

By Lawrence Savell

Carveat Caddie

Club-carrying assistants won't keep you from legal hazards

Mary, Queen of Scots, introduced the term "cadets" into Scotland, referring to her noble-born pages. Eventually, the Scottish term "caddie" — meaning "errand boy" — became golf parlance for the individual who carried the clubs and followed the ball.

Today, caddies work on many American courses, easing golfers' physical burdens and providing strategic assistance. Unfortunately, like players, caddies are not immune from the hazards of the game of golf.

Here are some key questions and answers regarding the use of caddies.

Q: If I hit a ball that hits my caddie, could I be held responsible for the caddie's injuries?

A: Possibly. One issue is whether you warned those within the "range of danger" before taking your shot or after seeing it was going astray. If you failed to give a warning, you may be held responsible. This would particularly be true if the caddie was standing in a direction or location in which you knew (but the caddie did not) that you had a tendency to miss-hit the ball.

Q: What other factors would a court consider?

A: If your taking the shot was somehow negligent or reckless, considering the proximity or location of the caddie, you could also be found responsible. The size of a playing group may be significant. One court noted that playing in a sevensome, while not automatically negligent, should prompt a prudent golfer to take extra precautions to discern the whereabouts of fellow players and caddies.

Q: Could I be liable if I hit some other golfer's caddie?

A: Yes. Another golfer's caddie would not normally be paying as much attention to you as your own caddie. Given that caddie's focus on his or her own golfer's play, your shouting "Fore" would have even greater importance.

Q: Doesn't a caddie "assume the risks" of the game like golfers?

A: Yes, to a degree. But, like golfers, caddies can recover for injuries caused by reckless or negligent acts by others. Some courts have ruled that young caddies (i.e., minors) may lack the intelligence and experience required to (and legally) "assume" such risks.

Q: Can an injured caddie be found negligent?

A: Yes. A caddie may be "contributorily negligent," which indicates carelessness or recklessness and might bar a claim. This might be the case if the caddie ignored a warning or stood directly in the anticipated path of a ball about to be hit. One court refused to find a caddie contributorily negligent in walking to where his employer's ball had been driven, without paying attention to the defendant golfer, who had not given a warning. The court noted that caddies customarily go to such locations as quickly as possible after all the



players have driven, and that the caddie could assume that a player behind would give a warning before taking a second shot.

Q: Could the course operator be liable for a caddie's injuries?

A: Possibly, particularly if the caddie shows that the injury was caused by faulty design or maintenance of the course or operating policies.

However, operator liability would not necessarily block the caddie's claim against you.

Q: If I'm injured by something a caddie does, can I sue the caddie?

A: Perhaps, depending if the caddie was careless or reckless.

Q: Would the course operator also be liable for my injuries?

A: Maybe, if what the caddie did was within the scope of his or her job. In a case where a golfer was struck by a ball driven by a caddie, the court ruled for the country club. The caddie had been at or near the caddie house, and hit the ball across one fairway and onto another. Caddies were not permitted to keep golf clubs at the caddie house, and were not permitted to hit balls at any time. Finding that the caddie was not acting within the scope of his employment, the court ruled that the club was not liable. *GFW*

ART BY CHARLENE PAGAN