

SUPREME COURT OF ARKANSAS

Haag v. Morgan

225 Ark. 664 (1955) · Decided December 5, 1955

SUMMARY

The Arkansas Supreme Court affirmed a judgment for the defendant in a personal-injury action arising from an automobile accident involving an allegedly intoxicated driver. The court held that the Arkansas guest statute applied whether the injured passenger was self-invited or invited by the driver and found no reversible error in the challenged jury instructions, including instructions concerning willful and wanton operation, joint enterprise, and contributory negligence.

CASE DETAILS

COURT	Supreme Court of Arkansas
WRITING FOR THE COURT	Sam Robinson, Associate Justice
JURISDICTION	Arkansas
DECIDED	December 5, 1955
DISPOSITION	affirmed
PROCEDURAL POSTURE	Plaintiffs appealed from a jury verdict and judgment for the defendant in a personal-injury action arising from an automobile accident.
STANDARD OF REVIEW	The court reviewed the challenged jury instructions and asserted trial-court errors for reversible error.
PRECEDENTIAL VALUE	Published Arkansas Supreme Court opinion
PARTIES	William Haag, Patsy Haag v. Morgan

TOPICS

- personal injury
- contributory negligence
- jury instructions
- instructions objections
- statutory interpretation

PRACTICE AREAS

- torts
- personal injury
- appellate procedure

QUESTIONS PRESENTED

1. Whether the Arkansas guest statute applied to Patsy Haag even if she was not a self-invited guest.

2. Whether the trial court erred in instructing the jury on the guest statute, willful negligence, joint enterprise or adventure, and contributory negligence.
3. Whether the challenged instruction improperly commented on the evidence.

HOLDINGS

1. The Arkansas guest statute applies whether the injured passenger was a self-invited guest or was invited by the operator of the automobile.
2. Challenges to the giving of an instruction may not warrant reversal when the alleged error was not properly preserved by objection at trial.
3. The instruction requiring plaintiffs to prove willful and wanton operation and placing on the defendant the burden of proving joint enterprise or contributory negligence was not an improper comment on the evidence.

KEY QUOTATIONS

“However, regardless of whether Mrs. Haag was a self-invited guest or had been invited by the operator of the car, the statute applies.” (225 Ark. 664)

“We have carefully examined all of the points mentioned by appellants on appeal and find no error. The judgment is affirmed.” (225 Ark. 664)

FACTUAL BACKGROUND

Patsy Haag was injured when an automobile driven by Morgan overturned after Morgan allegedly drove while intoxicated at approximately seventy-five miles per hour and failed to negotiate a curve. Morgan and Patsy had spent the day drinking beer and whiskey while riding in Morgan's car. The Haags sought damages, while Morgan relied on the guest statute and contributory negligence defenses.

PROCEDURAL HISTORY

William and Patsy Haag sued Morgan for injuries Patsy sustained while riding in Morgan's automobile. The jury returned a verdict for Morgan, and the trial court entered judgment for the defendant. The Haags appealed, challenging application of the guest statute and several jury instructions; the Supreme Court of Arkansas affirmed.

DISPOSITION

affirmed

CASES CITED

- Roberson v. Roberson, 193 Ark. 669, 101 S.W.2d 961