



Klotz v. St. Anthony's Medical Center, 311 S.W.3d 752 (Mo. 2010)

Topics Covered: Professional Liability, Tort Reform

Outcome: Unfavorable

Issue

The primary issue in this case was whether the Missouri cap on non-economic damages in medical malpractice suits was constitutional.

AMA Interest

Medical liability reform is the AMA's top legislative priority.

Case Summary

James Klotz sued St. Anthony's Medical Center, claiming that he had been injured through medical malpractice while hospitalized for a heart attack. He alleged that an intravenous catheter had been attended to improperly. As a result, he claimed to have suffered a staph infection, which was exacerbated when his heart surgeon installed a pacemaker. Unfortunately, he lost his right leg, part of his left foot, a kidney, and some of his hearing. The complaint included a loss of consortium claim for Mr. Klotz's wife, Mary Klotz.

After the Klotzes filed their suit, the Missouri statutes were amended to impose a cap on non-economic damages in medical malpractice suits. Subsequently, the Klotzes added, as additional defendants, Mr. Klotz's cardiac surgeon, Michael L. Shapiro, M.D., and Dr. Shapiro's medical group, Metro Heart Group of St. Louis (MHG).

The case was tried to a jury, which awarded non-economic damages to Mr. Klotz of \$760,000 and non-economic damages to Mrs. Klotz of \$329,000. The defendants moved to have the verdict reduced, pursuant to the statutory cap. The trial court then had to decide whether to apply the revised version of the statute to some, all, or none of the defendants.

The court primarily focused on the timing issue. After considering the filing dates against the various defendants, it held that the statutory cap applied to Dr. Shapiro and MHG but not to St. Anthony's. It also considered, and rejected, an argument that the caps were unconstitutional as being retrospective legislation. Finally, the court noted that the plaintiffs had asserted several other constitutional arguments against the damage cap, and it rejected these as well. The court reduced the non-economic damages that would otherwise have been awarded against Dr. Shapiro and MHG by approximately \$600,000.

The Klotzes and St. Anthony's appealed directly to the Missouri Supreme Court. The Missouri Supreme Court reversed, finding the damages cap unconstitutional to the extent it applied retrospectively. The majority of the court did not reach the issue of whether the cap might be unconstitutional on broader grounds. However, two of the justices submitted concurring opinions, in which they maintained that the cap should have been found unconstitutional as a violation of the right of trial by jury or the right to equal protection of the laws.

Litigation Center Involvement

The Litigation Center and the Missouri State Medical Association filed an *amicus curiae* brief in the Missouri Supreme Court.

Missouri Supreme Court brief