

LIABILITY

CONTINUED FROM PAGE 8

for proving liability, they do not eliminate the possibility that nonprofits and volunteers can be sued.

Since it was founded four years ago, the Nonprofit Risk Management Center in Washington, D.C., has seen a growing demand for its publications and consulting services.

"We are in a more claims-conscious era," says Executive Director Chuck Tremper. "As a result, the standards of care [offered by nonprofits] have risen and organizations are being held responsible for things that were previously overlooked."

Nonprofits have also been affected by developments in the for-profit sector.

"A lot of bigger companies have specific policies that their employees cannot serve on a nonprofit board without [liability] insurance," says Trisha Lester, program director for the North Carolina Center for Nonprofits in

Raleigh.

The center is a sponsor of the Nonprofits Mutual Risk Retention Group, which was founded in 1991 to provide insurance coverage tailored to the needs of nonprofits.

Besides standard liability coverage, the Florida-based insurer also offers policies for special events and sexual harassment claims - two areas that few other insurers will cover.

Mark Arnold, director of Underwriting for Nonprofits Mutual, says the group's premiums are generally 20 percent lower than market rates.

"Standard insurance companies are owned by stockholders and their rates tend to fluctuate," he says. "Our philosophy is to offer insurance at a fair and stable price."

Have concerns about liability discouraged nonprofits from using volunteer help?

"No, because volunteers are so essential to nonprofit survival," says Beth Maxwell, program director for Volunteers from the Workplace at the Volunteer Center

of Greater Durham. "What they do get discouraged about is the expense of keeping volunteers. First you hear you need insurance for driving a car, then you hear you need insurance for much less risky things. It gets a little discouraging when you think about donor dollars being spent" on insurance.

While they haven't stopped using volunteers, many nonprofits have altered the tasks that volunteers perform.

"My mother used to wash test tubes in a hospital and I don't think they let volunteers do that anymore," says Christy Greeson, executive director of the North Carolina Voluntary Action Center in Greensboro. "And any of the organizations that work one-on-one with youth are doing much more intensive screening and training."

Still, Greeson worries that attention to liability issues will come too late.

"I've seen agencies that are doing things that scare me to death," she says. "There is an underlying feeling that most peo-

ple are out there to volunteer because they are good people. Most nonprofits believe that. But they need to look at whether they are putting their clients, volunteers or their organization at risk."

Not everyone is convinced that fears about nonprofit liability are warranted.

Steve Smith, who teaches at Duke University's Center for the Study of Philanthropy and Voluntarism, conducted a study of the nonprofit sector in Massachusetts. The study failed to turn up a single lawsuit filed against a direct service volunteer or board member.

"One could argue that the situation may change," he says. "But I don't see this as a major legal issue."

Lester, of the N.C. Center for Nonprofits, believes decisions about liability coverage should be made on a case-by-case basis.

"It depends on what kind of work the organization is involved in and who their constituents are," she says.

At the Human Service Alliance

in Winston-Salem, board members have tried to take a positive approach to the issue of liability. Although the organization has liability insurance, the focus of prevention is on screening and training of volunteers.

"Our emphasis, rather than taking the approach from the negative side of liability is looking at responsibility," says Coleman Alderson, president of the board of the all-volunteer alliance, which provides care for disabled children and the terminally ill.

"When you have a working board, clear communications and volunteers that are involved in what you're doing, there is a lot less fear involved."

Chris Troxler, president of the Human Services Corp. in Greensboro, agrees with this approach.

"The law does not protect an organization from being sloppy," says Troxler, whose group provides consulting services to nonprofits. "A well-managed organization is the best insurance policy you can have."

AIRPLANE

CONTINUED FROM PAGE 8

on the condition they protect and restore the airplane.

The Henderson County jury agreed with Zickgraf, finding that the airplane had not been validly transferred to Stone Mountain. The

jury said the gift was conditional and that transfer of the plane hinged on the museum's living up to its agreement to take proper care of the plane. But the museum failed to do that, the jury said.

Kimble turned to the state Court of Appeals. But Stone Mountain's appeal crashed on May 3, partly because its trial lawyer failed to

reserve any fuel for it, wrote Court of Appeals Judge Hugh Wells.

For issues to be considered on appeal, a party must make timely objections or motions when the contested issue comes up at trial. At trial, the lawyer for Stone Mountain failed to object to the issues it brought to the appeals court. Wells wrote in denying the appeal.

The following is a list of recently appointed Federal liaisons to the nonprofit sector:

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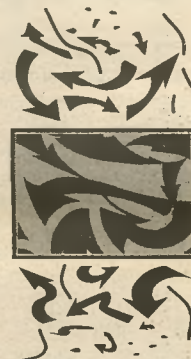
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