

(Cite as: 952 So.2d 129)

🚩 Herrington v. SpellMiss.,1997.

Supreme Court of Mississippi.
Mary E. HERRINGTON and Clyde P. Herrington
v.
James P. SPELL, M.D.
No. 92-CA-00947-SCT

April 17, 1997.

Patient who had been admitted to hospital to undergo biopsy, and on whom modified radical mastectomy was performed after biopsy was completed, brought informed consent action against physician who performed procedure. The Circuit Court, Rankin County, [Robert Louis Goza, Jr.](#), J., entered judgment on jury verdict for physician and denied patient's motions for judgment notwithstanding the verdict and new trial. Patient appealed, and the Supreme Court, [Pittman](#), J., held that: (1) issues of whether consent for mastectomy was valid, and whether adequate disclosures of risk were made, were for jury; (2) instruction stating that permission for surgery must be given prior to admittance to hospital was properly rejected; (3) refusal to strike for cause jurors could not be considered reversible error since bench conference in which jurors were discussed was not part of record; (4) instructions given accurately stated law; and (5) trial court properly excluded magazine article which mentioned patient's expert and his curriculum vitae.

Affirmed.

[McRae](#), J., dissented and filed opinion in which [Sullivan](#), P.J., joined.