

Cases of Historical Interest In the Southern District of New York

Erie R.R. v. Tompkins

Judge Samuel Mandelbaum

Every law student recognizes this famous case as establishing a bedrock principle in actions invoking a federal court's diversity jurisdiction—state law provides the substantive legal principles governing the case. On July 10, 1936, Judge Mandelbaum was sworn in as a judge of the District Court. On October 5, 1936, he commenced his first civil trial: *Erie R.R. v. Tompkins*, an action for damages by a pedestrian, Harry Tompkins, who lost his arm while walking along a railroad pathway and claimed that he was struck from an object protruding from the train. Pennsylvania law, where the accident happened, would have required dismissal of the case. But applying well-established principles, Judge Mandelbaum concluded that Pennsylvania law had no application to a case brought in federal court. The jury awarded Tompkins \$30,000 and the railroad appealed. The Second Circuit affirmed. The Supreme Court reversed and overruled its 96 year-old precedent, *Swift v Tyson*, 41 U.S. (16 Pet.) 1, 18-19 (1842), a case that arose from a certified question from the United States Circuit Court for the Southern District of New York (Justice Smith Thompson and Judge Samuel Rossiter Betts). *Erie R.R. v. Tompkins*, 304 U.S. 64 (1938) is one of the most cited cases in American legal history.

I. Younger, What Happened in Erie, 56 Texas L. Rev. 1011 (June 1978). 56

R.H. Jackson, The Rise and Fall of *Swift v. Tyson*, <http://www.roberthjackson.org/the-man/bibliography/the-rise-and-fall-of-swift-v-tyson/>

J. Morris, Federal Justice in the Second Circuit 49 (1987)



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