

A Q&A interview with golf lawyer Dalton Floyd



© Barris Legal | Decatur.com

BY DIANA SMITH

Staff Writer

Dalton B. Floyd Jr. is the founding partner of The Floyd Law Firm in Surfside Beach, which has a niche specialty in golf law.

Floyd has been in practice for 42 years and has served in a variety of positions, including as an attorney for the Carolinas section of the Professional Golfers' Association of America, assistant solicitor for Florence County and as general counsel for Waccamaw State Bank, Patriot Federal Savings and Loan and SunBank.

He also served as a captain in the U.S. Air Force and as trial and defense counsel for its Judge Advocate General Corp.

A graduate of the University of South Carolina School of Law, Floyd is active in the S.C. Bar and has served as an instructor and lecturer for groups including Southern Title Insurance Company, Healy Real Estate Institute, PGA of America and the Golf Course Superintendents of America.

Along with golf law, Floyd's firm also

focuses on business and corporate matters, personal injury, community associations, general trial work, estate planning and administration, elder law, real estate transactions, family law, wills and trusts, workers' compensation and criminal law.

SCLW: *What exactly is golf law?*

Floyd: Golf is a big business, and like any business, it has legal issues and problems that are unique to the golf business.

SCLW: *How did you come to specialize in this practice area?*

Floyd: Around 30 years ago, I had a client that leased retail space in a golf facility and was evicted by the golf-course owner, who was also a PGA golf professional.

I won the case, and the golf-course owner was apparently impressed with my work and hired me several months later to represent him in a lawsuit in which we also prevailed.

At that time, my new client, Gary L. Schaal, was president of the Carolinas section of the PGA and, before long, I was asked to represent the Carolinas section. We became close friends, and he later became president of the PGA of America.

Later, I was asked to do seminars on golf-law issues for the PGA of America, National Golf Owners Association and National Superintendents Association and various PGA sections across the country. In order to present the seminars, I had to do a great deal of study and research on various areas of golf law.

SCLW: *What are the most common problems that you help clients with?*

Floyd: Business and real estate issues such as buying, selling and leasing golf facilities, management contracts, drafting membership documents, covenants, conditions and restrictions for golf-course development and litigation in all areas of golf law.

Not surprisingly, the area that we get the most questions would be errant-golf-ball liability. One recent inquiry came from an attorney on the island of Saipan (in the U.S. Commonwealth of the Northern Mariana Islands).

SCLW: *Given the poor state of the economy, have you seen a drop in clientele seeking to acquire or lease golf property? If so, has there been a corresponding rise in the number of clients who need help with other golf-related issues?*

Floyd: We haven't seen many acquisitions of golf courses, but some of our clients have taken advantage of leasing opportunities. At this time, it is extremely difficult to obtain financing for golf courses, which is one reason we haven't seen many golf-course acquisitions.

SCLW: *Given the likelihood that golf balls will strike homes and break windows, why is it so common for developers to build fairways surrounding neighborhoods?*

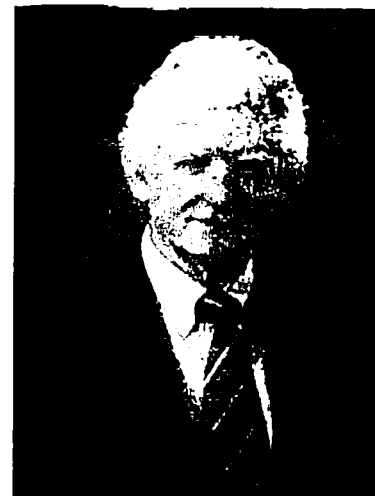
Floyd: Money! Lots with golf-course frontage and vistas are worth substantially more than a lot located off of the golf course.

In most cases, the golf course is built first and the homes come later, which allow the development to plead assumption of risk as a defense.

In order to sustain a cause of action against a developer for personal injury or property damage resulting from an errant golf ball, the claimant must show that the layout or condition of the golf course unreasonably subjected the claimant to damages beyond those commonly found in the game of golf.

SCLW: *What was the first golf-related case that you ever handled?*

Floyd: My first golf-law case involved



Dalton Floyd

a lady, who after teeing off, was walking from the golf tee to her cart when, halfway to the cart, she fell in a hole and ruptured her Achilles tendon.

The golf course was newly built, and apparently a portion of a rotten tree stump left a hole, which was covered over by the grass and was not visible to her. She and her husband had traveled all over the country square dancing, which she was unable to do after the accident. The case was settled prior to the trial of the case.

SCLW: *Is there a strong network of golf attorneys across the country?*

Floyd: To my knowledge, there is not a network of attorneys who specialize in golf law.

There are very few attorneys and law firms that have a golf law specialty. Although the Myrtle Beach area has over 100 golf courses, our law firm practices in other areas of the law.

However, I understand there are a couple of law firms that primarily do golf law in Florida, Texas and California.

SCLW: *Are you an avid golfer?*

Floyd: My friends would say I'm more of a "duffer" than a golfer. I am very happy that my business is not dependent on the quality of my golf game or I would not be in business for very long.

