

MONTANA SUPREME COURT

Bockman-Fryberger v. State

2018 MT 202, 392 Mont. 350, 424 P.3d 600 · Decided August 21, 2018

SUMMARY

The Montana Supreme Court affirmed a judgment in favor of the State in a negligence action arising from a vehicle collision with a Montana Department of Transportation front-end loader. The court held that state employees are not categorically disqualified from serving on civil juries when the State is a party; instead, the employment relationship must be sufficiently connected to the litigation to raise a concern about impartiality.

CASE DETAILS

COURT	Montana Supreme Court
WRITING FOR THE COURT	Justice Beth Baker; Beth Baker; Jim Rice; Laurie McKinnon; James Jeremiah Shea; Ingrid Gustafson
JURISDICTION	Montana
DECIDED	August 21, 2018
DISPOSITION	affirmed
PROCEDURAL POSTURE	Bockman-Fryberger appealed a civil jury judgment holding her fifty-one percent at fault for a collision with a Montana Department of Transportation front-end loader. She challenged the denial of her for-cause challenge to a prospective juror employed by the State.
STANDARD OF REVIEW	The refusal to dismiss a juror for cause is reviewed for abuse of discretion.
PRECEDENTIAL VALUE	Published Montana Supreme Court opinion; binding precedent in Montana.
PARTIES	Christy A. Bockman-Fryberger v. State of Montana

TOPICS

- civil procedure
- appellate procedure
- standard of review
- statutory interpretation

PRACTICE AREAS

- civil procedure
- torts
- jury selection
- appellate procedure

QUESTIONS PRESENTED

1. Whether Montana Code Annotated § 25-7-223(3) automatically requires exclusion for cause of every State employee from a civil jury when the State is a party.
2. Whether the District Court abused its discretion by denying Bockman-Fryberger's challenge for cause to prospective juror Eugene Betz based on his State employment and relationships with State employees.
3. Whether the denial of the for-cause challenge required reversal because Bockman-Fryberger used a peremptory challenge to remove Betz and exhausted her peremptory challenges.

HOLDINGS

1. Section 25-7-223(3), MCA, does not categorically exclude all State employees from sitting on a civil jury in a case involving the State. The employment relationship must be connected to the litigation in a way that logically calls the prospective juror's ability to act impartially into question.
2. The District Court did not abuse its discretion by denying the challenge to Betz because he worked for the Montana Highway Patrol, not MDOT, and his employment was unrelated to the actions and policies at issue in the litigation.
3. The District Court did not abuse its discretion by denying the challenge based on Betz's relationships with other State employees because Bockman-Fryberger failed to show a strong possibility that Betz was biased in favor of the State.

KEY QUOTATIONS

"We conclude that Section 25-7-223(3), MCA, likewise does not automatically exclude all challenged state employees from sitting on juries when the State is a party to a civil case." (424 P.3d at 605)

"Instead, 'standing in the relation of employer and employee to either party' requires a connection between the prospective juror's state employment and the litigation at issue that would logically call into question his ability to be entirely impartial." (424 P.3d at 605)

"The District Court did not abuse its discretion by denying Bockman-Fryberger's challenge for cause on that ground." (424 P.3d at 606)

FACTUAL BACKGROUND

On a January night, Christy A. Bockman-Fryberger drove sixty-two miles per hour into the rear of a slow-moving front-end loader operated by an employee of the Montana Department of Transportation. The loader was traveling approximately fifteen to twenty miles per hour with its top light, flashers, headlights, and slow-moving-vehicle placard activated. Bockman-Fryberger sued the State, alleging negligent operation and failures involving policies, lighting, training, and supervision. During jury selection, she challenged Eugene Betz for cause because he was a State employee and knew several State employees, including the MDOT director; the District Court denied the challenge.

PROCEDURAL HISTORY

Bockman-Fryberger sued the State for negligence and related alleged failures concerning the operation, equipment, training, and supervision of a front-end loader. A Lewis and Clark County jury found her fifty-one percent at fault. The District Court denied her challenge for cause to prospective juror Eugene Betz, who worked for the Montana Highway Patrol; she used a peremptory challenge to remove him and exhausted her remaining peremptory challenges. The Montana Supreme Court affirmed and did not reach the State's cross-appeal.

DISPOSITION

affirmed

CASES CITED

- Reff-Conlin's Inc. v. Fireman's Fund Insurance Co., 2002 MT 60, 309 Mont. 142, 45 P.3d 863
- State v. Kebble, 2015 MT 195, 380 Mont. 69, 353 P.3d 1175
- State v. Thomson, 169 Mont. 158, 545 P.2d 1070 (1976)
- Ruff v. Rader, 2 Mont. 211 (1874)
- Simons v. Jennings, 100 Mont. 55, 46 P.2d 704 (1935)
- Harris v. Hanson, 2009 MT 13, 349 Mont. 29, 201 P.3d 151
- State v. Radi, 176 Mont. 451, 578 P.2d 1169 (1978)
- State v. Richeson, 2004 MT 113, 321 Mont. 126, 89 P.3d 958