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# Damar Hamlin: Legal Implications of An NFL Injury

By: Evan Feder



On January 2nd, 2023, in an NFL game played between the Cincinnati Bengals and the Buffalo Bills, Damar Hamlin, a Bills safety, tackled Bengals receiver Tee Higgins.[1] After the collision, Hamlin stood up and began to walk, but after two steps he collapsed to the ground.[2] He went into cardiac arrest and was given CPR and was later taken to the University of Cincinnati Medical Center in critical condition.[3] On the following Monday, January 9th, Hamlin was released from the ICU, and he has continued to improve since then.[4] It was an extremely rare injury; in fact, there has only been one death in an NFL game ever. In 1971, Chuck Hughes died in the middle of a game between the Chicago Bears and Detroit Lions from coronary thrombosis.[5] Is there any legal effect to Damar Hamlin's injury? This is a question that must be answered because what if Hamlin cannot make a living again. How does the NFL compensate him and his family? Or does the NFL even need to compensate the family at all? Matthew Hoffman, an attorney for Battleborn Injury Lawyers, explained that when an injury occurs *on the field*, the player is put on injured reserve, and while on injured reserve, all the player's medical bills are paid for, and he continues to receive compensation per the terms of the contract.[6] However, Hamlin's contract with the Bills is only for four years, \$3.6 million.[7] That means that while his medical bills will be paid for by the Bills until he is stable, his

compensation will only be for the next three years – he is in his second year of the contract currently – while the contract is still in play. However, the Bengals do not need to pay at all, because, Hoffman explained, “it’s a bit like workers compensation... if you’re injured on the job, your employer has to pay for all your medical bills... you can’t sue the league, but you can sue the doctors who misdiagnosed you and allowed you to play.”[8] In 2011

Hamlin’s situation is significantly different than if the injury had occurred *because of* the job but happened *while not on the job*. In 2021, Denver Broncos player Ja’Wuan James suffered a significant and potentially season-ending injury while exercising at a private gym, away from the team’s facility.[9] The NFL distributed a memo to all thirty-two NFL teams and stated that

...injuries sustained while a player is working out “on his own” in a location other than an NFL facility ...are considered “Non-Football Injuries” and are outside the scope of a typical skill, injury, and cap ...guarantee. Such injuries are also not covered by the protections of the NFL Player Contract, ...meaning that clubs have no contractual obligation to provide salary continuation during the year in ...which the injury was sustained.[10]

However, if the injuries were “sustained by a player while working out at a club facility or as specifically authorized by his club are considered ‘Football-Related Injuries.’”[11] The memo continued to clarify this point: “[c]lubs are encouraged to remind players of the significant injury-related protection provided if they choose to work out at the club facility and the risks they undertake in choosing to train in non-NFL locations.”[12] This left the decision up to the Broncos whether and how to compensate James. After James filed a grievance, the Broncos agreed to pay him a \$1.09 million settlement.[13] On the other hand, Korey Stringer, a Minnesota Vikings player, suffered from heat stroke during the Vikings 2001 preseason training camp.[14] Stringer then died at 1:35 AM on August 1st, 2001, when his body reached a core temperature of 108 degrees.[15] His widow filed a wrongful death lawsuit against the team and trainers in February, 2002, claiming that they had a duty to protect and care for Stringer’s health and that they were “grossly negligent in carrying out” their duty.[16] The court held that the trainers were employed by the Vikings to provide some level of care to the players and “that their actions towards Stringer occurred within work-related limits of time and place.” The court went on to focus on personal duties to the injured, which is not relevant in Hamlin’s case. However, we do find the importance that the injury occurred on Vikings facilities and within the time of work.

According to the National Football League Players Association (NFLPA), the union that represents current and former NFL athletes, their league’s players have “the very best benefits package in professional sports.”[17] In addition to all benefits offered by other leagues, they also include “severance pay, long term care insurance, the Former Player Life Improvement Plan, and neurocognitive disability benefits for former players.”[18] It is important to note, however, that the NFL has the highest metric of Mean Injuries Per Game, more than MLB, NBA, NHL combined.[19]

**Evan Feder is a Staff Editor at CICLR.**

[1] Victor Mather, *What to Know About Damar Hamlin’s Injury*, N.Y. Times (Feb. 6, 2023), <https://www.nytimes.com/article/damar-hamlin-injury-update.html> [<https://perma.cc/E8U6-VQTN>].

[2]*Id.*

[3]*Id.*

[4]*Id.*

[5]Param Nagda, *Has Anyone Died During an NFL Game?*, Sportskeeda (Nov. 25, 2022), <https://www.sportskeeda.com/nfl/has-anyone-died-during-nfl-game> [<https://perma.cc/34LJ-2YXC>].

[6] News 3 Staff, *Breaking Down the Law: Damar Hamlin Injury*, NBC News 3 Las Vegas (KSNV) (Jan. 4, 2023, 8:01 PM),

<https://news3lv.com/features/breaking-down-the-law/breaking-down-the-law-damar-hamlin-injury> [<https://perma.cc/K7AG-7PKW>].

[7] *Id.*

[8] *Id.*

[9] Bob Morris, *Denver Broncos Settle Ja'Wuan James' Grievance Lawsuit*, SI.com (Aug. 29, 2022, 5:21 PM), <https://www.si.com/nfl/broncos/news/broncos-settle-jawuan-james-grievance-lawsuit> [<https://perma.cc/J5UR-ZCZQ>].

[10] Nick Shook, *NFL Clarifies Clubs Have No Contractual Obligation If Players Are Injured Working Out Away From Team Facility*, Around the NFL (NFL.com) (May 5, 2021, 6:38 PM), <https://www.nfl.com/news/nfl-clarifies-clubs-have-no-contractual-obligation-if-players-are-injured-workin> [<https://perma.cc/M8SW-VU4Z>].

[11] *Id.*

[12] *Id.*

[13] Morris, *supra* note 9.

[14] Mike Tanier, *Korey Stringer's Sacrifice and the Battle to Stop Football Heat Stroke Deaths*, Bleacher Report (Aug. 3, 2015), <https://bleacherreport.com/articles/2529508-korey-stringers-sacrifice-and-the-battle-to-stop-football-heat-stroke-deaths> [<https://perma.cc/FBX5-3WWF>].

[15] *Id.*

[16] *Stringer v. Minnesota Vikings Football Club, LLC*, 705 N.W.2d 746, 753 (Minn. 2005).

[17] Christopher R. Deubert, I. Glenn Cohen & Holly Fernandez Lynch, *Football Players Health Study at Harvard University, Comparing Health-Related Policies & Practices in Sports: The NFL and Other Professional Leagues* 18 (2017).

[18] *Id.*

[19] *Id.* at 17.