

Speaker 1 ([00:00](#)):

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Justin Prochnow ([00:26](#)):

Hello and welcome to Legal Food Talk. I'm your host, Justin Prochnow, a shareholder in the Denver office of the international law firm, Greenberg Traurig, and this is a podcast brought to you by our food, beverage and agribusiness practice to give you some insights and knowledge about the world of food, beverage and agribusiness.

Mike Nicodema ([00:50](#)):

Hello again, fellow equestrians. My name is Mike Nicodema. I'm a principal shareholder in Greenberg's Traurig litigation group. I'm also the co-chair of Greenberg Traurig's Equine Industry Group. With me today is Anikka Hoidal, she is also a member of our group. And today, Anikka's going to interview a very special guest and someone that we're very fortunate to have and her resume just pops. It just is off the charts, and we're so fortunate to have her. And I'm just going to give you a little taste of her background and her name is Julie Winkel.

Mike Nicodema ([01:24](#)):

Julie is one of the foremost equestrian trainers, judges, clinicians, and educators in this country. She specializes in the hundred jumper discipline. And her knowledge and care of horses and stable management, in addition to her overall horsemanship, extend to any and all equine disciplines. Julie has been a licensed judge for hunter, hunter breeding, hunter jumping seat equitation, for nearly 40 years. Judging at many of the country's most prestigious events.

Mike Nicodema ([01:52](#)):

Recently, Julie has even co-authored a book with one of our other podcast guests, Trisha Booker, entitled, Judging WTF. And it's not what you think, the WTF stands for, Want The Facts. And in that book, she and Trish share insights into the judging process. Julie is also a sought after clinician traveling all over the country to share her knowledge about riding and horsemanship. She authors columns for various equine publications to share this knowledge.

Mike Nicodema ([02:19](#)):

And related to what we're going to talk about with Julie today. She is the owner, manager, and head trainer of Maplewood stables and Reno, Nevada. She runs a post secondary horse training program out of Maplewood. She teaches the Maplewood riders. She trains the Maplewood horses. And she also competes on her own string of horses up to the Grand Prix level. And very special for GT today, Anikka is one of her longtime students.

Mike Nicodema ([02:46](#)):

Now the overall theme of Julie's life path, I don't think it's a stretch to say that she's all about education, educating others about all aspects of horsemanship. So today, we are going to talk with Julie about how to do it right, and get her take on some of the best practices for training and boarding facilities and the legal issues that others in the equestrian world should know about and certainly should practice.

Mike Nicodema ([03:09](#)):

All right, Anikka. You're in the irons today. So go to it ladies.

Anikka Hoidal ([03:14](#)):

Thanks Mike. And thanks Julie, for being here with us today and talking about what it's like to be a manager of a training and boarding facility. Let's start with the scary stuff. What are the risks that you face as a stable owner and trainer?

Julie Winkel ([03:27](#)):

Well, I worry every day about somebody getting hurt. Horses are dangerous animals. They're flight animals. And the nature of animals, like a horse, is something that can predispose any rider to having an accident. And the accidents could be minor or they could be major. So the more rules you have in place, the more that you can oversee the operation, the safer things are going to be at the end of the day.

Anikka Hoidal ([03:57](#)):

Speaking of rules, what precautions do you take as a barn owner to protect those who come onto the property and protect yourself against liability for those who come onto the property?

Julie Winkel ([04:08](#)):

Well, first of all, everyone that participates in the horses, whether it's even as a handler or a rider, needs to sign a release. And that release goes across the board, whether they own the horse or they're just coming for a lesson. So I think the release is a big piece of it and that may or may not hold up in court. And I have a lot of rules that are specific to trying to keep people safe and it starts with hours that we're open. I don't want people just milling around the property unsupervised. For that reason, no one's allowed to jump unless they're in a lesson. No one's allowed to ride a horse without a helmet. And certainly, we are always encouraging people that want to ride on their own to make sure someone is around.

Julie Winkel ([05:14](#)):

We're closed on Mondays. And that means closed to everyone. And the reason we're closed is that's our day to make noise, have construction projects. We don't want to deal with worrying about somebody getting run over because the horse spooked at something. So I'm very adamant about Mondays being closed, and no trail riding, no coming on the property period. So, that's one thing is managing your clients.

Julie Winkel ([05:50](#)):

Another thing is managing your employees. For me, my employees and my interns that are in my program to become professionals have set rules when they teach lessons. First rule is the gate is always closed to the arena. If somebody falls off and the horse gets loose or worse, and I've seen it happen and this is why it's one of my rules, somebody gets hung up in a stir up and the gate is open and the horse takes off, runs through the gate, cross the road, up to the barn. I mean, somebody could seriously get injured or killed. So having the gate closed at all times when a lesson is in progress is number one.

