

Dangerous Teachings: Potential Liability for Martial Arts Instructors

By: Dr. Richard J. Hoyer

Learning traditional martial arts with all of the history, discipline and having the pleasure of learning from the founder of the art is a great privilege, especially if you are as lucky as I was, being taught by one of the last living Samurai.

Teaching all aspects of traditional martial arts and thinking about how our students will apply that new knowledge in today's world, is not something we usually think about. But maybe we should. Remember, this is not the 1400s and this has become a litigation prone society we live in.

I am not suggesting that we all become lawyers and detract from teaching all aspects of traditional martial arts in fear of being sued. However, all 50 US states have varying laws related to that which is justifiable under the use of physical force in a self-defense situation. So it is incumbent upon us as martial arts instructors to pass along our state requirements for justifiable use of physical force. I have taught the Guardian Angeles Safety Patrol over the years in New York City, as a volunteer, and I do include a little piece on justifiable use of physical force when making a citizen's arrest or self-defense.

A good example would be one of your star students is getting shoved by another person in a public place. That student grabs the attacker's hand, snaps his attackers wrist as they were traditionally trained, maybe throws in a couple of punches or kicks for added measure, again as they may have been taught. Well, in New York State, that star student will get a ride in the back seat of a police car, go to jail for assault, need a defense lawyer at an average of a couple of thousand dollars just to start and probably be sued successfully by his would be attacker in civil court. In New York, as in most states, you may only use that force which is necessary to end the attack. You may not punish your attacker. In this example, you are obligated to walk away, if you can do so safely. Your "would be attacker" was only guilty of "harassment," a minor infraction called a "violation," which is much less than the misdemeanor or felony your student now has pending in criminal court. As your star student is suffering from both criminal and a possible civil action, who was it that taught him to respond in that manner?

Other states have assault and battery laws. The assault is usually verbal and the battery is the actual physical assault on another person. To protect your school from possible civil action and liability, you should have a copy of your state's "justifiable use of physical force in a self-defense situation law" printed in a brochure in plain easy to understand language and have all of your students fully aware of that state law as their martial arts instructor. You should also have a copy in their student file that they have read, understood and signed that they are aware of the amount of physical force allowed by law. When working with children, the parent and child student must understand the law and the parent or guardian sign the acknowledgement.

Disclaimer: The author is not a lawyer and one should be consulted regarding this issue as it may relate to your school or club.

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