

SUPREME COURT OF ALABAMA

Ryan v. Hayes

831 So. 2d 21 (Ala. 2002) · No. 1001578, 1001630, and 1001631 · Decided March 22, 2002

SUMMARY

The Supreme Court of Alabama considers consolidated appeals arising from injuries inflicted by an escaped inmate and claims against correctional officials. The opinion addresses the scope of the no-duty rule in *Donahoo v. State* and the application of State-agent immunity under *Ex parte Cranman* and related cases. The court distinguishes the special-duty rule applicable to parole officials from the case-by-case duty analysis applicable to other State agents.

CASE DETAILS

COURT	Supreme Court of Alabama
WRITING FOR THE COURT	Harwood, Justice; Houston, Justice; See, Justice; Lyons, Justice; Johnstone, Justice; Woodall, Justice; Moore, Chief Justice; Brown, Justice; Stuart, Justice
JURISDICTION	Alabama
DECIDED	March 22, 2002
DOCKET	1001578, 1001630, and 1001631
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Plaintiffs injured by an escaped prison inmate appealed consolidated summary judgments entered for four Alabama prison officials sued in their individual capacities.
STANDARD OF REVIEW	Summary judgment is reviewed de novo. Questions concerning the applicability of State-agent immunity and the existence of a legal duty are questions of law, although immunity and duty may depend on the factual record.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Sue Ryan, Willard Ryan, Karl Franklin Smith, individually and as next friend of William Frank Smith III, a minor, Michael Peden, Harold Peden v. Jim Hayes, Ralph Hooks, David Wise, Jim Yarbrough

TOPICS

negligence

duty of care

summary judgment

civil procedure

standard of care

PRACTICE AREAS

torts

civil procedure

governmental immunity

corrections law

QUESTIONS PRESENTED

1. Whether the broad no-duty rule announced in *Donahoo v. State* barred negligence and wantonness claims against prison officials for injuries caused by an escaped inmate.
2. Whether *Donahoo* should be overruled or limited to parole officials rather than applied to all State officials.
3. Whether the defendants' State-agent-immunity defenses should be resolved before or together with the duty issue on remand.

HOLDINGS

1. *Donahoo* is overruled to the extent that it announced a comprehensive no-duty rule applicable to all State officials; its special-duty rule remains applicable to parole officials because of their unique statutory functions and responsibilities.
2. The trial court must address the defendants' State-agent-immunity defenses under the State-agent-immunity rule adopted in *Ex parte Cranman* and *Ex parte Butts*, including whether the defendants performed discretionary functions and whether an exception such as willful, malicious, fraudulent, bad-faith, unauthorized, or legally mistaken conduct applies.
3. The summary judgments for the prison officials must be reversed because they were based solely on the improperly broad application of *Donahoo*, and the cases must be remanded for the trial court to consider State-agent immunity and, if necessary, duty.

KEY QUOTATIONS

“We today overrule Donahoo to the extent that it announced a rule of duty that comprehensively and indiscriminately embraced all State officials, rather than just parole officials, the special class of State officials to which its rationale was directed; therefore, we must remand this case for further consideration.”
(at 30-31)

“We have today overruled Donahoo to the extent that it announced a no-duty rule as to all State officials, not just parole officials.” (at 33)

FACTUAL BACKGROUND

Scourterrious Lofton, a maximum-security inmate with a history of escapes and violent offenses, escaped from an outdoor disciplinary chain gang at Limestone Correctional Facility. The prison failed to act on notice of Lofton's reclassification, failed to presumptively place him under close supervision while awaiting that decision, and used leg irons known to be ineffective. While supervising the chain gang alone during a lunch break at an

inmate cemetery, correctional officer Jim Yarbrough failed to maintain adequate observation, allowing Lofton to escape and later assault, rob, and terrorize the plaintiffs.

PROCEDURAL HISTORY

The Ryans, the Smiths, and the Pedens filed separate negligence and wantonness actions in the Circuit Court of Limestone County against prison officials. After extensive discovery, the defendants moved for summary judgment based principally on State-agent immunity under *Ex parte Cranman* and the no-duty rule stated in *Donahoo v. State*. The trial court entered nearly identical summary judgments for all defendants solely on the basis of *Donahoo*. The Alabama Supreme Court reversed and remanded.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The trial court must reconsider the State-agent-immunity and duty issues, in either order, although immunity generally should be addressed first. The court must determine those issues on the developed factual record and may reach the duty issue only as necessary after resolving immunity.

CASES CITED

- *Ex parte Cranman*, 792 So. 2d 392 (Ala. 2000)
- *Donahoo v. State*, 479 So. 2d 1188 (Ala. 1985)
- *International Brotherhood of Teamsters v. Hatas*, 287 Ala. 344, 252 So. 2d 7 (1971)
- *Durbin v. Durbin*, 818 So. 2d 396 (Ala. Civ. App. 2000), rev'd on other grounds, 818 So. 2d 404 (Ala. 2001)
- *Unzicker v. State*, 346 So. 2d 931 (Ala. 1977)
- *Ex parte Davis*, 721 So. 2d 685 (Ala. 1998)
- *Ex parte Alabama Department of Transportation*, 764 So. 2d 1263 (Ala. 2000)
- *Ex parte Butts*, 775 So. 2d 173 (Ala. 2000)
- *Orzechowski v. State*, 485 A.2d 545 (R.I. 1984)
- *Thompson v. County of Alameda*, 27 Cal. 3d 741, 614 P.2d 728, 167 Cal. Rptr. 70 (1980)
- *Martinez v. California*, 444 U.S. 277, 100 S. Ct. 553, 62 L. Ed. 2d 481 (1980)
- *Johnson v. California*, 69 Cal. 2d 782, 447 P.2d 352, 73 Cal. Rptr. 240 (1968)
- *Beauchene v. Synanon Foundation, Inc.*, 88 Cal. App. 3d 342, 151 Cal. Rptr. 796 (1979)
- *Siegert v. Gilley*, 500 U.S. 226, 111 S. Ct. 1789, 114 L. Ed. 2d 277 (1991)
- *Mitchell v. Forsyth*, 472 U.S. 511, 105 S. Ct. 2806, 86 L. Ed. 2d 411 (1985)
- *Hunter v. Bryant*, 502 U.S. 224, 112 S. Ct. 534, 116 L. Ed. 2d 589 (1991) (per curiam)
- *Ex parte Purvis*, 689 So. 2d 794 (Ala. 1996)
- *Ex parte Rizk*, 791 So. 2d 911 (Ala. 2000)
- *Ex parte Mobile Department of Human Resources*, 815 So. 2d 527 (Ala. 2001)

- Ex parte Mobile County Department of Human Resources
- Patton v. Black, 646 So. 2d 8 (Ala. 1994)

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