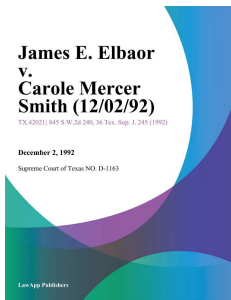


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JAMES E ELBAOR V CAROLE MERCER SMITH 12 02 92 EBOOKS 2019



Author: Supreme Court of Texas

Release Date: Expected @@expectedReleaseDate@@

In this medical malpractice case we consider: 1) whether the trial court should have submitted to the jury a requested issue concerning the plaintiff's contributory negligence; and 2) whether Mary Carter agreements are void as contrary to public policy. The trial court rendered judgment in favor of the plaintiff, and the court of appeals affirmed. ___S.W.2d ___. We hold that the trial court committed reversible error in refusing to submit an issue on the plaintiff's contributory negligence. We further hold that Mary Carter agreements are void as against public policy.*fn1 We thus reverse the judgment u0026#xa0;of the court of appeals and remand this cause to the trial court for a new trial.

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