

Causality: Palsgraf v. Long Island Railroad Co.

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Palsgraf v. Long Island Railroad Co.

- On the most of famous tort law cases, and a landmark in shaping the concept of proximate cause, negligence and scope of liability in US.

- 1928, in a crowded Long Island railroad station.
- A man carrying a package was hurrying to catch a departing train.
- Two Long Island Railroad employees helped by pulling and pushing the man into the train.
- The passenger dropped the package which, unbeknownst to employees, contained fireworks.

- The fireworks exploded when hitting the rail, causing the scales on the platform to fall, and injured Helen Palsgraf.
- Palsgraf sued the railroad, claiming that the injury was caused by negligence of the employees.
- Both the trial and intermediate appeals courts found for Palsgraf.
- Long Island Railroad appealed twice, and eventually the case came to New York Court of Appeals.
- Eventually reversed in New York Court of Appeals, with the majority opinion written by Benjamin Cardozo.

Trial Court

- Neither side spent much time preparing for the case.
- Plaintiff contacted witnesses only hastily.
- Defendant repeatedly moved to dismiss (and was rejected), and called no witness.
- Judge instructed to the jury that if Long Island Railroad employees “omitted to do the things which prudent and careful trainmen do for the safety of those who are boarding their trains, as well as the safety of those who are standing upon the platform waiting for other trains, and that the failure resulted in the plaintiff’s injury, then the defendant would be liable.”
- Jury awarded \$6,000, plus cost of \$142, to Palsgraf.

Appeals

- Defendant argued that
 - (i) it had no foreknowledge that package was dangerous, and no law required the company to search passenger's luggage.
 - (ii) Trial court verdict contradicts law and evidence.
 - (iii) There is no negligence in helping a passenger into a train.
- Plaintiff argued that
 - (i) Jury verdict is supported by undisputed fact.
 - (ii) Defendant's failure to call employees as witness is equivalent to admission of negligence.
- 5 judges, 3-2 for the plaintiff.

Appeals

- Majority opinions:
 - (i) Jury's finding of negligence is supported by evidence.
 - (ii) Jury might have found that helping a passengers to board a moving train amounts to a negligence.
- Dissenting opinions:
 - (i) Did not question jury's finding of negligence; however,
 - (ii) employees' action is not a proximate cause of Palsgraf's injury.
 - (iii) Passenger's bringing a dangerous package in a crowded station is an independent act of negligence.
- There being a dissent entitles defendant the right to appeal.

NY State Court of Appeals

- Court of appeals consisted of 7 judges, the vote was 4-3 for the defendant.
- Case reversed, and Palsgraf's complaint was dismissed.
- Benjamin Cardozo wrote the judgement for the majority.
- Palsgraf was also rendered to pay the railroad's legal expenses, about \$350. (The railroad, however, never attempted to collect it.)

- The two main issues are
 - (i) Whether the employee's action is considered negligent of duty;
 - (ii) Whether the employee's action is the proximate cause of Palsgraf's injury.

Cardozo's Reasoning

- The employees cannot foresee the package contains dangerous materials, which causes an explosion.
- In Cardozo's words, "The range of reasonable apprehension is at times a question for the court, and at times, if varying inferences are possible, a question for the jury. Here, by concession, there was nothing in the situation to suggest to the most cautious mind that the parcel wrapped in newspaper would spread wreckage through the station. If the guard had thrown it down knowingly and willfully, he would not have threatened the plaintiff's safety, so far as appearances could warn him."

Cardozo's Reasoning

- “The risk reasonably to be perceived defines the duty to be obeyed, and risk imports relation; it is risk to another or to others within the range of apprehension.”
- Cardozo basically adopts “foreseeability” as a criterion to qualify the concept of proximate cause.
- The concept of foreseeability, i.e., acts whose consequences can reasonably be foreseen, should therefore limit the liability to consequences of an act.

Dissenting Judge Andrews' Reasoning

- The dissenting opinion, written by Judge Andrews for the other two, is equally significant:
- “Except for the explosion, she would not have been injured. We are told by the appellant in his brief “it cannot be denied that the explosion was the direct cause of the plaintiff’s injuries.” So it was a substantial factor in producing the result — there was here a natural and continuous sequence — direct connection. The only intervening cause was that instead of blowing her to the ground the concussion smashed the weighing machine which in turn fell upon her. There was no remoteness in time, little in space.”

Aftermath

- The main difference between Cardozo's and Andrews' views is that the latter is not concerned with foreseeability. As long as negligent person's act causes injury within proximate cause, he is liable.
- Foreseeability becomes a new criterion for liability. Basically, it says that a reasonable person, in the position of the defendant, if he can foresee the consequence of his act, then he breaches his duty of care if the action causes injury, and is liable.