

Traveler Agreements: Waivers and Other Contract Language - The Essential Review*

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**This presentation contains general information only and is not intended to provide specific legal advice. Organizations should consult with their legal counsel regarding application of relevant state and federal law, as well as considerations regarding their specific business or operation.*

*“So now you manage a travel program...You didn't go to law school but what should you know about traveler agreements – commonly called “waivers”? Legal counsel Rodney and Cathy walk you through the basics in your effort to develop positive (and protective) relationships between your organization and your travelers. As you will learn, a clear and informed waiver, consistent with applicable law, is key to running a quality travel program, including avoiding unpleasant follow up litigation.”**

Outline

- I. Introduction to participant agreements ('Waivers') – what is it and what is its value to your organization?
- II. Discussion of basic and/or potential elements of a participant agreement used with participants/guests
- III. Legal and practical impact of the participant agreement
- IV. Legal doctrines that inform the crafting and enforceability of participant agreements – general doctrines, as well as national court rulings and trends
- V. Tips on addressing issues related to the use of participant agreements, including ethical issues, travel in international and remote locations; issues with attending minors, use of electronic forms, etc.
- VI. What NOT to do
- VII. Questions and close

3 Take Aways:

- Work with informed legal counsel to develop (or revise) your participant agreement, consistent with your state's laws, your organization's mission and other relevant considerations. Remember that these documents should have informational (practical) value for participants, as well as articulate appropriate legal protection for your organization.
- If you work with minor participants, have your legal counsel assist you in addressing this issue thoughtfully in your written participant agreement, and considering applicable law.
- If you have, or are planning to have participants electronically sign your participant agreements, work with your legal counsel and e-sign provider to assure compliance with legal requirements regarding, e.g., the e-sign process, signature, and electronic storage and retrieval of documents.