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SERVICES

Birth Trauma Litigation

Medical Malpractice Defense

INDUSTRIES

Hospitals

Long-term Care & Senior Living

Physicians & Allied Health

Professionals

Kenneth Bean

SHAREHOLDER IN ST. LOUIS, MO

Kenneth Bean is a founding member of Sandberg Phoenix. Ken focuses his practice on defense work in civil litigation and health care litigation.

He has experience in the defense of high-risk medical malpractice litigation and medical products liability. He has tried to conclusion 13 OB medical malpractice actions involving brain injured children and won 11 of them. He has tried five psychiatric suicide cases and won four of them. Over his career, Ken has tried to completion over 100 cases. Ken was inducted into the American College of Trial Lawyers in 2006.

REPRESENTATIVE EXPERIENCE

Davis v STL Women's Healthcare. Ken with his partner, Michelle Drake, tried this case in November 2023 and after a 2-week trial received a unanimous defense verdict. Plaintiff alleged that the long-term OCs prescribed by the defense led to the development of a large hepatic adenoma requiring a liver resection. Plaintiff presented 5 experts. The defense presented three experts: a GYN surgeon, a liver transplant surgeon, and a reproductive endocrinologist.

Hosfeld v PCPMC Medical Group. Ken and his partner Michelle Drake tried this post - operative death action in Phelps County in November 2019 and after a 5-day trial received a defense verdict that was affirmed on appeal.

Krueger v. Mercy Hospital. This was a suit for equitable indemnity seeking \$9 million previously paid in a MVA case to settle claims brought by a brain damaged individual. The settling defendant sought to recover the settlement amount claiming the brain damage was due to medical mismanagement. We received a defense verdict after seven days of trial.

Thomas v. Mercy Hospital and Mercy Clinic. Ken Bean and Bobbie Moon received a defense verdict on March 27, 2015 following a two week trial in Franklin County, Mo on this OB medical malpractice action involving a child with cerebral palsy and mental retardation.

Klemp-Bradshaw v Mercy Clinic, et al. This was an OB medical malpractice action involving a brain injured child. This was tried in 2014 and resulted in a defense verdict.

C. Martin v. SSM Health Care, et al. This was a pediatric ER wrongful death case. This was tried in St. Charles County in 2014 and resulted in a defense verdict.

Key v. SSM Health Care. This was a stroke case alleging inadequate DVT prophylaxis after a total knee surgery. We received a defense verdict in 2013 after a seven day trial.

Johann v. St. Anthony's Medical Center. This was a fall where the patient developed a SAH and arachnoiditis. We received a defense verdict in December 2012 after a five day trial.

Reynolds v. C. Group Psychiatric Services. This was an in-hospital suicide case tried and won in St. Louis County in February 2011.

Avichail v. St. John's Mercy Medical Center. This pediatric medical malpractice action was tried in the US District Court for the Eastern District of Missouri in October 2010, and after 7 days of trial the jury returned a defense verdict.

Swain v. Mercy Medical Group. This pediatric wrongful death action was tried to a St. Charles County jury in February 2010 and resulted in a defense verdict after a four day trial.

Palliser v. Saint Louis University. This pediatric malpractice case was tried in the City of St. Louis in October 2008. The child has dyskinetic CP. We received a defense verdict after a nine day trial.

Stuck v. St. John's Mercy Medical Center. This OB malpractice action was tried in St. Louis County in September 2008. The child had CP and mental retardation. We received a defense verdict after a ten day trial.

Hicks v. Heart Health Center, P.C. This was a medical malpractice, wrongful death action involving the alleged failure to diagnose and timely treat chronic thromboembolic disease. The matter was tried in August 2006 and resulted in a unanimous defense verdict.

Herndon v. SSM Medical Group. This was a paraplegia case involving the alleged failure to timely diagnose a T-spine tumor. The case was tried in St. Louis County and after eight days resulted in a defense verdict.

Daffron – Gardner v. St. Anthony's Medical Center. This was a hospital acquired MRSA wrongful death action. The matter was tried in May 2006, and resulted in a unanimous defense verdict.

Budding v. SSM Health Care. This products claim involving a Vitek TMJ implant was tried in the City of St. Louis in 1998. We received a defense verdict, but the Court of Appeals reversed. The Missouri Supreme Court accepted transfer, and adopted our argument that Missouri law does not recognize product liability claims against hospitals. *Budding v. SSM Health Care*, 199 S.W.3d 678 (Mo. banc 2000).

Heffner v. Doctor's Regional Medical Center. This OB twin death case was tried in Butler County, Missouri in 1997 and resulted in a defense verdict and affirmed on appeal, 996 S.W.2d 660 (Mo. App. 1999). Ken created new venue law in this case.

Washington v. Barnes Hospital. This was an OB medical malpractice action tried and lost in the City of St. Louis. On appeal we created an exception to the Collateral Source Rule, which now allows Missouri defendants to tell the jury about the free services available to disabled children through the Special School System. *Washington v Barnes Hospital*, 897 S.W. 2d 611 (Mo. banc 1995).

PROFESSIONAL AFFILIATIONS

Missouri Organization of Defense Lawyers, Board of Directors (2005-2014)

American College of Trial Attorneys (2006)

EDUCATION

J.D., Washington University School of Law, Order of the Coif

B.A., Washington University

LICENSURE(S) AND ADMISSION(S)

Illinois

Missouri

RECOGNITION

2023-2024

BEST LAWYERS IN AMERICA

Best Lawyer

Health Care Law, Medical Malpractice Law – Defendants, Personal Injury Litigation – Defendants, Specific Focus: Medical Malpractice

2012, 2024

BEST LAWYERS IN AMERICA

Lawyer of the Year

Medical Malpractice Law – Defendants

2024

BEST LAWYERS IN AMERICA

Lawyer of the Year

Health Care Law

2021-2023

MISSOURI LAWYERS MEDIA

The POWER List

Healthcare Attorney

2005-2022

BEST LAWYERS IN AMERICA

Best Lawyer

Health Care Law, Medical Malpractice Law – Defendants, Personal Injury Litigation – Defendants

2022-2023

MISSOURI & KANSAS SUPER LAWYERS

Super Lawyer

Personal Injury - Medical Malpractice

2019

MISSOURI LAWYERS WEEKLY

ICON Award Honoree

2019

BEST LAWYERS IN AMERICA

Best Lawyer

Personal Injury Litigation – Defendants

2005-2017

MISSOURI & KANSAS SUPER LAWYERS

Super Lawyer

Medical Malpractice

2015

BEST LAWYERS IN AMERICA

Lawyer of the Year St. Louis

Medical Malpractice Law – Defendants

2011

BEST LAWYERS IN AMERICA

Lawyer of the Year

Medical Malpractice Law - Defendants Personal Injury Litigation – Defendants

2010

BEST LAWYERS IN AMERICA

Best Lawyer Corporate Counsel Edition

Medical Malpractice

2014

BEST LAWYERS IN AMERICA

Lawyer of the Year

Personal Injury Litigation – Defendants

2014

LEGAL LEADERS

St. Louis' Top Rated Lawyers

2013

MISSOURI LAWYERS WEEKLY

Up & Coming Attorney

2007

MISSOURI & KANSAS SUPER LAWYERS

Super Lawyer Top 10 St. Louis

2006

AMERICAN COLLEGE OF TRAIL LAWYERS

Inductee

MISSOURI & KANSAS SUPER LAWYERS

Super Lawyer Top 100

Named 10 times

MISSOURI & KANSAS SUPER LAWYERS

Super Lawyer Top 50 St. Louis

Named eight times

