

## No Risk Retention Group, No Reward

Current insurance policies may leave affiliates and trainers vulnerable to devastating lawsuits.  
The CrossFit RRG is insurance *by* CrossFitters *for* CrossFitters.  
The RRG offers protection for the whole community.

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Mike Warkentin

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**It turns out light thrusters, burpees and air squats can cost you more than a little sweat. They can cost you \$300,000. And maybe the whole business you worked so hard to build. Your gym could end up empty.**

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On Dec. 11, 2005, Makimba Mimms participated in a CrossFit workout at Manassas World Gym/Ruthless Training Concepts in Manassas, Virginia. The workout consisted of fifteen-, ten- and five-rep rounds of a triplet including ten-pound dumbbell thrusters, burpees and air squats.

In the summer of 2008, Mimms filed a lawsuit against the gym, the training company and trainer Javier Lopez. He claimed he suffered permanent injuries from the workout, including rhabdomyolysis, which occurs when bits of muscle fiber enter the bloodstream and damage the kidneys.

In October of 2008 a jury found all three defendants liable and awarded Mimms \$300,000. CrossFit Inc. was not named as a defendant in the Mimms case but is nevertheless responding to the verdict.

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**“I’m a small part-time affiliate.  
I paid the first day and  
was very surprised to see  
that more didn’t. It was  
a no-brainer for me.”**

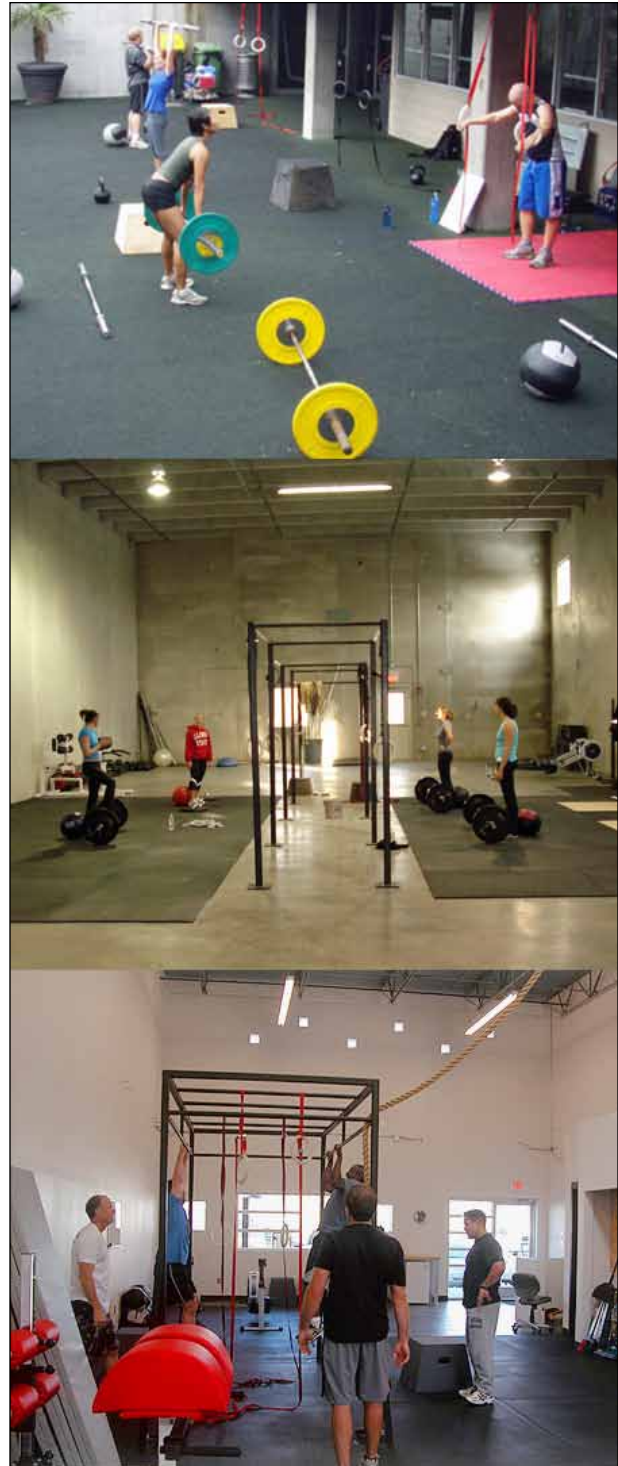
—Bethany Wadsworth, CrossFit Geneseo

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### **Does Your Insurance Really Protect You?**

“CrossFit Headquarters was involved in trying to help out the defendant in that case,” CrossFit lawyer Dale Saran said on an [Apr. 28 episode of CrossFit Radio](#). “The insurance defense attorneys, we offered to help them out, and they didn’t want any part of it. They didn’t want our expertise on rhabdo.”

Saran said insurance companies may not place the highest priority on CrossFit’s interests when a case comes up. Insurance companies could decide the smart financial decision is to settle a claim instead of fighting it. That might make sense for the insurance company, but not for CrossFit. The entire CrossFit community could be badly damaged. And things could go downhill. Media coverage of the case could make CrossFit look like an inherently dangerous exercise program that injures its participants.



