

Missouri Lawyers 2021 ★ ★ ★ ★ ★ AWARDS

INFLUENTIAL APPELLATE ATTORNEY

William Ray Price Jr. Armstrong Teasdale

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Robert T. Adams



“The court’s looking for justice, and you need to help the court find the right answer.”

The Missouri Supreme Court took 588 days to issue an opinion in Eve Sherrer’s product liability suit against two pelvic-mesh manufacturers in 2020.

According to Missouri Lawyers Media’s database of Supreme Court decisions, the wait for an opinion was the fourth-longest since at least 2001.

The attorneys who represented the manu-

facturers, C.R. Bard and Boston Scientific Corporation, said that wait demonstrated both the complexity of the case before the court and the court’s wrestling with the subject matter.

“It’s clear that they struggled over the issue of whether certain evidentiary rulings prejudiced the plaintiff’s rights. Those are difficult determinations,” said William Ray Price Jr. of Armstrong Teasdale in St. Louis, who represented Bard.

Sherrer’s case began in 2010, when she was diagnosed with pelvic-organ prolapse and stress urinary incontinence. As part of her treatment for the conditions, a doctor first implanted her with a Boston Scientific product, the Solyx, but then had it removed after her symptoms worsened.

A doctor implanted a second product, Bard’s Align, in 2011. Sherrer alleged the second surgery left her with chronic pelvic pain.

She initially sued the Truman Medical Center and its physician group in 2012 for medical malpractice for implanting the Solyx. She amended the petition a year later to include product liability claims against Bard and Boston Scientific.

At trial, she asked a Jackson County jury to consider \$28 million in damages against the manufacturers. The jury returned defense verdicts, which Sherrer appealed.

The Missouri Court of Appeals Western District ordered a new trial for Sherrer against Bard, finding that the trial judge’s decision to exclude discussion of Bard’s prior criminal convictions was in error. Sherrer had argued it was necessary to impeach the credibility of the corporation’s testimony at trial. The court separately affirmed the verdict for Boston Scientific.

In October, however, the Missouri Supreme

Robert T. Adams Shook, Hardy & Bacon

Court declined to apply a law allowing for the impeachment of witnesses’ credibility to corporations.

While the court unanimously agreed on the issue of impeaching corporate witnesses, it split 4-3 on whether Sherrer should get a new trial on the basis that the jury was briefly shown a slide that referenced prior settlement information.

Robert T. Adams of Shook, Hardy & Bacon in Kansas City, who represented Boston Scientific, said the court was thoughtful in its analysis of the case.

“I think that while the process took a fair amount of time, that was consistent with how complex this case was, and I felt the end result was appropriate and fair,” he said.

Adams, who serves as co-chair of his firm’s general liability litigation practice group, said his philosophy as an attorney is “to make what could be complex facts into a thoughtful and understandable story as to why my client should win.”

“While that is simply stated, that involves a lot of effort to really think about the most important points with the jury and to not waste their time, and to make a strong impression with them about why you have the morally compelling side of the case and why you should win,” he said.

Price, a former Missouri Supreme Court judge of 20 years and former two-time chief justice, said his approach to cases is to look for the truth in every case.

“You have to present it simply and deal with the difficulties in your case,” he said. “Regardless of what you are doing, the court’s looking for justice and you need to help the court find the right answer.”

— Jessica Shumaker