

PJC 51.3 Negligence of Physician, Hospital, or Other Health Care Provider

QUESTION _____

Did the negligence, if any, of those named below proximately cause the [injury] [occurrence] in question?

Answer “Yes” or “No” for each of the following:

1. *Dr. Davis* _____
2. *Dixon Hospital* _____
3. *Paul Payne* _____
4. *Sam Settlor* _____
5. *Responsible Ray* _____
6. *Connie Contributor* _____

COMMENT

When to use. PJC 51.3 is a broad-form question that should be appropriate in most medical malpractice cases.

Broad-form submission. PJC 51.3 is a broad-form question designed to be accompanied by one or more appropriate instructions. *Tex. R. Civ. P. 277* requires that “the court shall, whenever feasible, submit the cause upon broad-form questions.” *Tex. R. Civ. P. 277*; see *Thota v. Young*, 366 S.W.3d 678, 689 (Tex. 2012) (rule 277’s use of “whenever feasible” mandates broad-form submission in any or every instance in which it is capable of being accomplished). For further discussion, including when a broad-form submission is not feasible, see PJC 86.2 regarding broad-form issues and the *Casteel* doctrine.

Accompanying definitions and instructions. The broad-form questions required by rule 277 contemplate the use of appropriate accompanying instructions “as shall be proper to enable the jury to render a verdict.” *Tex. R. Civ. P. 277*. Failure to do so may constitute reversible error. See *Torrington Co. v. Stutzman*, 46 S.W.3d 829, 838 (Tex. 2002) (“Because the question allowed the jury to find Torrington liable even if the plaintiffs did not establish the necessary factual predicates for a negligent undertaking duty, it was erroneous. These essential elements of an undertaking claim should be included in the instructions accompanying a broad-form negligence question.”) (internal citations omitted). PJC 51.3 is designed to be accompanied by the appropriate definitions of “negligence,” “ordinary care,” and “proximate cause” in PJC 50.1–50.3. If