

Sharon Shore
3 Richview Court
Thornhill, ON L3T 7S9
Tel: (905) 764-6202
Fax: (905) 763-7277
e-mail: sshore@idirect.com

July 5, 2002

Dr. Charles B. Berde
Children's Hospital Boston
333 Longwood Avenue, 5th Floor
Boston, MA 02115

Dear Dr. Berde,

I have just been informed that although you were initially willing to come to Toronto to testify at the trial of the two nurses charged with criminal negligence causing Lisa's death, you have now – through your counsel – declined. It was explained to me that your hospital's attorney or attorneys feel that charging the nurses was extreme and that you should not be involved as a witness.

Lisa died because she went to a hospital for treatment of her pain. She went to a hospital where the nurses on duty believed that there was nothing wrong with her except that she was a psychiatric problem who was wrongfully taking up a bed on their surgical ward. They did not intend to kill her, but they definitely intended to neglect her (the charge against them is *not* manslaughter, but "criminal negligence causing death"). Lisa died as a result. She died because she had RSD. She was only 10 years old.

The Assistant Crown Attorney (who is like an Assistant District Attorney) wants to have the testimony of a doctor who treated Lisa in Boston, to explain to the judge and jury about RSD in children, what the treatment protocols are, and to describe the medications she was prescribed. It would be highly inappropriate to question you in any way regarding the medical or nursing care that Lisa received at the Hospital for Sick Children on the night she died, and I know the prosecution has no intention of doing so. They want only to talk about RSD and the care she received at Children's, which, incidentally, was superb. In fact, your testimony could accomplish a great public service by helping to educate both the public and the medical profession about RSD.

The Pain Service physician at Sick Kids who administered morphine to Lisa the night of her death was an anaesthetist from Israel doing a one year pediatric fellowship at Sick Kids. He returned to Israel three years ago, yet he voluntarily came back to Toronto to testify at the coroner's inquest investigating Lisa's death. He has also voluntarily agreed to return to testify at the criminal trial, notwithstanding that the nurses' lawyers will be doing their utmost to discredit him (his recollection of their 4:00am telephone conversation is diametrically opposed to the nurses' recollection).

Criminal charges against the two nurses were laid following an exhaustive 1½-year police investigation by one of the most qualified homicide detectives in Canada. Before charges were laid, the case was reviewed by senior Ontario prosecutors at the highest levels, who were well aware of the political and other ramifications of laying criminal charges against nurses from the Hospital for Sick Children. These charges were not laid frivolously or lightly. They were laid because all of the many, many people who reviewed the evidence believed that a criminal offence had occurred. It is difficult to comprehend how lawyers from your hospital who know few of the facts feel qualified to act as both judge and jury in this matter by declaring that criminal charges are extreme.

There are many people, your lawyers evidently among them, who believe that doctors and nurses should never be charged criminally, regardless of what they have done. Most of those people also believe that "problems" can best be handled internally, quietly, and discreetly.

Cardinal Bernard Law felt the same way. So did the colleagues of Dr. Michael Swango.

Your life has been based on treating children's pain. It takes compassion and brilliance to have achieved what you have. But it takes courage and integrity to do the right thing, even when it isn't always the easiest thing to do.

All that I request of you is that you testify honestly and to the best of your ability. Please call Detective-Sergeant Michael Davis at 416-808-7415 and tell him you will come and do it.

Lisa should still be your patient. She isn't, notwithstanding your best efforts. Please do the right thing for Lisa, and for those who love her.

Sharon Shore