

Lessons From a Lawyer Turned Camp Director

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Camp Kupugani / Camp White
Eagle

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Who Are You?

Why Are You Here?

Who Am I

Why Am I Here?

- Tennis Pro at Camp Marimeta in Eagle River, WI
- Idea for Multicultural Program
- Became Lawyer As Means to End of Camp
- Former Employment Law Litigator and Advisor at Perkins Coie, San Francisco, a Top 100 Law Firm
- Bought Camp White Eagle and Founded Camp Kupugani!

Being Sued Hurts!

- If you're in camping long enough, you will get sued, and it can be expensive, time consuming, and mentally draining!
 - ◆ Over 20 *million* new civil suits are filed each year!
 - ◆ The average cost to defend against a personal lawsuit is about \$7,500 - money you lose, even if you "win". And if your camp is sued, it can cost tens of thousands of dollars to defend, even if you "win"!
 - ◆ It takes at least a year, and possibly three to five years to resolve a suit.
 - ◆ "I was never ruined but twice—once when I lost a lawsuit, once when I won one." – Voltaire.

An Ounce of Prevention...

- Avoid litigation; Prevention of legal problems is key.
 - ◆ Law can be a tool to make our lives easier; We need to be comfortable resolving the tension between camp business and business of camp.
 - ★ Tension between law (and camp policies) and practicality; Tension between fun and safety/insurance/suits.
 - ★ Be sure to have protection vs. Liability.
 - ◆ I'll offer some tools to minimize your exposure and protect yourselves legally, regarding the areas of sexual harassment, contracts, and employee interviews.

10 Tips to Prevent Harassment / Hostile Work Environment

- Decide whether you are progressive or stuck in the last millennium
- Limit or eliminate touching
- Clean up the humor
- Limit profanity
- No racy or pornographic literature at work

10 Tips to Prevent Harassment / Hostile Work Environment (Cont.)

- Bond other than through sexual innuendo
- Train, train, train
- Lead by example
- Do not ignore the issue of workplace romance
- Have a strongly enforced sexual harassment policy

10 Tips for Putting Together Contracts

- Figure out the deal points. Also ponder "what if" scenarios.
- Ask friends/colleagues for a similar contract or search online for a similar form.
- State the correct legal names of the parties in the first paragraph. Also identify them by nicknames.
- Include a blank for the date in the first paragraph.
- Write in short sentences.

10 Tips for Putting Together Contracts (Cont.)

- Write numbers as both words and numerals: ten (10).
- Consider including choice of law, venue selection, and attorneys fee clauses.
- Check spelling, paragraph numbering, and cross references both manually and with your word processor's spelling and grammar checker.
- Let someone else read it.
- Initial every page of the contract.

10 Tips for Employee Interviews

- Don't ask questions that relate to a candidate's age
- Don't ask questions that relate to a candidate's race, ethnicity, or color
- Don't ask questions that relate to a candidate's gender (masculine or feminine)
- Don't ask questions that relate to a candidate's sex (male or female)

10 Tips for Employee Interviews (Cont.)

- Don't ask questions that relate to a candidate's country of national origin or birth place
- Don't ask questions that relate to a candidate's religion
- Don't ask questions that relate to a candidate's disability
- Don't ask questions that relate to a candidate's marital or family status or pregnancy

10 Tips for Employee Interviews (Cont.)

- Especially during camp interviews, where it can become more relaxed, don't let the interview turn into a chat session. Here are some examples of illegal questions:
 - ◆ How old are your children? (Age, family).
 - ◆ When did you graduate high school? (Age).
 - ◆ Are you a U.S. Citizen? (Country of origin).
 - ◆ Does your wife work? (Marital status).
 - ◆ Where did you grow up? (Country of origin).
 - ◆ Are you comfortable working for a female boss? (Sex, religion).
 - ◆ There is a large disparity between your age and that of other staff. Is this a problem for you? (Age).
 - ◆ Have you experienced any serious illnesses¹² in the past year? (Disability).

10 Tips for Employee Interviews (Cont.)

- Be sure to keep interview questions focused on the behaviors, skills, and experience needed to perform the job. If it strays—especially into potential job discrimination topics—bring it quickly back on topic by asking another job-related interview question.

Don't Forget!

- Avoid litigation; Prevention of legal problems is key
- Decide what your philosophy will be and stick to it!
- Avoid litigation!

What to Do Now...

- Right now, in the next two weeks, before camp ramps up, review your key policies!
- Get a good lawyer to create/review your policies
 - ◆ Seek blended legal services to save bucks (can do a lot of stuff yourself)
- Get things in writing and follow your policies
- Enjoy camp!

Questions?

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