

SUPREME COURT OF TEXAS

Union Pacific Railroad Company v. Seymore Williams

85 S.W.3d 162 (Tex. 2002) · No. No. 01-0231 · Decided June 6, 2002

SUMMARY

The Supreme Court of Texas held that a jury should receive a foreseeability instruction when evidence is disputed regarding whether a railroad knew or should have known that workplace conditions could cause the employee's injury under the Federal Employers' Liability Act. The court overruled Union Pacific Railroad Co. v. Mitchell to the extent it rejected such an instruction in those circumstances, and held that Union Pacific preserved its jury-charge complaint by submitting a substantially correct written instruction. The court reversed the court of appeals' judgment and remanded for further proceedings.

CASE DETAILS

COURT	Supreme Court of Texas
WRITING FOR THE COURT	Justice Baker
JURISDICTION	Texas
DECIDED	June 6, 2002
DOCKET	No. 01-0231
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Union Pacific appealed a FELA judgment entered for Williams after a jury verdict. The court of appeals affirmed, and the Supreme Court of Texas granted Union Pacific's petition for review.
STANDARD OF REVIEW	A requested jury instruction must be supported by the pleadings and evidence, assist the jury, and accurately state the law. Failure to submit an instruction is reversible when a substantially correct instruction was requested in writing and the error probably caused the rendition of an improper judgment. Whether a legal duty exists is generally a legal question, but disputed factual issues concerning foreseeability as an element of duty must be submitted to the jury.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Union Pacific Railroad Company v. Seymore Williams

TOPICS

jury instructions

instructions objections

preservation of error

standard of care

appellate procedure

PRACTICE AREAS

employment law

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QUESTIONS PRESENTED

1. Whether, in a FELA action, the trial court was required to submit a jury instruction concerning foreseeability as it relates to the railroad's duty when the evidence about the railroad's actual or constructive knowledge of a dangerous condition was disputed.
2. Whether Union Pacific preserved its jury-charge complaint by submitting a written instruction stating that the jury must be satisfied that Union Pacific had actual or constructive notice of the dangerous condition.
3. Whether the refusal to submit the foreseeability instruction was reversible error.

HOLDINGS

1. When evidence about foreseeability as it relates to a railroad's duty is disputed, the trial court must instruct the jury to determine whether the railroad knew or should have known that a dangerous condition could result in the employee's injury.
2. Union Pacific preserved error because its written proposed instruction was substantially correct under the federal law governing FELA burdens of proof, even though it used the phrase "you must be satisfied."
3. The refusal was reversible error because the disputed foreseeability evidence required a jury determination of duty, and the absence of the instruction probably caused the rendition of an improper judgment.

KEY QUOTATIONS

"Accordingly, we overrule Mitchell to the extent that it rejected a foreseeability instruction when the evidence about that element of the railroad's duty was disputed." (168)

"We hold today that, when the evidence about foreseeability as it relates to the railroad's duty is disputed, the trial court should instruct the jury about this element so it can resolve the factual issue." (169)

"Accordingly, Union Pacific's request preserved error on its jury charge complaint, because the request was substantially correct." (170)

"Therefore, the instruction's absence from the jury charge probably caused the rendition of an improper judgment." (171)

FACTUAL BACKGROUND

Williams, a Union Pacific employee, was working at a train derailment site when a contractor dragged a derailed hopper car across railroad tracks and over a signal mast. Pressure from the operation caused a metal rain cap

covering the mast to fly through the air and strike Williams in the back. Trial testimony conflicted about whether derailment-site conditions were dangerous, whether objects had previously flown through the air at such sites, and whether Union Pacific knew or should have known that the conditions could cause the type of injury Williams suffered.

PROCEDURAL HISTORY

Williams sued Union Pacific under the Federal Employers' Liability Act for injuries sustained at a train derailment site. The jury found for Williams and awarded \$454,000, and the trial court rendered judgment on the verdict. The court of appeals affirmed, holding that the trial court properly refused Union Pacific's proposed foreseeability instruction. The Supreme Court of Texas reversed and remanded for further proceedings.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The case was remanded to the trial court for further proceedings consistent with the opinion.

CASES CITED

- Davis v. Burlington Northern, Inc., 541 F.2d 182, 185 (8th Cir. 1976)
- Wilkerson v. McCarthy, 336 U.S. 53, 61 (1949)
- Tiller v. Atlantic Coast Line R.R. Co., 318 U.S. 54, 67 (1943)
- Gallick v. Baltimore & Ohio R.R. Co., 372 U.S. 108, 117-18 (1963)
- Urie v. Thompson, 337 U.S. 163, 178 (1949)
- Armstrong v. Kansas City S. Ry. Co., 752 F.2d 1110, 1113 (5th Cir. 1985)
- Rogers v. Missouri Pac. R.R. Co., 352 U.S. 500, 503, 506 (1957)
- Ringhiser v. Chesapeake & Ohio Ry. Co., 354 U.S. 901, 901 (1957) (per curiam)
- Mitchell v. Missouri-Kansas-Texas R.R. Co., 786 S.W.2d 659, 660-63 (Tex. 1990)
- Bennett v. Span Indus., Inc., 628 S.W.2d 470, 474 (Tex. App.—Texarkana 1981, writ ref'd n.r.e.)
- Texas Workers' Comp. Ins. Fund v. Mandlbauer, 34 S.W.3d 909, 912 (Tex. 2000)
- Knoll v. Neblett, 966 S.W.2d 622, 638 (Tex. App.—Houston [14th Dist.] 1998, pet. denied)
- Ellis County State Bank v. Keever, 888 S.W.2d 790, 792 (Tex. 1994)
- Reinhardt v. Nehring, 291 S.W. 873, 875-76 (Tex. Comm'n App. 1927, holding approved)
- Houston & T.C.R. Co. v. Buchanan, 84 S.W. 1073, 1076 (Tex. Civ. App. 1905, no writ)
- New Orleans & Northeastern R.R. Co. v. Harris, 247 U.S. 367, 370-72 (1918)
- Dice v. Akron, Canton, & Youngstown R.R. Co., 342 U.S. 359, 361 (1952)
- Dutton v. Southern Pac. Transp., 576 S.W.2d 782, 786 (Tex. 1978)
- Pacific Mut. Life Ins. Co. v. Haslip, 499 U.S. 1, 22 n.11 (1991)
- Sloss-Sheffield Steel & Iron Co. v. Drane, 160 F. 780, 790 (5th Cir. 1908)

