

SCOTT H. TUCKER

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— BIOGRAPHY

Scott H. Tucker is head of the firm's Railroad Practice Group. He and his group represent the largest Class One freight railroad in the country, and the National Railroad Passenger Corporation (Amtrak) in their Arkansas personal injury litigation. He has extensive experience representing railroads in lawsuits involving grade crossing accidents, employee injuries, and trespasser strikes.

Scott is a Fellow of the American College of Trial Lawyers and is listed in *The Best Lawyers in America* for Railroad Law. He is a member of the National Association of Railroad Trial Counsel (NARTC). Over the years, Scott has made numerous presentations to law, claims, and operating departments of railroads as well as to the NARTC and the Occupational Claims Seminars.

— EDUCATION

- Washington and Lee University School of Law, J.D., 1987
 - Burks' Scholar Teaching Fellow
 - Spong Invitational Moot Court Team-Captain
 - Omicron Delta Kappa
- University of Arkansas, B.A., History, 1984
 - Phi Beta Kappa
 - J. William Fulbright Award (graduating history major with highest GPA)
 - Mortar Board

— NOTEWORTHY

- Elected Fellow of the American College of Trial Lawyers
- Member of American Board of Trial Advocates
- Listed in *The Best Lawyers in America*, Railroad Law, since 2008
- Named "Lawyer of the Year," in *The Best Lawyers in America*, Railroad Law, Little Rock, 2022
- Listed as one of "Arkansas's Top Lawyers" in *AY Magazine* for Railroad Law, since 2008
- Rated AV Preeminent by Martindale-Hubbell

— KEY MATTERS

Practice Areas

[Railroad Litigation](#)

[Trucking & Transportation](#)

Industries

[Transportation & Logistics](#)

- *Adelsberger v. Union Pacific R.R. Co.*, No. 4:21-CV-00471, 2023 WL 4534443 (E.D. Ark July 13, 2023) (The railroad's motion for summary judgment was granted in this property damage/lost profits case allegedly resulting from the railroad's negligence in causing repeated flooding to the plaintiff's business).
- *Burchett v. Union Pacific R. R. Co.*, No. 60CV-22-8297 (Cir. Ct. of Pulaski County, Ark. 2023) (The railroad's motion to dismiss was granted in this FELA case alleging personal injuries).
- *Mansfield v. Union Pacific R.R. Co.*, No. 60CV-18-8200 (Cir Ct. of Pulaski County, Ark 2022) (The railroad's motion for summary judgment was granted in this grade crossing case involving personal injury)
- *Williams v. Union Pacific R.R. Co.*, No. 4:20CV4070, 2021 WL 5139521 (W.D. Ark. No. 3,2021) (The railroad's motion for summary judgment was granted in this trespasser strike that resulted in a leg amputation)
- *Joe v. Union Pacific R.R. Co.*, No. 4:21CV00286, 2021 WL 4200878 (E.D. Ark. Sept. 15, 2021) (The trial court granted the railroad's motion to dismiss for lack of personal jurisdiction in line with recent U.S. Supreme Court precedent)
- *Melton v. Little Rock Port Authority Railroad et al.*, No. CV-19-3781 (Cir. Ct. of Pulaski County , Ark. 2021) (Defense verdict for the railroad in this FELA fatality jury trial)
- *Crater et al. v. Union Pacific R.R. Co. et al.*, No. 35CV-17-695 (Cir. Ct. of Jefferson County, Ark. 2021). (The railroad's motions for summary judgment were granted in this double fatality and survival suit arising from crossing accident)
- *Capers v. Nat'l R.R. Passenger Corp.*, 2016 U.S. App. LEXIS 23182 (8th Cir. Dec. 23, 2016) (Amtrak's motion for summary judgment was granted in this case of alleged sexual battery of a passenger and affirmed by the U.S. 8th Circuit Court of Appeals)
- *Lewis v. Union Pacific R.R. Co.*, No. 5:15-CIV00279 (JM), 2016 WL 7494270 (E.D. Ark. Oct. 6, 2016) (The railroad's motion for summary judgment was granted in this grade crossing case alleging personal injury)
- *City of Ozark, Arkansas v. Union Pacific R.R. Co.*, 843 F.3d 1167 (8th Cir. 2016) (Summary judgment that had been granted to plaintiff was reversed, and the case was dismissed by the U.S. 8th Circuit Court of Appeals. The City had sued to force the railroad to re-install a grade crossing)
- *Falcone v. Union Pacific R.R. Co.*, No. 4:14-CV-573 (JM), 2016 U.S. Dist. LEXIS 156609, at *1 (E.D. Ark. Feb. 24, 2016) (The trial court granted the railroad's motion to strike plaintiff's medical experts in this FELA case alleging personal injuries, and then granted the railroad's motion for summary judgment for lack of expert testimony as to causation)
- *Haukereid v. Nat'l R. R. Passenger Corp.*, 816 F.3d 527 (8th Cir. 2016) (Summary judgment for the railroad was affirmed by the U.S. 8th Circuit Court of Appeals, finding that the railroad did not proximately cause a passenger fatality)
- *Fulks v. Union Pacific R.R. Co.*, No. 3:10CV0310 JLH, 2011 WL 5439177, at *1 (E.D. Ark. Nov. 9, 2011) (The railroad's motion for partial summary judgment was granted on the claim of inadequate warning devices)
- *Wilson v. Union Pacific R.R. Co.*, 2011 Ark. App. 508 (The Arkansas Court of Appeals affirmed the dismissal of plaintiff's complaint against the railroad)
- *Thomas v. Union Pacific R.R. Co.*, No. 5:08CV0287-WRW, 2010 WL 143756, at *1 (E.D. Ark. Jan. 12, 2010) (The trial court dismissed the plaintiff's Locomotive Inspection Act claim in this FELA case alleging personal injuries)
- *Brooks v. Union Pacific R.R. Co.*, 620 F.3d 896 (8th Cir. 2010) (Summary judgment for the railroad in this FELA case was affirmed by the U.S. 8th Circuit Court of Appeals because plaintiff had no admissible expert testimony regarding medical causation)
- *Hall v. Union Pacific R.R. Co.*, No. 06-CV-1012, 2007 WL 676660, at *1 (E. D. Ark. March 1, 2007), *aff'd*, 261 Fed. Appx. 931 (8th Cir. 2008) (Railroad's motion for summary judgment was granted in this trespasser fatality and affirmed by the U.S. 8th Circuit Court of Appeals)

