

SUPREME COURT OF MISSOURI

Joy v. Morrison

254 S.W.3d 885 (Mo. banc 2008) · No. SC 88690 · Decided June 10, 2008

SUMMARY

The Supreme Court of Missouri affirmed a judgment for the defendant physicians in a medical malpractice action. The court held that the trial court did not abuse its discretion by refusing to strike a prospective juror for cause, and clarified that challenges concerning juror qualifications do not require a showing of a real probability of injury. The court overruled prior Missouri cases to the extent they imposed that requirement and held that the juror's overall voir dire responses supported a finding that he could be fair and impartial.

CASE DETAILS

COURT	Supreme Court of Missouri
WRITING FOR THE COURT	Per Curiam
JURISDICTION	Missouri
DECIDED	June 10, 2008
DOCKET	SC 88690
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from a judgment entered for the defendant physicians after a jury trial on a medical malpractice claim, concerning the trial court's refusal to strike a prospective juror for cause.
STANDARD OF REVIEW	A trial court's ruling on a challenge for cause based on a prospective juror's qualifications is upheld unless clearly against the evidence and constituting a clear abuse of discretion. Unlike review of the conduct and control of voir dire, this standard does not require a showing of a real probability of injury. The relevant question is whether the venireperson's beliefs would prevent or substantially impair performance of juror duties in accordance with the court's instructions and oath.
PRECEDENTIAL VALUE	Published, en banc opinion of the Supreme Court of Missouri; binding Missouri precedent, including its partial overruling of Betts, Smith, and their progeny.

PARTIES

Linda Joy, individually and as personal representative of the Estate of Wesley Leon Joy v. Stephen K. Morrison, M.D., John Wordy Buckner III, M.D.

TOPICS

medical malpractice

standard of review

appellate procedure

civil procedure

personal injury

PRACTICE AREAS

medical malpractice

civil procedure

appellate procedure

torts

QUESTIONS PRESENTED

1. Whether the trial court abused its discretion by refusing to strike prospective juror Clarence Shirkey for cause.
2. Whether a showing of a real probability of injury is required to obtain reversal of a trial court's ruling on a prospective juror's qualifications.
3. Whether the trial court was required to conduct an independent examination of Shirkey regarding possible prejudice.

HOLDINGS

1. A party challenging a trial court's ruling on a prospective juror's qualifications need not show a real probability of injury; reversal requires a clear showing that the trial court abused its discretion.
2. Shirkey was not disqualified because his views concerned lawsuits and doctors generally, not the specific facts of the case, and his opinions did not preclude him from following the trial court's instructions.
3. The trial court was not required to conduct an independent voir dire examination because counsel's questioning cleared up the potential equivocation and prejudice in Shirkey's initial responses.

KEY QUOTATIONS

"To the extent Betts, Smith and their progeny require a showing of a real probability of injury with respect to the trial court's ruling on the qualification of a potential juror, they are overruled." (889)

"The critical question in these situations is always whether the challenged venireperson indicated unequivocally his or her ability to fairly and impartially evaluate the evidence." (891)

FACTUAL BACKGROUND

Wesley Joy underwent cardiac catheterization and coronary bypass surgery, during which a vein was removed from his leg; complications ultimately led to amputation above the knee. The Joys sued the defendant physicians for medical malpractice, and the jury found no liability. During voir dire, prospective juror Clarence Shirkey expressed general opposition to lawsuits and concern about large damage awards, including a possible bias in favor of doctors, but later stated that he could be fair and impartial and follow the court's instructions.

PROCEDURAL HISTORY

Wesley and Linda Joy sued Morrison and Buckner after complications following Wesley Joy's cardiac catheterization and coronary artery bypass resulted in above-knee amputation of his leg. A jury found no liability for the doctors. Wesley died while the appeal was pending, and Linda Joy was substituted as personal representative. After a per curiam opinion by the Court of Appeals, Southern District, the case was transferred to the Supreme Court of Missouri, which affirmed.

DISPOSITION

affirmed

CASES CITED

- State v. Christeson, 50 S.W.3d 251, 264 (Mo. banc 2001)
- State v. Smith, 32 S.W.3d 532, 544 (Mo. banc 2000)
- State v. Johnson, 22 S.W.3d 183, 187-188 (Mo. banc 2000)
- State v. Olinghouse, 605 S.W.2d 58, 68-69 (Mo. banc 1980)
- State v. Betts, 646 S.W.2d 94, 98-99 (Mo. banc 1983)
- State v. Smith, 649 S.W.2d 417, 422 (Mo. banc 1983)
- Travis v. Stone, 66 S.W.3d 1, 4 (Mo. banc 2002)
- Rogers v. B.G. Transit Corp., 949 S.W.2d 151, 156 (Mo. App. 1997)
- McClain v. Petkovich, 848 S.W.2d 33, 35 (Mo. App. 1993)
- State v. Feltrop, 803 S.W.2d 1, 8 (Mo. banc 1991)
- Acetylene Gas Co. v. Oliver, 939 S.W.2d 404, 411 (Mo. App. 1996)
- Ray v. Gream, 860 S.W.2d 325, 334 (Mo. banc 1993)
- State v. Skillicorn, 944 S.W.2d 877, 892 (Mo. banc 1997)
- State v. Copeland, 928 S.W.2d 828, 852 (Mo. banc 1996)
- State v. Wise, 879 S.W.2d 494, 512 (Mo. banc 1994)
- State v. Wheat, 775 S.W.2d 155, 158 (Mo. banc 1989)
- State v. Mathenia, 702 S.W.2d 840, 844 (Mo. banc 1986)
- State v. Tisius, 92 S.W.3d 751, 763 (Mo. banc 2002)
- State v. Hall, 955 S.W.2d 198, 204 (Mo. banc 1997)
- State v. Mahurin, 799 S.W.2d 840, 845 (Mo. banc 1990)