

Medical Malpractice Research Guide

Overview

This research guide includes information and resources related to medical malpractice. Medical malpractice is defined as “a doctor’s failure to exercise the degree of care and skill that a physician or surgeon of the same medical specialty would use under similar circumstances” (*Black’s Law Dictionary*, 11th ed.). The resources listed below are not exhaustive and may not include the most up-to-date information. It is for information purposes only and should not be construed as legal advice or act as the substitute for legal counsel.

Statutes and Codes

Texas Statutes Online www.statutes.capitol.texas.gov

Civil Practice and Remedies Code

- Ch. 74 Medical Liability
<https://statutes.capitol.texas.gov/Docs/CP/htm/CP.74.htm>

Texas Health and Safety Code

- Ch. 313 Consent to Medical Treatment Act
<https://statutes.capitol.texas.gov/Docs/HS/htm/HS.313.htm>

Secondary Resources in Print

Texas Litigation Guide REF KFT 1730 .T4

- Vol. 19A, Ch. 321 Medical Malpractice

O'Connor’s Texas Causes of Action REF KFT 1733 .O26

- Ch. 20 Medical Malpractice
- Ch. 21 Negligence Actions

Texas Forms: Pleading and Practice REF KFT 1730 .A65

- Vol. 9B, Ch. 194 Physicians, Surgeons, and Other Medical Personnel
 - §194:11-194:25 Malpractice
 - §194:37 *et seq* Malpractice Forms

Texas Practice Guide REF KFT 1280 .T4931

- Vol. 1, Personal Injury, Ch. 4, Sec. G Medical Negligence

Texas Practice Series REF KFT 1280 .T4

- Vol. 44 Medical Malpractice
- Vol. 44A Appendices

Texas Torts and Remedies REF KFT 1395 .T49

- Vol. 1, Ch. 11 Healthcare Providers

Texas Personal Injury Handbook KFT 1397 .P3R62

Lanier’s Texas Personal Injury Forms KFT 1397 .P3L36

Personal Injury Forms: Discovery & Settlement REF KFT 1257 .A3 B36

- Ch. 9 Medical Malpractice §900 *et seq*

American Jurisprudence Trials KF 8913 .A4

- Vol. 12 Medical Malpractice—Saddle Block Anesthesia
- Vol. 16 Defense of Medical Malpractice Cases
- Vol. 107 Model Trials: The Use of Dental Anesthetics and Malpractice
- Vol. 107 Model Trials: Litigating Prostate Cancer Malpractice Cases

American Jurisprudence Proof of Facts 2d KF 8933 .A42

- Vol. 36 Dental Malpractice

Medical Evidence REF KF 8964 .A15 M43

Pattern Cross-Examinations REF KF8920 .S56

- Ch. 5 Cross-Examination in Medical Malpractice Cases

Determining Economic Damages REF KF 1250 M317

- §220 *et seq* Medically Related Data
- Ch. 9 Using Reports of Medical and Rehabilitation Experts
- §1132 Damage limitations, inflation and medical malpractice cases
- §1240 Periodic payments, calculating

CLE Materials

Advanced Medical Torts Course KFT 1396 .M43

- 2022 Ch. 6 The Texas Tort Claims Act and Medical Malpractice
- 2022 Ch. 9 Alternative Sources of Proof in Medical Malpractice Cases
- 2021 Ch. 12 Liability for the Emergency Medical Care Under the Revised Statute
- 2021 Ch. 14 The Multi-Defendant Case: Challenges, Advantages and Strategies
- 2021 Ch. 15 Proving Gross Negligence and Net Worth
- 2021 Ch. 18 Nursing Homes and Assisted Living Litigation
- 2020 Ch. 11 Liability for Emergency Medical Care under the Revised Statute
- 2020 Ch. 13 The Multi-Defendant Case: Challenges, Advantages and Strategies
- 2020 Ch. 14 Proving
- 2019 Ch. 2 Master of the Universe: The Experts Witness in Medical Malpractice Cases
- 2019 Ch. 8 Insurance Issues in Medical Malpractice Cases
- 2019 Ch. 9 Tort Act Claim Issues Relative to Medical Malpractice Issues
- 2019 Ch. 11 Physicians and Mass Tort Litigation
- 2019 Ch. 13 Medical Malpractice Issues in Anesthesia Gross Negligence and Net Worth
- 2018 Ch. 13 Insurance Issues in Mediation
- 2018 Ch. 18 Do's and Don'ts of Mediating a Case
- 2014 Ch. 2 Preemption and the Learned Intermediary Doctrine-What Every Medical Tort Lawyer Needs to Know

- 2014 Ch. 7 Damages
- 2014 Ch. 15 Preemption of Texas Medical Malpractice Laws That Violate HIPPA
- 2013 Ch. 2 Epidemiologic Evidence of Causation in Medical Negligence and Product Litigation
- 2013 Ch. 9 Medical Torts: More Than Malpractice
- 2013 Ch. 14 Settlement and Settlement Agreements: Plaintiff and Defense Perspective

Online Resources

Does Texas Cap Medical Malpractice Damages? (NOLO)

<https://www.nolo.com/legal-encyclopedia/does-texas-place-cap-medical-malpractice-damages.html>

Medical Negligence (NOLO)

<https://www.alllaw.com/articles/nolo/medical-malpractice/negligence.html>

Medical Malpractice: Using Medical Expert Witnesses (NOLO)

<https://www.nolo.com/legal-encyclopedia/medical-malpractice-using-expert-witnesses-30087.html>

Medical Malpractice FAQ (NOLO)

<https://www.nolo.com/legal-encyclopedia/medical-malpractice-faq.html>

Personal Injury Claims (Texas Law Help)

<https://texaslawhelp.org/article/personal-injury-claims>

Legal Assistance

Legal Lines – Ask Attorneys simple legal questions (free service)

- Tarrant County LegalLine Sign-up
<https://www.tarrantbar.org/>
- Dallas County LegalLine Sign-up
<https://www.dallasbar.org/index.cfm?pg=legalline>

Tarrant County Bar Association Lawyer Referral Service: 817-336-4101 (\$20 for the first 30 minutes)