



# McLeod v. Mt. Sinai Medical Center, 876 N.E.2d 1201 (Ohio 2007)

Topics Covered: Professional Liability, Abusive Litigation Against Physicians

## **Outcome: Very Favorable**

### **Issue**

The issue in this case is whether the trial court had the right to order a new trial based on a plaintiff's lawyer's misconduct.

### **AMA Interest**

The AMA supports curbs on abusive litigation against physicians.

### **Case Summary**

In a medical malpractice suit claiming injuries arising during childbirth, a highly flamboyant plaintiff's lawyer persuaded a jury to award \$30 million in damages. Half of these damages were based on non-economic factors. After the jury rendered its verdict, the trial judge ordered a new trial, finding that the jury's award had been excessive and given "under the influence of passion and prejudice."

The plaintiffs appealed to the Cuyahoga County Court of Appeals, which reversed the trial court's order. Defendants then appealed to the Ohio Supreme Court, which reinstated the trial court order of a new trial. The Ohio Supreme Court found that there was competent, credible evidence to support the trial court's decision.

### **Litigation Center Involvement**

The AMA, along with the Ohio State Medical Association, filed an amicus curiae brief supporting the trial court's mistrial order. It emphasized the harm to health care that can arise from excessive judgments in medical malpractice lawsuits, as well as the harm to the system of justice that can arise from allowing over-zealous attorneys to make prejudicial statements to juries.

Ohio Supreme Court brief