- *Stevenson v. Union Pacific R.R. Co.*, 354 F.3d 739 (8th Cir. 2004) (Jury verdict for plaintiffs was reversed by the U.S. 8th Circuit Court of Appeals in this grade crossing case involving one fatality and one traumatic brain injury)
- *Johnson v. Union Pacific R.R. Co.*, 352 Ark. 534, 104 S.W.3d 745, (Ark. 2003) (Defense verdict for the railroad was affirmed by the Arkansas Supreme Court in this grade crossing case involving personal injury)
- *Thacker v. St. Louis S.W. Ry.*, 257 F.3d 922 (8th Cir. 2001) (U.S. 8th Circuit Court of Appeals affirmed the railroad's partial summary judgment and nominal award to plaintiff, in this FELA case alleging personal injury)
- *Lovett v. Union Pacific R.R. Co.*, 201 F.3d 1074 (8th Cir. 2000) (Defense verdict for the railroad was affirmed by the U.S. 8th Circuit Court of Appeals in this grade crossing case involving a minor passenger who sustained a severe traumatic brain injury)
- *Brown v. Union Pacific R.R. Co.*, No. 99-1682, 1999 U.S. App. LEXIS 33620, at *1 (8th Cir. 1999) (Defense verdict for the railroad was affirmed by the U.S. 8th Circuit Court of Appeals in this FELA case involving personal injury)
- *Cearley v. General American Transp. Corp.* 186 F.3d 887 (8th Cir. 1999) (The denial of Defendant's motion for summary judgment was reversed by the U.S. 8th Circuit Court of Appeals and the case dismissed in this alleged products liability case)
- *First Security Bank v. Union Pacific R.R. Co.*, 152 F.2d 877 (8th Cir. 1999) (Defense verdict for the railroad was affirmed by the U.S. 8th Circuit Court of Appeals in this grade crossing fatality case)
- *Coney v. Union Pacific R.R. Co.*, 136 F. 3d 1195 (8th Cir. 1998) (Defense verdict for the railroad was affirmed by the U.S. 8th Circuit Court of Appeals in this grade crossing case involving personal injury)
- *Birmingham v. Union Pacific R.R. Co.*, 971 F.Supp. 1282 (E.D. Ark. 1997), aff'd per curium, 168 F.3d 492 (8th Cir. 1998) (Defense verdict for the railroad was affirmed by the U.S. 8th Circuit Court of Appeals in this grade crossing case involving personal injury)
- *Union Pacific R.R. Co. v. Sharp*, 330 Ark. 174, 952 S.W.2d 658 (Ark. 1997) (Jury verdict in favor of plaintiff was reversed by the Arkansas Supreme Court in this grade crossing case involving a traumatic brain injury)
- *Lusby v. Union Pacific R.R. Co.*, 4 F.3d 639 (8th Cir. 1993) (Jury verdict in favor of plaintiff was reversed by the U.S. 8th Circuit Court of Appeals in this grade crossing fatality case)

— ASSOCIATIONS AND MEMBERSHIPS

- American College of Trial Lawyers, Fellow
- American Board of Trial Advocates, Member
- National Association of Railroad Trial Counsel
- Arkansas Bar Association
- Pulaski County Bar Association
- Sigma Alpha Epsilon

— ADMISSIONS

- Arkansas, 1987
- United States Court of Appeals for the Eighth Circuit, 1987
- United States District Courts for the Eastern and Western Districts of Arkansas, 1987

— RECOGNITION



— REPRESENTATIVE CLIENTS

- The largest Class One freight railroad in the country
- National Railroad Passenger Corporation (Amtrak)
- Professional Transportation, Inc.
- Little Rock Port Authority