Julie Winkel ([06:45](#)):

Another thing I'm very adamant about, and again, most of my rules come because I learned from bad experience to have better judgment, and that's always taking those metal cups off the jump standards when there's not a pole in them. One of my students when I was a young trainer fell off and had about 25 stitches in his face and has a scar to this day because he fell onto that jump cup.

Julie Winkel ([07:18](#)):

So all my experience leads to strict rules. Another one is mounting, watching the students safely mount and the horses stand still. Teach them to stand still so that as a rider is getting on there is not going to be an accident where the horse starts to walk off before the rider is secure and in control.

Mike Nicodema ([07:46](#)):

Julie, you mentioned something about a release form that you use and you said that it may or may not hold up in court. Now in our equine industry group, we get questions from clients all the time about release forms. Are they effective? Should we have them? And just for our fellow equestrians out there, you should check with a trusted legal advisor about the effectiveness of a release form in your particular state. Because typically, release forms do not insulate you against negligent conduct or intentional misconduct. So it's always important to learn the ins and outs of what you've been actually posted or what you can actually ask your clients to sign. But I think that one of Julie's really excellent practices is that she has a release form.

Julie Winkel ([08:32](#)):

Having said that, most states have an equine limited liability law and they're different in every state, the statute. We do have a sign, we're not required to by our state, but some states do require that you post it. But just one more step in trying to keep ourselves legally safe, I guess, is that we do have those signs posted that state the statute.

Julie Winkel ([09:04](#)):

The other thing that I understand from my experience is that you can be held liable only for tack and equipment that has not been cared for or updated. So regardless of the equine liability law protecting you as a barn owner and as a trainer from legal action, one of the statutes is that you have to maintain your tack and equipment. So because of that, we have a monthly check of our equipment that we use for our lesson program. And one of the staff members has to sign off on it, go through and list the girths, the bridles, the saddles, how many we have, that they've checked all the leather parts and that everything is safe. Or if it's not, then it has been taken out of commission and taken to repair. So that's just one more step as a stable owner I think you can have to protect yourself, being aware of that little statute there.

Mike Nicodema ([10:27](#)):

And just to give a little shout out to the University of Michigan, they have an equine department there and they have an interactive map that you can find on the internet and I've used it before. And by pressing on the state of your choice, it brings up every criminal and civil statute in that state having anything to do with horses. So it's a great resource for anyone who's running a facility, running a barn and wants to know actually what the laws are in their particular state.

Anikka Hoidal ([10:58](#)):

What do you do if you have all these practices in place and these rules in place, what do you do if someone just isn't following them?

Julie Winkel ([11:05](#)):

I think it's important if there's cancer to get rid of it before it spreads. And by that, I mean, if you have somebody that is just not following rules and ignoring the policies you have in place, number one, they have no respect for you. Number two, the reason I have rules and I will explain to them is for their own safety. And if they can't follow those rules, then maybe they need to find some other place that they would be happier.

Anikka Hoidal ([13:58](#)):

What other issues have come up or do come up that people often don't think about that you think barn owners and managers should be aware of?

Julie Winkel ([14:06](#)):

The number one rule on my barn chart of rules is no dogs. And I get it. I have 200 acres. It's beautiful. People want to bring their dogs and let them run all over the place and jump in the pond and fetch sticks. Same with their children that are playing in the creek. As soon as that kid drowns, guess who's getting sued? So the dog thing has gotten to be a huge issue. And I explain to people, the reason you can't have a dog here is because it scares horses. If a horse spooked and somebody fell off and got hurt, I'm liable. So that is why they're not allowed here. Well, can we just have them on a leash? No. Somebody comes in with their Great Dane on a leash, you think that's going to be any less scary to a horse? No, it's not.

Julie Winkel ([15:10](#)):

So what I ended up doing that I thought was brilliant is I made a kennel at the barn. If they bring their dog and it's a hundred degrees outside and they can't leave it in the car and they drove here for an hour and a half to have a lesson, can't my dog just run around? No, but I happened to have a kennel that he could stay in while you have a lesson that is nowhere near the arena. So, that's kind of how I solved my dog issue.

Anikka Hoidal ([15:45](#)):

How about any other issues? Has anything else come up that you think others should be aware of?

Julie Winkel ([15:51](#)):

I think one of the things as a barn owner and one reason it's so important to have a board contract signed is every state's different, so you need to contact your local legal counsel on this. But Nevada has a statute that if you don't pay your board, it's basically animal abandonment and you are entitled to the possession of that horse to sell. Now, I have done this before. I've been in business for 40 years and it has happened where somebody brought a horse, put it in training. I didn't see them for 30 days and then it was 60 days. And then guess what? Nobody's paying the board. And then pretty soon the board and the training is over \$5,000 bucks and this person, I don't know if he died or what, but I don't want this horse and I need to get paid for it.

