

# REPRESENTATION OF THEME PARK CLIENTS

## THE NEW FRONTIERS

SERIES - 1 / ARTICLE - 20  
JUNE 29, 2023

By **Jeffrey Brochin, Esq.**

**GreenPoint**>  
ESR

**EXECUTIVE SEARCH AND RECRUITMENT**

[william.anderson@greenpointglobal.com](mailto:william.anderson@greenpointglobal.com) | [pranav.menon@greenpointglobal.com](mailto:pranav.menon@greenpointglobal.com)  
International Corporate Center, 555 Theodore Fremd Avenue, Suite A102 Rye, NY 10580  
[www.gpesr.com](http://www.gpesr.com)

**If you have ever been to Six Flags, Universal Studios, Disneyland, or any of America's other theme parks, you were likely thinking only about the length of the lines to get into your favorite attraction—and about how much fun you and your family were going to experience once you got to the head of the line.**

But for theme park lawyers, such businesses conjure up different thoughts entirely: they think of all the zoning, licensing, meeting ASTM ride standards, and, in the worst-case scenario, the potential for liability. We will examine just how much fun it is to be a theme park lawyer.

## Business Before Pleasure

A theme park is basically an amusement park that has adopted a particular theme or themes. But regardless of the marketing particulars, such businesses all require strict compliance with a variety of general business requirements. To begin with, the lawyer needs to draft documentation addressing a host of local, state, and federal regulations. These regulations not only deal with the same sort of code enforcement as would be required of any other business but, in particular, govern safety regulations designed to protect the park's patrons.

Among the documentation needed to get the rides off the ground are the following: a business license, zoning approval, special permits to operate the rides, liability insurance coverage, employment contracts with the various amusement facilities operators, contracts with various vendors selling souvenirs, etcetera (and possibly licensing agreements for the sale of copyrighted products), and, somewhat unique to amusement parks, waivers against liability to be signed by park patrons.

## Where Standards Come into Play

The International Association of Amusement Parks and Attractions

(IAAPA), founded in 1918 and headquartered in Orlando, Florida, is the largest international trade association for permanently situated amusement facilities worldwide. It represents more than 6,000 facilities from more than 100 countries. Although not a standards-setting authority itself, the organization serves to support the amusement park industry globally, and lawyers representing theme parks would do well to avail themselves of IAAPA resources.

The amusement park rides themselves must be constructed in accordance with strict industry standards, and that's where familiarity with the American National Standards Institute (ANSI) is important. That organization has adopted the American Society for Testing and Materials (ASTM) 'F2291-22 Standard for Amusement Ride Design'. F2291-22 is further referenced as 'Standard Practice for Design of Amusement Rides and Devices' and establishes criteria for the design of amusement rides and devices as well as detailing information for any major alterations to those rides. Everything from patron restraint, clearance envelope, containment design, acceleration limits, and numerous other issues are standardized in order to provide designers, engineers, manufacturers, owners, and operators with criteria and references for amusement ride design and modification.

## Executive Summary

### > The Issue

What are some of the seminal issues surrounding the legal representation of theme parks?

### > The Gravamen

In addition to the traditional business regulatory issues, theme parks, in particular, call for additional expertise regarding engineering standards and unique liability issues.

### > The Path Forward

Depending upon the scale of the theme park, certain governmental oversight matters might be consigned to the theme park itself as opposed to strict local oversight.

## Some Statistics for Theme Park Lawyers

With twists and turns at speeds that can carry riders up to 150 miles per hour and up to heights as high as 456 feet, amusement park rides are truly marvels of modern engineering, delivering excitement and thrills for the rides' users. The goal, of course, is to accomplish all of this without compromising safety. Interestingly, the likelihood of sustaining a serious injury in an amusement park that would lead to an overnight stay at a hospital is minuscule, at one in 16 million rides. This compares favorably with the odds of being struck by lightning, which is one in only 700,00 strikes.

## Theme Park Litigation

Yet, accidents do happen, and some of them have, in fact, been quite noteworthy. In one such case, a patron at a water park was seriously injured when one of the slides released riders sliding down huge tubes into a funnel. The ride was designed without a safety bar at the top, and the ride operator was using his leg to hold back the tubes before they went down into the chute. As a result, the ride operator fell into the chute right after the tube of patrons, and the operator's feet collided at great velocity with the back of one of the riders, causing the patron serious back injuries. A review of video footage of the ride led to a lawsuit against both the theme park and the ride manufacturer, which was settled for \$350,000.

