifting moves which the Plaintiff performed under her supervision. Two days later, the Plaintiff used the trainer's written instructions to repeat the program but without supervision. While performing a maneuver called a Smith squat, the Plaintiff experienced lower back pain and ultimately thereafter underwent surgery to correct two herniated discs with fragments.

Based upon the foregoing facts, the Plaintiff and her husband filed suit alleging that the injury to the Plaintiff's back was caused by the Defendant trainer's improper instruction and supervision. The Plaintiff also claimed the Defendant facility was negligent in failing to provide a safe place and a properly trained staff.

In response to these allegations, the Defendants moved for summary judgment which was granted by the trial court on the basis that the Plaintiff assumed the risks associated with her activity. The Plaintiffs appealed contending that the client did not assume the risks resulting from a dangerous condition over and above the usual dangers inherent in the given activity. On appeal and despite the fact that the appeals court indicated that the Plaintiff had previously participated in weight-lifting exercise programs, that the Plaintiff knew of the normal risks associated with the activity and appreciated their nature and voluntarily assumed them, that court found that there were triable issues of fact related to whether the trainer's actions "unreasonably heightened the risks to which [Plaintiff] was exposed". In the course of commenting upon this issue, the appeals court noted that the Plaintiff had presented affidavits of two personal training experts who opined that the Smith squat, even when properly performed, was contraindicated for a person with a herniated disc as it caused a direct vertical loading of the spinal column and therefore placed extreme stress on the lower back. As a consequence, these experts concluded the personal trainer should not have recommended the activity for the Plaintiff. There was also an issue dealing with the safe performance of the maneuver. In addition, it also appeared that the personal trainer may not have warned the Plaintiff that the exercise posed any risk to her. Based upon all of the foregoing, the appeals court determined that the Plaintiff raised triable issues of fact as to whether the trainer's instructions to perform the activity, as well as the alleged improper instructions, or both, served to unreasonably increase the risks to which the Plaintiff was exposed.

In another ruling from New York, Levy v. Town Sports International, 121312 NYAPP1, No. 2012-08663, December 13, 2012, the Plaintiff was injured when she was engaged in fitness training at the Defendant's facility. Apparently, she fell after being directed by her personal trainer to perform jump repetitions on an exercise ball. It was reported that the Plaintiff had osteoporosis and had recently had surgery. She contended that the activity as recommended by the personal trainer unreasonably increased the risk of harm to her when she was expected to perform an advanced exercise with multiple repetitions. The court determined that there were a number issues to be decided at trial, including whether the trainer was in a proper position to help guard against the Plaintiff falling during the exercise, whether the Plaintiff voluntarily assumed the risks and whether the Plaintiff was following the trainer's expert advice and encouragement while attempting to complete the exercise repetitions.

Based upon the two rulings in these cases, personal trainers would be well advised to take into consideration the information which they acquire during their relationship with a client and adapt their exercise recommendations accordingly . Such information may come to the trainer through the screening process for clients or may come during activity as the client provides further information to the trainer as to their previous history and background. In either case, once this information is obtained, the trainer would be well advised to make supplemental written notes in their client information sheets and take into consideration client backgrounds when recommending, instructing and supervising activity to be carried out by those clients before activity is recommended and when it is changed or increased. Clients who have had surgery or some other special medical procedure, may actually need to have further clearance prior to the recommendation of certain activities which may heighten the risks to them because of their medical conditions. Medical referral may be needed. The bottom line is that personal trainers should be prepared to act upon information received from clients to properly recommend, instruct and supervise client activity. Anything less may well lead to suit as these cases demonstrate over the issue of increased risks to clients caused by a personal trainers recommendation of activity given particular conditions of a client.

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