Julie Winkel ([16:57](#)):

So in that case, I had to put notices in the newspaper, when we still have newspapers, and make sure that this auction that I was going to have at my facility was advertised and it was public. And nobody ever showed up, nobody ever bid on the horse. And if they would have, I would've been entitled to whatever was owed to me. And then if the horse sold for more money than what was owed to me, that extra money would have gone to the mystery owner. So, that's kind of how it played out. But in the couple times that I did it, nobody showed up. I ended up owning the horses for the board bill and then sold them down the road.

Anikka Hoidal ([17:49](#)):

In addition to all that you do with the rules to cover people who come on the property, as far as borders and people taking lessons, how about all of your employees? How do you manage your employees and the liability that might arise there?

Julie Winkel ([18:05](#)):

So that's a huge issue, especially in this day and age with our safe sport issues, being aware that the kids under 18 years old. Now, I make the parents sign a release that is a safe sport release, that they understand that they are leaving their underage child in our care where there may or may not be two adults present at any time. Because back in the day, we could drop off the kids at the barn all day and it was a great way to grow up. Nowadays, you can't transport an underage kid to a horse show or back and forth from the barn to anywhere without a second adult in the car or permission from the parents.

Julie Winkel ([19:10](#)):

So, it's become a little bit nerve wracking thinking, okay, well, first of all, these kids' parents never came to pick them up after the lesson. And we can't leave because there has to be two parents under the safe sport rules. So by making them sign a second release, besides the liability release, they're understanding there's staff, male and female, that may be around when their underage child is by themselves. So I think that's part of it.

Julie Winkel ([21:06](#)):

I have another story too, it's off the subject of the employee and it's about owning property and this happened probably 25 years ago. We had a rancher that leased our land, leased our pastures for their cattle and the gate on one end of the pasture kept being open. So I had my employee go put a chain and a big padlock on it. Well, come to find out, these kids were cutting across the field to go to school. They were the ones leaving the gate open. Well, the parents gave the kids set a bolt cutters, and those kids cut the lock off. Well, I'm coming home one night from judging, it's midnight, there's not a soul on the road. I'm passing in front of that pasture, here comes one car. And all of a sudden they swerve and go off the side of the road into a telephone pole. And I'm like, "Oh my God, a drunk driver. Thank God I was far enough away."

Julie Winkel ([22:29](#)):

Well, turns out gate was open and the cow got out and this gal hit the cow and basically got scalped, spent six months in the hospital, a lot of it in ICU. Cattle owner didn't have any insurance. The homeowner's insurance that the boys' parents had was \$25,000 bucks. So guess who got sued? I got sued. So we ended up paying, or my insurance company I should say, paid a quarter of a million dollars for something that I had zero liability with. So, that was the end of the cattle on my property.

Anikka Hoidal ([23:20](#)):

So what is your bottom line, best advice to give to any facility manager or owner?

Julie Winkel ([23:30](#)):

I would say to have a lot of rules in place. Be diligent about making people understand what the rules are and that they're for their own good. And for me, I'm all about teaching, about horses and being diligent about the fact that horses don't do things to be mean. They do things to react in their own natural state, and that is to be wary, be flight animals, be suspicious. As long as I've been around horses, you would think that the last thing that would happen to me was to get stepped on. And two months ago, a horse jumped on my foot and broke two bones in my foot. So I was on crutches and in a boot for over two months. And it was a horse I knew, and it was a situation where I was turning them out. And again, even though we've been around horses forever, they're unpredictable. And that doesn't mean they're mean, they don't do it on purpose. But if you're going to have horses, you've got to understand the risks and you've got to be aware. Relaxed, but aware.

Anikka Hoidal ([24:48](#)):

Thank you, Julie.

Mike Nicodema ([24:50](#)):

Well, thank you, Julie. That was terrific. Being a horse owner and horse lover myself, these stories are not unfamiliar to me. And I'm sure to a lot of the equestrians listening, they're not unfamiliar to them.

Mike Nicodema ([25:04](#)):

I read a statistic recently that one out of every 33, 35 people in the U.S. is either a horse owner or a horse lover. And there's been this special relationship between horses and humans since there's been horses and humans. And I think when we conduct our businesses, we have to keep that in mind. That horses are going to act like horses and they are unpredictable, but they're also lovely, wonderful animals that we love very much or else we wouldn't be in this business.

Mike Nicodema ([25:32](#)):

You gave us so much good, common sense information today. And I think I want to call it common sense because you need to be in that business and be at a facility and deal with horses every day to understand the ins and outs of what it is to run a barn or to be a trainer or to be a judge. And I hope you'll come back and talk to us again. We were really fortunate to have you today. It was my pleasure. It was Anikka's pleasure. It was GT Equine Industry Group's pleasure to visit with you today.

Mike Nicodema ([25:59](#)):

And to all my fellow equestrians out there, stay safe, stay healthy, stay positive, and stay tuned for the next installation of Greenberg Traurig Equine Industry Podcast. And thank you so much once again, Julie. Thank you, Anikka. We'll see you next time.