

WTO Amicus Brief Helps Obstetricians in Landmark Colorado Supreme Court Case

News

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DENVER: The Colorado Supreme Court issued an opinion on March 21, 2011 in *Ford v. Eicher* that represents a landmark victory for practicing obstetricians all over the country. The Court held that the intrauterine forces theory of labor is reliable in shoulder dystocia cases, and that the two defense experts who would have offered causation opinions based on this theory should have been permitted to testify at trial. The trial court's exclusion of these opinions was reversible error.

Wheeler Trigg O'Donnell attorneys [Kevin Kuhn](#) and Ramona Lampley represented the American College of Obstetricians and Gynecologists as *amicus curiae* before the Colorado Supreme Court on behalf of its thousands of obstetrician constituents. We argued, based on the extensive body of medical literature, anatomical design, and methods of differential diagnosis, that the intrauterine forces theory was reliable, particularly as applied in this case. The Court agreed.

Colorado is one of the first state supreme courts to address this issue, which means this opinion will be relied on by other state courts as persuasive evidence that the intrauterine forces theory is accepted in both the medical and legal community and is a proper causation theory on which defense experts can base their opinions.

If you have any questions regarding this opinion, the admissibility of intrauterine forces theory in the courtroom, or professional medical liability cases in general, please contact [Kevin Kuhn](#).