Given the immediate impact of social media, theme parks are more than ever exposed to the reputational damage arising from adverse events. Public perception

of risk has shifted such that negative publicity can seriously harm the business enterprise. Even a 'ride failure' due to breakdown, downtime while patrons wait in line, or any other incident—although not safety related—will be spread all over the internet in no time and harm your client's business interests. Therefore, aside from the obvious preventative measures that must be enforced, the lawyer representing a theme park should have a professional public relations expert available to counter—or at least minimize—the damage caused by such minor occurrences as a ride being temporarily closed.

## Disney versus The State of Florida

Sometimes, disputes between a theme park and a body politic become not so much about adhering to standards and ensuring patron safety but rather about politics and oversight. Currently, Disney World in Orlando, Florida, is embroiled in a lawsuit with the State of Florida that stemmed from matters outside of more conventional regulatory issues. In April 2023, Disney sued Florida Governor Ron DeSantis over the state's takeover of Disney's theme park district, claiming that the move was retaliation for Disney's vocal opposition to Florida legislation regarding sexual orientation instruction to children in grades K-3. The lawsuit was filed almost immediately after the new oversight board voted to void an arrangement that had given Disney independent authority over design and construction decisions in its properties.

Disney has now filed a complaint referencing legislation passed by

## Action

### 1 Local, State, and Federal Regulations:

Like most businesses, regulations apply so as to regulate the business and to maintain public safety; therefore, the practitioner must become well-versed in all statutes and regulations that apply.

### 2 Complexities of Compliance:

Unlike most business start-ups, theme parks—likely out of safety concerns—are particularly scrutinized as to their compliance with a wide variety of regulations covering not just the business operations but indeed the business assets themselves.

### 3 Contract Intensive:

While most businesses will involve contracts as to facilities, suppliers, labor, and sales and marketing, the theme park industry, in addition, will require sophisticated drafting between the stakeholders and the ride operators, manufacturers, retail vendors, and even theme-based product licensing.

### 4 Industry Standards:

The applicable ANSI standards must be thoroughly reviewed not only for the purposes of assuring patron safety but also as a defense in the event of lawsuits over personal injury.

Florida lawmakers that rescinded provisions carved out by Disney and a previous oversight board (consisting of Disney supporters) and a measure giving the state the authority to inspect Disney World's monorail system, which had previously been subject to in-house inspections. How all of this will impact the theme park experience remains unclear. But for theme park lawyers, the thrill ride has just begun.

**“THAT SORT OF  
DISJUNCTION  
BETWEEN WHAT YOU  
THINK YOU’RE  
GETTING WHEN YOU  
GO TO AN  
AMUSEMENT PARK  
AND WHAT YOU  
ACTUALLY GOT AT  
ACTION PARK, MAKES  
FOR A REALLY NEAT  
INTERSECTION OF  
THINGS TO TALK  
ABOUT WITH LAW  
STUDENTS.”**

**— BILL CHILDS, ADJUNCT  
PROFESSOR AT MITCHELL HAMLINE  
SCHOOL OF LAW, CREATOR OF THE  
COURSE ‘RECREATION AND RISK:  
LESSONS FROM ACTION PARK’**





## Further Reading

1. <https://www.contractscounsel.com/g/720/us/amusement-park-legal-documents>
2. <https://www.iaapa.org/amusement-ride-safety/regulations-standards>
3. <https://www.finch-consulting.com/protecting-the-value-of-theme-park-rides/>
4. <https://blog.ansi.org/astm-amusement-ride-standards-safe-thrills-f2291/#gref>
5. <https://forcetechnology.com/en/services/inspection/inspection-of-amusement-park-machinery>





### **Jeffrey Brochin, Esq.**

GREENPOINT STAFF COUNSEL AND  
CONTENT EDITOR

After receiving his Juris Doctor degree from The John Marshall Law School in Chicago, Mr. Brochin served as an Administrative Law Judge with the Illinois Department of Labor for six years where he presided over cases dealing with job separation issues and matters pertaining to contested Unemployment Insurance claims. He also co-wrote the agency's administrative rules, and periodically served as a 'ghost writer' for Board of Review decisions.

