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City of Jackson v. Lawson

Supreme Court of Mississippi - April 2, 2026 - So.3d - 2026 WL 901477

Motorcyclist brought negligence action against city for injuries suffered after riding into pothole on city street, alleging city failed to maintain street in reasonably safe condition, failed to timely repair pothole, and failed to warn motorists.

The Circuit Court denied city's motion for summary judgment, granted motorcyclist's motion for partial summary judgment on liability, and, after bench trial on damages, entered judgment awarding motorcyclist damages. City appealed.

The Supreme Court held that:

- City's response to complaint about pothole "involved an element of choice or judgment," as required for discretionary-function immunity under Mississippi Tort Claims Act (MTCA);
- City's decision not to warn of or repair pothole did not involve social, economic, or political-policy considerations, and thus city lacked discretionary-function immunity under MTCA; and
- City was asking for "advisory opinion," which Supreme Court would decline to provide, in asking it to determine whether statute created duty for city to maintain its streets.