

SUPREME COURT OF TEXAS

University of Texas at Arlington v. Sandra Williams and Steve Williams

University of Texas at Arlington v. Williams · No. 13-0338 · Decided March 20, 2015

SUMMARY

Justice Johnson, joined by Justice Brown, concurs in the judgment concerning the gross negligence claim but dissents regarding the ordinary negligence claim. The opinion addresses whether Texas’s recreational use statute encompasses a parent’s attendance at and activities associated with a child’s outdoor soccer game, and whether the interaction between that statute and the Texas Tort Claims Act clearly waives the University’s immunity. Justice Johnson would reverse the court of appeals as to ordinary negligence while affirming its remand of the gross negligence claim.

CASE DETAILS

COURT	Supreme Court of Texas
WRITING FOR THE COURT	Justice Phil Johnson; Justice Brown; Justice Devine; Justice Boyd
JURISDICTION	Texas
DECIDED	March 20, 2015
DOCKET	13-0338
DISPOSITION	other
PROCEDURAL POSTURE	Opinion on petition for review from the Court of Appeals for the Second District of Texas. Justice Johnson concurred in the judgment affirming the court of appeals' remand of the gross-negligence claim but dissented from the judgment concerning the ordinary-negligence claim.
STANDARD OF REVIEW	The opinion addresses statutory interpretation and subject-matter jurisdiction based on governmental immunity; no separately stated standard of review appears in the source text.
PRECEDENTIAL VALUE	Published Texas Supreme Court opinion; this extracted text is Justice Johnson's concurring and dissenting opinion rather than the Court's controlling majority opinion.
PARTIES	University of Texas at Arlington v. Sandra Williams, Steve Williams

TOPICS

statutory interpretation

negligence

subject matter jurisdiction

ejusdem generis

civil procedure

PRACTICE AREAS

Torts

Governmental immunity

Statutory interpretation

Civil procedure

QUESTIONS PRESENTED

1. Whether attending, spectating at, and assisting a child with an outdoor competitive sporting activity constitutes recreation under Texas Civil Practice and Remedies Code section 75.001(3), including subsection 75.001(3)(L).
2. Whether the recreational-use statute applies to the Williamses' ordinary-negligence claim against the University of Texas at Arlington.
3. Whether the interaction between the recreational-use statute and the Texas Tort Claims Act requires rejection of the ordinary-negligence claim because governmental immunity was not clearly and unambiguously waived.
4. Whether the court of appeals' treatment of the gross-negligence claim should be affirmed.

HOLDINGS

1. In Justice Johnson's view, the recreational-use statute's broad, nonexclusive language encompasses a parent who attends a child's outdoor soccer game, spectates, and performs related activities such as signing the child in or out. Competitive or team sports, spectatorship, and improvements to the land do not categorically remove an activity from the statute.
2. Justice Johnson would hold that the recreational-use statute applies to the Williamses' ordinary-negligence claim and that the interaction between the recreational-use statute and the Tort Claims Act requires reversal of the court of appeals' judgment as to that claim because UTA's immunity for the claim was not clearly and unambiguously waived.
3. Justice Johnson agreed with the court of appeals' analysis and holding regarding the gross-negligence claim and joined the Court's judgment affirming the remand of that claim to the trial court.

KEY QUOTATIONS

“The recreational use statute specifies that the term “recreation” means activities “such as” those it lists, clearly indicating legislative intent that the list is non-exclusive.” (at 2)

“The Legislature has not specified that in order for activities to come within the recreational use statute, the activities must be for enjoying the outdoors in limited, certain ways such as non-competitive, non-team activities, or on land with limited or no improvements.” (at 6)

“But narrowing the scope of statutory language, even if it is as broad as the language in § 75.001(3)(L), is not a judicial prerogative.” (at 6)

FACTUAL BACKGROUND

Sandra Williams was injured when a gate on the University of Texas at Arlington's property swung open while she waited for and signed her daughter out after the daughter's outdoor soccer game. Williams was attending and participating to some extent in her daughter's outdoor athletic activity, and the injury allegedly resulted from an improvement to the University's land. The opinion considers whether these circumstances fall within Texas's recreational-use statute and how that statute interacts with the Texas Tort Claims Act and governmental immunity.

PROCEDURAL HISTORY

The Williamses sued the University of Texas at Arlington based on injuries Sandra Williams sustained when a gate swung open while she was waiting for and signing out her daughter after an outdoor soccer game. The court of appeals remanded the gross-negligence claim to the trial court and issued a judgment concerning the ordinary-negligence claim. On review, Justice Johnson would have reversed the court of appeals as to the ordinary-negligence claim and affirmed its remand of the gross-negligence claim.

DISPOSITION

other

REMAND INSTRUCTIONS

Justice Johnson would affirm the remand of the gross-negligence claim to the trial court. He would reverse the court of appeals' judgment as to the ordinary-negligence claim.

CASES CITED

- City of Houston v. Bates, 406 S.W.3d 539, 544 (Tex. 2014)
- City of Bellmead v. Torres, 89 S.W.3d 611, 615 (Tex. 2002)
- Union Carbide Corp. v. Synatzske, 438 S.W.3d 39, 54 (Tex. 2014)
- City of Rockwall v. Hughes, 246 S.W.3d 621, 630 (Tex. 2008)