Following that position, he was Director of Development for a Chicago-area non-profit college where he was responsible for High Net Worth donations to the institution. For the next eighteen years he practiced as a solo practitioner attorney with an emphasis in the fields of Real Estate law and Commercial Contracts transactions, and was an agent for several national title insurance agencies.

In 2003 he was recruited to head up a U.S. title insurance research office in Israel, a position he held for four years, and between 2007-2017 he participated in litigation support for several high-profile cases. He has taught Business Law as a faculty member of the Jerusalem College of Technology, and has authored a wide variety of legal White Papers and timely legal articles as a professional legal content writer for GPL clients. Separate from his legal writing, he has co-authored academic articles on Middle East security topics that have been published in peer-reviewed publications.



### **William H. Anderson, Esq.**

MANAGING DIRECTOR

William Anderson is Managing Director and Head of Law & Compliance. He leads the GreenPoint practice in providing regulatory, legal, and technology solutions to law firms, legal publishers, and in-house law departments around the world, overseeing our team of experienced US attorneys and data and technology experts. Will has over 25 years' experience working with corporations to improve the management of their legal and corporate compliance functions. Will began his legal career as a litigator with a predecessor firm to Drinker, Biddle LLP. He then served as in-house counsel to Andersen Consulting LLP, managing risk and working with outside counsel on active litigation involving the firm.

Will has leveraged his legal experience interpreting regulations and appearing before federal (DOJ, SEC, FTC) and state agencies (NYAG) to oversee research and other areas at Bear Stearns. In this capacity, he counseled analysts on regulatory risk and evolving compliance requirements. Will also consulted on the development of a proprietary tool to ensure effective documentation of compliance clearance of research reports. Will then went on to work in product development and content creation for a global online compliance development firm pioneering the dynamic updating of regulated firms' policies and procedures from online updates and resources. Will holds a Juris Doctorate with High Honors from the Washington University School of Law in Saint Louis and is admitted to state and federal bars. He lives in Pawling, NY, with his wife and daughter.



### **Sanjay Sharma, PhD**

FOUNDER AND CHAIRMAN



### **Pranav Menon, Esq.**

LEGAL RECRUITMENT MANAGER  
AND DATA PRIVACY SPECIALIST –  
LAW & COMPLIANCE | GPESR



## About GreenPoint Executive Search and Recruiting

- Founded in 2001, GreenPoint Global offers a blend of proprietary technology and US-trained lawyers to provide advanced legal solutions to our clients. As part of GreenPoint Global, the GPESR team draws upon a deep knowledge base across multiple disciplines including Legal, Publishing, IT, Finance, and numerous other industries.
- By virtue of our unique methods and a proven history of providing top-tier legal services to our clients, the GPESR team is capable of supporting a diverse client base both in the US and globally. From solo practitioners to AmLaw 100 firms, legal publishers, Fortune 1000 companies, and in-house law departments, our team offers legal staffing solutions to suit any business needs. GPESR provides skilled attorneys in either permanent placements or temporary contracts through a selective recruiting process. Adherence to quality, value, and flexibility are hallmarks of our offerings.
- Ensuring privacy and security of client data is a critical component of our business. GreenPoint has instituted rigorous physical, administrative, and technical safeguards to protect the integrity, security, and privacy of client data, all of which comply with the most stringent US and global standards and regulations.



## About GreenPoint Law & Compliance

- GreenPoint Global was founded in 2001 and since that time has faithfully served an expanding roster of clients. GreenPoint leverages a unique combination of US-trained attorneys and proprietary technology to deliver a unique offering of skill and flexibility to meet client needs.
- Our core team of experienced US attorneys is based in Israel and works US hours. The breadth of experience of our attorneys ensures high-quality, cost-effective results across a wide range of legal, compliance, and regulatory matters.
- GreenPoint's methodology and proven track record of achieving client objectives has resulted in a broad base of clients in the United States, ranging from Fortune 500 insurance companies to solo practitioners, law firms, in-house law departments, and legal publishers. GreenPoint attorneys are selectively recruited and deployed based on possessing demonstrable subject matter expertise covering a broad spectrum of substantive US laws and regulations. The work product of our attorneys is thoroughly vetted internally before delivery to client. Adherence to quality, value and flexibility is at the core of our foundation.

