

# SUPREME COURT OF TEXAS

## Rodriguez-Escobar v. Goss

392 S.W.3d 109 (Tex. 2013) · Decided February 1, 2013

### SUMMARY

The Texas Supreme Court held that the evidence was legally insufficient to establish that Dr. Rodriguez-Escobar's negligent failure to involuntarily hospitalize Beverly Goss proximately caused her suicide. The court concluded that the expert testimony showed only that Goss likely could not have shot herself while hospitalized, not that hospitalization probably would have prevented her suicide after release. The court reversed the court of appeals and rendered judgment for Dr. Rodriguez-Escobar.

### CASE DETAILS

|                    |                                                                                                                                                                                                                                                                                                                                                                                                |
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| COURT              | Supreme Court of Texas                                                                                                                                                                                                                                                                                                                                                                         |
| JURISDICTION       | Texas                                                                                                                                                                                                                                                                                                                                                                                          |
| DECIDED            | February 1, 2013                                                                                                                                                                                                                                                                                                                                                                               |
| DISPOSITION        | reversed                                                                                                                                                                                                                                                                                                                                                                                       |
| PROCEDURAL POSTURE | The Gosses sued Dr. Rodriguez-Escobar for negligence after he declined to involuntarily hospitalize Beverly Goss, who later committed suicide. A jury found for the Gosses and awarded \$200,000; the trial court rendered judgment on the verdict, and the court of appeals affirmed. The Supreme Court of Texas granted review and reversed and rendered judgment for Dr. Rodriguez-Escobar. |
| STANDARD OF REVIEW | Legal-sufficiency review of the evidence supporting the jury's finding that the defendant's negligence proximately caused the decedent's death.                                                                                                                                                                                                                                                |
| PRECEDENTIAL VALUE | Published opinion of the Supreme Court of Texas; precedential.                                                                                                                                                                                                                                                                                                                                 |
| PARTIES            | Dr. Diego Rodriguez-Escobar v. Michael Goss, Timothy Goss, Steven Goss                                                                                                                                                                                                                                                                                                                         |

### TOPICS

medical malpractice professional negligence proximate cause appellate procedure standard of review

### PRACTICE AREAS

## QUESTIONS PRESENTED

1. Whether the evidence was legally sufficient to support the jury's finding that Dr. Rodriguez-Escobar's negligent failure to involuntarily hospitalize Goss was a cause-in-fact of her suicide.
2. Whether the asserted statutory or official immunity defenses applied or were preserved for review.

## HOLDINGS

1. The evidence was legally insufficient to support the finding that Dr. Rodriguez-Escobar's negligence proximately caused Goss's death because there was no evidence that involuntary hospitalization on March 26, 2003 probably would have prevented her suicide.
2. The court did not decide the statutory-immunity or official-immunity issues because the legal insufficiency of the causation evidence was dispositive.

## KEY QUOTATIONS

*"We reverse and render."* (109)

*"The elements of a negligence cause of action are the existence of a legal duty, a breach of that duty, and damages proximately caused by the breach."* (113)

*"A physician's failure to hospitalize a person who later commits suicide is a proximate cause of the suicide only if the suicide probably would not have occurred if the decedent had been hospitalized."* (114)

*"Because there is no evidence that Goss's involuntary hospitalization by Dr. Rodriguez-Escobar probably would have prevented her death, the evidence is legally insufficient to support the finding that his negligence proximately caused her death."* (115)

## FACTUAL BACKGROUND

Dr. Rodriguez-Escobar conducted a preliminary psychiatric examination of Beverly Goss after she had been voluntarily treated for depression and an emergency detention warrant had been obtained. He concluded that she did not meet the criteria for involuntary hospitalization, released her on March 26, 2003, and recommended outpatient treatment. Goss engaged in apparently ordinary activities and follow-up care over the next several days, purchased a gun on March 29, and was later found dead from a self-inflicted gunshot wound.

## PROCEDURAL HISTORY

After a jury found Dr. Rodriguez-Escobar negligent and awarded damages, the trial court entered judgment on the verdict. The court of appeals affirmed. The Texas Supreme Court assumed without deciding that the asserted immunity issues were unpreserved, held that the evidence was legally insufficient to establish proximate cause, and rendered judgment for Dr. Rodriguez-Escobar.

## DISPOSITION

reversed

#### **CASES CITED**

- IHS Cedars Treatment Ctr. of DeSoto, Tex., Inc. v. Mason, 143 S.W.3d 794, 798 (Tex. 2004)
- Park Place Hosp. v. Estate of Milo, 909 S.W.2d 508, 511 (Tex. 1995)
- Providence Health Ctr. v. Dowell, 262 S.W.3d 324, 328-30 (Tex. 2008)
- City of Lancaster v. Chambers, 883 S.W.2d 650, 653 (Tex. 1994)

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