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“What’d I Miss?”—An Update on the Texas Pattern Jury Charges

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“WHAT’D I MISS?”

An Update on the Texas Pattern Jury Charges¹

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I. INTRODUCTION

Decades ago, the State Bar established a committee to draft a collection of standardized proposed jury questions and instructions for lawyers and courts to use in preparing jury charges. This resulted in the Texas Pattern Jury Charges, commonly referred to as the “Texas PJC.” There are now seven State Bar PJC committees that revise and publish nine separate volumes of the Texas PJC. The PJC Criminal Committee edits and publishes four volumes focused on criminal jury charges. As for the civil PJC, there are five committees who each edit and publish the remaining five PJC volumes. Those five volumes are:

- (1) PJC—General Negligence, Intentional Personal Torts & Workers’ Compensation (“PJC—Negligence”);
- (2) PJC—Malpractice, Premises & Products (“PJC—Malpractice”);
- (3) PJC—Business, Consumer, Insurance & Employment (“PJC—Business”);
- (4) PJC—Family & Probate (“PJC—Family”); and
- (5) PJC—Oil & Gas.

The seventh committee is the PJC Oversight Committee. The Oversight Committee’s

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responsibility is to review all proposed revisions to the PJC volumes for consistency across all of the volumes and accuracy of the proposed charges, questions, instructions, and comments.

Generally, the civil PJC committees follow a two-year publication schedule. Within the past six months, four of those committees (PJC Negligence, PJC Malpractice, PJC Business, and PJC Oil & Gas) published their 2020 editions. The PJC Family Committee published its 2020 edition earlier in 2020. This paper will summarize several of the notable changes in the five civil volumes.

II. CHANGES COMMON TO MULTIPLE VOLUMES

While a great bulk of each PJC volume focuses on issues and subjects specific to that volume's subject matter, they also contain some charges, questions, instructions, and comments common to some or all of the other volumes. In the 2020 editions, several changes were made to matters common to all civil volumes, as well as others that affected a more limited subset of the volumes. A good place to start the discussion is the changes common to all of the civil volumes.

A. Changes Common to All Civil PJC Volumes

1. Discussion of broad-form submissions

First, because the Supreme Court amended Tex. R. Civ. P. 277, the civil volumes revised the comments on broad-form submissions.

2. Preservation of error

Second, the committees revised the discussion on preservations of error. *See* PJC—Negligence 32.1; PJC—Malpractice 86.1; PJC—Business 116.1; PJC—Family 251.1;

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