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## **SLG's Brandy Wingate to Argue at Texas Supreme Court**

February 8, 2012 by D. Todd Smith

After just over a year with my firm, Brandy Wingate has landed an oral argument at the Texas Supreme Court. The argument will take place at 9:00 a.m. tomorrow at the John B. Connally Center at the University of Texas School of Law here in Austin.

The case is *Rio Grande Regional Hospital Inc. and Columbia Rio Grande Healthcare L.P. v. Diana Lopez Villarreal, et al.* (No. 10-0927). The Court's staff attorney for public information has provided the following summary:

In this case alleging health care-liability claims resulting from a patient's suicide in a hospital, the principal issues are (1) whether the appeals court applied the wrong standard to review the jury's finding that the suicide was a foreseeable result of nurses' actions and omissions; (2) whether legally sufficient evidence established that the patient's suicide was foreseeable and nurses' actions and omissions constituted its cause in fact; and (3) whether the court of appeals erred by imposing on nurses a duty to diagnose a patient's psychiatric illness. Villarreal sued the hospital after her husband, admitted for severe headaches, fatigue and fainting spells, killed himself two days later by slashing his neck with a razor a nurse provided him for shaving. On his admission, he told doctors he was not depressed. Doctors prescribed an anti-anxiety drug and an antidepressant also used to treat anxiety. A jury found the hospital 75 percent negligent for the nurses' acts and omissions and Mrs. Villarreal 25 percent at fault for failing to disclose to disclose a suicide note her husband wrote and his complaints about his "deteriorating" mental state. The court of appeals affirmed the judgment based on the jury verdict, holding in part that proximate cause could be based on "general danger" or "some type of injury" reasonably foreseen by providing Mr. Villarreal the razor. The hospital argues that the standard should have been that the suicide was injury of a "general character" that the nurses should have reasonably anticipated.

Here are links to the parties' briefs and the Thirteenth Court of Appeals' opinion. The argument will be webcast live, courtesy of St. Mary's University School of Law.