



## News Release

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### **Texas Court Supreme Court Ruling**

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### ***Rodriguez v. Mesteña***

Today the Texas Supreme Court addressed a key question regarding potential landowner liability in the context of the growing problem of illegal smuggling operations. The Court upheld a lower court decision, reversing the San Antonio Court of Appeals, which had held that a landowner has a duty of reasonable care to illegal trespassers. The Court directly clarified the duty question for landowners and applied the law to the context of illegal smuggling operations and trespassers.

Land owners see this decision as not only a win, but an important precedent in declaring the absence of duty unless there is conduct that is willful, wanton or grossly negligent. Now, landowners and operators across the state have the certainty that they will not be held liable in Texas courts for the illegal activities that may be taking place on their property.

This opinion from the Texas Supreme Court will be the key authority for Texas landowners when or if future suits arise in this context. The Court was careful to recognize that the holding would not apply to individuals that engage in targeted acts towards trespassers or smugglers. But landowners who are acting in the normal course will no longer be subject to liability in Texas courts. Jim D. Bradbury, who served as counsel to the South Texans' Property Rights Association (STPRA) and other agriculture and landowners groups, said: "This is an important ruling for Texas ranch owners and those who own private property in Texas. They have faced an unprecedented intrusion on their property by illegal operations. I am very pleased that the Texas Supreme Court recognized this difficult situation and made clear that Texas landowners should not be held liable for the consequences of illegal smuggling operations. I give the credit here to STPRA and the other statewide groups that recognized the importance of the issue and pursued it."

STPRA executive director, Susan Kibbe, stated, "I would like to sincerely thank the Exotic Wildlife Association, Texas Wildlife Association, Texas Cattle Feeders Association, Texas and Southwestern Cattle Raisers Association, Texas Independent Cattlemen's Association of Texas, Texas Poultry Federation and Texas Independent Ginners Association for their united support of the Mesteña landowners." "The Kenedy Foundation is most pleased with this TSC decision and glad we provided an Amicus support for the landowner," stated Lt. Gen. Marc Cisneros, CEO of the Kenedy Memorial Foundation.

Kibbe added, "This is an affirmation of private property rights in the State of Texas that's been threatened with the ever increasing illegal smuggling and trespassing. I commend the members of the Texas Congressional delegation who are taking a leadership role in addressing this federal issue. Until they are successful, though, this ruling helps relieve one of the many pressures that South Texas landowners and operators are facing 24/7."