**Title:** Could NFL “Pay for Pain” Scandal Lead to Sports Lawsuits?

**Subtitle:** The National Football League certainly didn’t need more bad publicity, but that’s exactly what it is getting as the “pay for pain” scandal continues to unfold.

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According to reports, defense players for the New Orleans Saints and several other NFL teams were paid as much as $1,500 to knock opposing players out of the game.

The NFL has already announced that “pay for pain” programs violate numerous league and contractual rules. Individual players and teams implicated in the “bounty” scheme will face stiff penalties, including fines, suspensions, and forfeiture of draft choices, according to the league. The New Orleans Saints have already been sanctioned by the league, losing their head coach for the entire next season.

In addition to NFL penalties, many are speculating the scandal could have legal consequences in the form of criminal charges and civil lawsuits against the players and teams involved. For instance, could Peyton Manning sue the Washington Redskins for his neck injury?

It is doubtful whether prosecutors would want to pursue criminal charges against the players who made the hits, especially since there is little, if any, legal precedent in this country. Canadian prosecutors, however, have shown a willingness to get involved when athletes are considered to have crossed the line. In 2000, prosecutors brought assault charges against Boston Bruins hockey player Marty McSorley for striking Donald Brashear of the Vancouver Canucks in the head with a hockey stick. He was convicted and served 18 months probation.

In terms of civil liability, several NFL players have successfully brought civil suits against other players for hits portrayed as particularly egregious. In a 1973 lawsuit filed by former Denver Bronco Dale Hackbart, the 10th U.S. Circuit Court of Appeals held that a football player could face liability for injuring an opponent if he acts with "reckless disregard for the opponent's safety." In that case, Hackbart had taken a knee away from the play when Cincinnati Bengal Charles Clark hit him in the back of the head and fractured his neck.

Cases arising from the current scandal would likely be more difficult to win because many involve hits made during active plays on the field. Since football is an inherently violent sport, it would likely be difficult to show whether certain hits were motivated by a “bounty” or simply part of the game.

From a legal perspective, the validity of these types of claims is certainly debatable. However, if nothing else, the scandal will be raised by plaintiffs in the numerous concussion lawsuits against the league.

**Raw Content:** <!-- wp:heading -->
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