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## COMPANY HOLIDAY PARTIES – TIPS FOR A SAFE AND HAPPY HOLIDAY PARTY

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Tis the season for spreading holiday cheer. As you plan the company party, remember that North Carolina, like most states, expects companies to act responsibly in serving alcohol to its party guests. Although there are no hard and fast rules for serving alcohol at these parties or for minimizing legal liability for injuries caused by intoxicated guests after they leave your party, we have compiled a list of commonly used best practices for your consideration.

1. Encourage employees to drink responsibly and do their part to help everyone have a safe and happy holiday season. Put it in writing.
2. Try to keep guests from becoming intoxicated in the first place.
  - Have plenty of food and alternative beverages available;
  - Serve alcohol only from a bar staffed by a professional (see below) bartender.
    - Do not have “self-serve” bars or “open kegs” where the guests serve themselves as much or as often as they wish;
    - Do not have waitpersons circulating through the crowd with trays of drinks (make the guests come to the bar so that they can be observed by the professional bartender).
  - Instruct the bartender not to serve “doubles”;
  - Limit the number of drinks guests can obtain per trip to the bar;
  - Limit the length of time that the bar is open and alcohol is being served.

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3. Hire a professional bartender or caterer to serve the alcohol.
  - Make sure that the bartender or caterer has appropriate and sufficient insurance coverage, should a problem arise;
  - Inquire ahead of time into the bartender or caterer's training and experience in the service of alcohol;
  - Be sure that the bartender knows how to identify someone who appears to be intoxicated.
4. Instruct the bartender that "intoxicated" guests should not be served alcohol and should be brought to the attention of the host in a discreet fashion. This allows the professional bartender to "screen out" people who should not be served alcohol, but allows the host to deal with that individual in a way that will avoid undue embarrassment for both the guest and the host.
5. Hire other people to monitor the guests in attendance (this could be an "off duty" bartender or someone else who was employed by the caterer).
  - Be sure that these "monitors" have sufficient training to be able to identify individuals who appear to be intoxicated;
  - This function is important because a guest may not come to the bar each time for his drinks (he may have some drinks brought to him by other guests). For such an individual, the bartender serving the drinks may not be able to observe such a guest frequently enough to notice the appearance of intoxication;
  - Instruct these "monitors" that "intoxicated" guests should be brought to the attention of the host.
6. Monitor the guests as they leave. Determine who is driving and create an opportunity to observe and converse with the driver so that it can be determined whether or not they appear able to do so safely.
7. Have rented vans or taxis available to take guests home, if necessary. This way, no intoxicated guest will be "forced" to drive home from the party.
8. Have the event off the regular business premises and after regular business hours.
9. Consider having a cash bar.

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- While this may not be feasible in many situations, guests usually drink less when they are paying for their drinks as opposed to consuming alcohol from an “open bar.”
  - Also, the host is less likely to be charged with “providing” alcohol to the guests if the guests purchase the alcohol directly from the bartender or caterer.
10. Consider purchasing a single-event liability insurance policy. While these can be expensive, they can be structured to protect against claims by a third person who is injured by an allegedly intoxicated guest.
  11. Do not require employees to attend and do not check attendance.
  12. Do not compensate employees for the time spent at the event.
  13. Do not “conduct business” or give speeches or make awards.
  14. Do not attempt to deduct the expenses for the party on your corporate tax return as “business expenses.”

If you have any questions about these practices or other issues relating to making your holiday party a safe and happy one, please call us.