***These pictures would look strange to insurance company lawyers because they don't understand what goes on in CrossFit gyms. That's a big part of the problem.***



**CrossFit lawyer Dale Saran:  
a good guy to have on your side**

"It struck Coach Glassman that this is a thing that could really, really hurt," Saran said. "So he looked into it and looked at some people who have that kind of exposure, namely ER doctors and some other different people who self-insured, and he said, 'This is something we really need to look at.' And the next thing you know, we decided we needed to form this risk-retention group and take charge of our own defense."

CrossFit's risk-retention group was announced on CrossFit.com on Apr. 15, 2009, giving affiliates and trainers until May 15 to contribute the \$500,000 required to legally establish the RRG under American law. Trainers can buy into the program at a cost of \$200, and affiliates at \$1,000. As of Friday, May 1, 2009, the RRG has amassed \$158,800 of the \$500,000 required. If capitalization needs are met, the RRG will be owned by its members. Its only mission: ensuring CrossFit trainers and affiliates have coverage that fully protects them.

Saran explained that many conventional insurance policies cover accidents and damage to equipment. But if a client is injured after following the advice of a trainer, that may not be considered an accident. Many affiliates and trainers may not really have the coverage they think they do. They may be vulnerable to claims that have the potential to put them out of business. An example would be a client who gets rhabdo after doing a workout a trainer prescribes, even if it's a beginner's workout the trainer has taken care to scale down.

"Either it will be explicitly not covered by your insurance, it may be covered, or you may be in the situation where your insurance company is going to take a look at the language," Saran said. "And they're going to make their own decisions about whether they're going to cover that or not. You don't necessarily know if you're going to be left out in the cold."

The RRG is designed to prevent that from happening. It will select its own lawyers and ensure they always have a seat at the table. These lawyers will be CrossFit experts who vigorously defend claims. The RRG legal team will also do everything possible to prevent damage to the reputation of CrossFit as a whole. The aim is for CrossFit trainers and affiliates to become masters of their own legal destiny, no longer dependent on anyone else.

### **Sustaining the Community Through the RRG**

The RRG is welcome news to many in the community, including Jolie Gentry, a trainer at CrossFit One World and winner of the 2007 CrossFit Games.

"I would encourage people to join it because I've seen a switch in the insurance offerings going from encompassing CrossFit to slowly weeding them out," she said. "I think there's a chance eventually to not be covered, and if the big insurance companies aren't going to cover us, then we have to look out for ourselves."

"It's very important to have (a lawyer) who can speak to the safety of our program. Someone coming in from the outside may look at us as most people do: as some crazy, unsafe program for people who are able to perform superhuman feats of strength. That's not the case. We have a very safe program for everyone. We need someone who can speak to that."

Like many affiliate owners, Jason Khalipa (winner of the 2008 CrossFit Games) didn't take a close look at the RRG when it was unveiled. He already had insurance and didn't think he needed more. He recently changed his mind and will add CrossFit Santa Clara to the growing list of RRG members.

"Up until today, I hadn't put as much thought into it as I probably should have," he said. "I've seen the different things on the CrossFit website. I'd read about it a little bit. But I already had other insurance and hadn't had an incident so far, so I really never took the time to look into it in depth—but I should have."

"I would tell (other affiliate owners and trainers) to check their insurance policy to see exactly what's going on. They should become part of this program, because over time we're going to be able to have our own insurance company, which is going to be key for the community to sustain itself."

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**"I'm surprised this hasn't been funded fully already. There are some things in business that you must bite the bullet on and pay for. Insurance is one of them, and the RRG is a must for the future of CrossFit and for affiliates."**

—Steve Rakow, CrossFit Ocean City

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## Why Fitness Professionals Need Insurance

Robb Wolf has been involved with CrossFit since the very first affiliate—Seattle's CrossFit North—and opened the fourth affiliate, CrossFit NorCal, shortly after that. In March 2008, NorCal Strength and Conditioning was named one of the Top 30 gyms in the U.S. by *Men's Health*. Wolf has been dealing with fitness and liability insurance for years.

"Because I've been in this literally since the first affiliate and seen it move forward, it's always seemed obvious to me that at some point we would need some additional infrastructure and a lot of the characteristics that you would see in other large businesses," Wolf said of the RRG. "So it seemed like an inevitable and good evolution in the whole community."

Since 2005, Wolf has also been aware of the limitations of many insurance policies. To protect his livelihood, he's carefully added specific line items to his policies.

"We had an awareness very early on that simply having gymnastics rings and pommel horses in your gym could get you in trouble with the standard insurance company, because they would say you were practising gymnastics," he said. "And then you're in a battle to prove what exactly you were doing. For a long time we've been going out and creating a comprehensive package for ourselves because we had awareness that CrossFit is so broad. What we do is so different from what anyone else does, no singular entity could meet all our needs."

For him, having the protection of CrossFit experts and a comprehensive RRG designed to fill in gaps in current protection is extremely important. It's also just part of being a fitness professional.

"People are keen on dropping \$1,000 on gear, on a cert," he explained. "They're OK spending a couple of hundred bucks on a night on the town. This is insuring your livelihood. We bought a house and paid for our car and will send our kids through college with our gym. This is our thing."

"If you're a hobbyist at it, then I guess maybe the compelling reason to get in and do it may appear to be less, but the reality is that your liability is the same as mine is, whether you're a hobbyist or not. It behooves you to get involved and to support the movement. It's a part of being a professional."

For more information on the RRG, visit [CrossFitRRG.com](http://CrossFitRRG.com).



## About The Author

*Mike Warkentin is a Level 1 CrossFit trainer, freelance writer and member of the CrossFit Journal editorial team.*