

SUPREME COURT OF TEXAS

Tarrant County, Texas v. Roderick Lydell Bonner

574 S.W.3d 893 (Tex. 2019) · No. 18-0431 · Decided May 24, 2019

SUMMARY

The Supreme Court of Texas held that statutory immunities under Texas Code of Criminal Procedure article 42.20 and Texas Government Code section 497.096 applied to an inmate’s negligence claims arising from injuries sustained while receiving medical treatment in a county jail. The Court construed “in connection with” broadly enough to include acts or omissions reasonably related to a covered inmate activity, even indirectly. It further held that the statutes impose a heightened conscious-indifference or reckless-disregard standard and reversed the court of appeals’ judgment.

CASE DETAILS

COURT	Supreme Court of Texas
WRITING FOR THE COURT	John P. Devine; Chief Justice Hecht; Justice Green; Justice Guzman; Justice Lehrmann; Justice Brown; Justice Blacklock; Justice Busby; Justice Devine
JURISDICTION	Texas
DECIDED	May 24, 2019
DOCKET	18-0431
DISPOSITION	reversed
PROCEDURAL POSTURE	Tarrant County sought review of a court of appeals judgment reversing the trial court's summary judgment in the County's favor in Bonner's Texas Tort Claims Act personal-injury action.
STANDARD OF REVIEW	Summary judgment is reviewed under the applicable summary-judgment standard; the statutory immunities are immunity from liability, an affirmative defense that must be pleaded and proved, not immunity from suit implicating subject-matter jurisdiction.
PRECEDENTIAL VALUE	Published opinion of the Supreme Court of Texas; precedential.
PARTIES	Tarrant County, Texas v. Roderick Lydell Bonner

TOPICS

statutory interpretation

standard of review

appellate procedure

negligence

personal injury

PRACTICE AREAS

governmental immunity

personal injury

negligence

summary judgment

QUESTIONS PRESENTED

1. Whether Texas Code of Criminal Procedure article 42.20 and Texas Government Code section 497.096 applied to Bonner's negligence claims arising from the defective chair's presence and use during his medical treatment.
2. Whether the phrase "in connection with" required a temporal, purposive, material, or otherwise direct relationship between the alleged negligent acts or omissions and the covered inmate treatment activity.
3. Whether Bonner raised a genuine issue of material fact that the County acted with conscious indifference or reckless disregard for the safety of others, as required to overcome the statutory immunity from liability.
4. Whether the statutory immunity was immunity from suit or immunity from liability.

HOLDINGS

1. Article 42.20 and section 497.096 apply to negligent acts and omissions that are reasonably related to covered inmate programs or activities, including indirect connections; the County's alleged failure to remove or warn about the defective chair and its continued availability for use were in connection with Bonner's medical treatment.
2. Conscious indifference in this tort context requires an act or omission involving an extreme risk to others, actual subjective awareness of that risk, and knowledge that harm was a highly probable consequence of the act or omission; mere negligence is insufficient.
3. The statutory immunities are affirmative defenses that the defendant must plead and prove; once the defendant establishes the statutory conditions, the plaintiff bears the burden of establishing the heightened-culpability exception.
4. Bonner failed to raise a genuine issue of material fact that the County acted with conscious indifference or reckless disregard; the evidence showed negligence and some risk, but not subjective awareness of an extreme risk or knowledge that serious harm was highly probable.

KEY QUOTATIONS

"The two statutes immunize negligent acts and omissions that are reasonably related to the covered programs or activities, even when the relationship is indirect." (at 901)

"Conscious indifference in the context of a tort indeed consists of an act or omission involving an extreme risk to others, an actual awareness of that risk, and knowledge that harm was a highly probable consequence of the act or omission." (at 910)

"Immunity from liability and immunity from suit are distinct aspects of governmental immunity under common law." (at 907)

FACTUAL BACKGROUND

A detention officer damaged a chair at the Tarrant County jail when it collapsed beneath him. He reported the incident and, following his supervisor's instructions, moved the chair to a locked multipurpose room for disposal, although nurses sometimes used that room to treat diabetic inmates. Four days later, Bonner attempted to use the chair during diabetes treatment, and it collapsed, causing him to fall and allegedly sustain personal injuries.

PROCEDURAL HISTORY

Bonner sued Tarrant County after a defective chair collapsed during his diabetes treatment at the county jail. The trial court granted the County summary judgment based on the heightened liability standards in Texas Code of Criminal Procedure article 42.20 and Texas Government Code section 497.096. The court of appeals reversed and remanded, holding that the statutory immunities did not apply to certain alleged omissions because they were not sufficiently connected to Bonner's medical treatment. The Supreme Court of Texas reversed and rendered judgment that Bonner take nothing.

DISPOSITION

reversed

CASES CITED

- ExxonMobil Pipeline Co. v. Coleman, 512 S.W.3d 895, 899-901 (Tex. 2017) (per curiam)
- Chadbourne & Parke LLP v. Troice, 571 U.S. 377, 380, 387-388 (2014)
- Lippincott v. Whisenhunt, 462 S.W.3d 507, 509 (Tex. 2015) (per curiam)
- Titan Transp., LP v. Combs, 433 S.W.3d 625, 637 (Tex. App.—Austin 2014, pet. denied)
- Fort Worth Transp. Auth. v. Rodriguez, 547 S.W.3d 830, 838 (Tex. 2018)
- Travis Cent. Appraisal Dist. v. Norman, 342 S.W.3d 54, 57-58 (Tex. 2011)
- Mission Consol. Indep. Sch. Dist. v. Garcia, 253 S.W.3d 653, 659 (Tex. 2008)
- DeWitt v. Harris Cty., 904 S.W.2d 650, 654 (Tex. 1995)
- Tarrant Cty. v. Morales, 207 S.W.3d 870, 874-876 (Tex. App.—Fort Worth 2006, no pet.)
- Moncada v. Brown, 202 S.W.3d 794, 796, 799-800 (Tex. App.—San Antonio 2006, no pet.)
- Gill v. Tex. Dep't of Criminal Justice, Inst. Div., 3 S.W.3d 576, 581-582 (Tex. App.—Houston [1st Dist.] 1999, no pet.)
- State v. Shumake, 199 S.W.3d 279, 283, 287 (Tex. 2006)
- Tex. Dep't of Transp. v. Jones, 8 S.W.3d 636, 638 (Tex. 1999) (per curiam)
- Rusk State Hosp. v. Black, 392 S.W.3d 88, 93 (Tex. 2012)
- Williams v. Steves Indus., Inc., 699 S.W.2d 570, 573 (Tex. 1985)
- Smith v. Babcock & Wilcox Constr. Co., 913 S.W.2d 467, 468 (Tex. 1995) (per curiam)
- Transp. Ins. Co. v. Moriel, 879 S.W.2d 10, 22 (Tex. 1994)
- City of Lubbock v. Land, 33 S.W.3d 357, 359 (Tex. App.—Amarillo 2000, no pet.)
- Cobb v. Tex. Dep't Crim. Justice, 965 S.W.2d 59, 63 (Tex. App.—Houston [1st Dist.] 1998, no pet.)

