

Defense Attorneys Agree About the Importance of Liquor Liability Training

You may be surprised to learn that there are some things about which attorneys do agree. We recently surveyed nine CapSpecialty panel counsel across the county with expertise in defending liquor liability cases about what they see as the most significant obstacles in defending these cases. We also asked their advice about what policyholders can do to reduce those obstacles.

Every defense attorney who was surveyed stated that deficiencies in training of the staff and management on responsible serving and selling of alcohol presented difficulties in defending liquor liability cases. The problems included: no training of servers, failure to update training on a regular basis, lack of consistent reinforcement of the training information and lack of support by management for staff in applying the standards they learned in the training. Sometimes training had taken place but there was no documentation of the training. In other instances training had been done but the substantiating documentation was inadequate, so this information was not useful as evidence in a claim or lawsuit to verify that proper training had occurred.

Why is alcohol server training (and documentation of it) so important?

Most significantly, adequately trained alcohol servers can prevent or reduce the risks and liabilities inherent in the serving and selling of alcohol. In addition, in the event of a claim or lawsuit, a business with a good, well managed alcohol server training program can demonstrate that it has the interests of customers and the public in mind and has taken responsible and reasonable steps to reduce harm and related liability.

When people become intoxicated they can be a danger to themselves and others and create risks and liabilities for businesses that serve alcohol. The result may be claims or lawsuits, loss of reputation in the community, loss of liquor license, potential loss of the business and other financial and legal difficulties. Most distressing is the harm that can come to a customer and/or member of the general public. Businesses that sell and serve liquor must do so responsibly. They have a duty to their customers and others to exercise reasonable care when serving alcohol.

Selecting a Liquor Liability Training Program

Check on the training requirements of the specific state and jurisdiction where the business is operating. The requirements under state and local liquor liability laws vary widely, including specific training requirements for alcohol servers. For example:

- ✦ Particular training programs may be required by some states
- ✦ Some local jurisdictions have their own rules or have supplemental training requirements
- ✦ Training may be taken online and/or provided in person according to jurisdiction
- ✦ Different certifications or exams may be required
- ✦ Other requirements may also exist

Choose a training program that meets jurisdictional legal requirements and includes, but is not limited to:

- ✦ Information about liquor liability laws and the responsibilities of servers and sellers of alcohol
- ✦ How to properly check IDs and identify underage customers/potential customers
- ✦ Recognizing and assessing impairment or intoxication in customers
- ✦ Steps to help avoid intoxication, including proper measurement methods when pouring/mixing drinks, not overserving, etc.
- ✦ How to properly refuse service when necessary due to intoxication, invalid ID, underage, etc.
- ✦ Managing difficult situations that typically occur where alcoholic drinks are served

Lesson Learned

Alcohol server training is mandatory in most states. Even in states where it is not mandatory, there is an expectation that those who serve/sell alcohol will have proper training. All servers/sellers should be trained. Alcohol server training is a best practice that can help reduce risks and, in the event of an incident, put a policyholder in the best position to be defended. The lack of a proper, well-documented and reinforced alcohol server/seller training program will be detrimental to the defense in a claim or lawsuit.

Policyholders should review staff training programs and make sure they meet legal requirements, are well documented and continuously reinforced. CapSpecialty offers online alcohol server/seller training and certification to its policyholders. We have contracted with 360-Training, Inc. to make online alcohol server/seller training and certification available to policyholders. The training is offered at a discount for our policyholders and complies with alcohol training requirements in most states. The training program can be accessed by clicking [here](#).

Other resources for finding out about reputable training programs are national and state restaurant associations and state/local liquor licensing authorities. States and local jurisdiction-specific training programs are also available. There are more lessons to be learned from our experienced defense counsel who are on the frontlines of defending liquor liability cases. Stay tuned!

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