



TODAY'S PAPER

COMMENT

For the love of a daughter

It's been more than six years since Lisa died at Toronto's Hospital for Sick Children, and nearly two since criminal charges against two nurses were abruptly dropped. But her mother fights on

By CHRISTIE BLATCHFORD
Saturday, January 15, 2005 - Page A19

It is almost two years now since Ruth Doerksen and Anagaile Soriano walked out of a courtroom at Toronto's Old City Hall, charges of criminal negligence causing death abruptly withdrawn against them by the prosecutor.

The two were -- and still are -- nurses at the city's Hospital for Sick Children, and were, respectively, the charge nurse on Ward 5A and a rookie just out of school the night that a little girl named Lisa Shore died.

They had been charged criminally in the wake of an earlier coroner's inquest that had probed the 10-year-old's Oct. 22, 1998, death and whose jury had pronounced it a homicide, a finding that, in the inquest system, is a neutral term that simply means the killing of one person by another.

But that jury had other options -- to rule the death accidental, for instance -- and it was the homicide finding that sparked a lengthy Toronto Police review and led, in turn, to the criminal charges.

The charging decision, as it's called, was not without controversy: There are those who believe that the conduct of health professionals belongs purely with their governing bodies, and that it is only there, in a non-adversarial context, that it can be properly examined.

But if the decision to turn the matter over to the courts was debatable, the decision to withdraw the charges was ruthlessly correct, made by a prosecutor -- Hank Goody -- who is scrupulously proper.

A key witness in the criminal case was to be Lisa's mother, Sharon Shore, who had been sleeping just a few feet away from Lisa the night she died. Mrs. Shore was getting dressed that morning when doctors making rounds discovered the little girl dead.

Lisa had broken her right leg in a playground accident earlier that year, and it was the persistent pain in that leg that saw her parents take her to Sick Kids. She was given morphine, whose most dangerous side effect is respiratory depression, and was supposed to have been monitored.

The mom was expected to testify, as she had to powerful effect at the inquest, that her daughter was never hooked up to a monitor, as the nurses said she was, and that certainly one of the device's two alarms had not been ringing loudly throughout the night, as Ms. Doerksen said it was, such that she had turned it off.

The preliminary hearing -- it's the process that determines if there is evidence enough to go to trial --

was well along when Mr. Goody learned for the first time about information that would have had a dramatic impact on Mrs. Shore's credibility.

After Lisa's death, desperate for explanations for how her healthy child had died unexpectedly, Mrs. Shore had ordered all her daughter's medical records. One of the documents she received was a two-page report from a Boston doctor that attributed Lisa's chronic pain to what's called "a conversion disorder" -- a finding that means he suspected her symptoms were psychological in origin.

Mrs. Shore, in her rage and despair, had thrown the report in the garbage and never told anyone about it until late April of 2003.

Had it been disclosed in a timely way, the report -- at odds with the findings of other Boston doctors who believed the little girl had suffered nerve damage when she broke her leg -- might have had minimal impact. The criminal charges, after all, were based not on what may or may not have been the source of Lisa's excruciating pain, but rather on the quality of care she did, or didn't, receive the night she died.

But disclosed so late in the game, the report took on enormous importance, and certainly left Mr. Goody's critical witness vulnerable.

Mrs. Shore's disclosure wasn't the only factor in the prosecution's collapsing case, but it was a blow, and the combination led Mr. Goody to conclude there was no reasonable prospect of conviction.

So Ms. Doerksen and Ms. Soriano walked, as they ought to have done.

Mrs. Shore, who is a woman of considerable mettle, admitted she had made a serious mistake.

That was in May of 2003.

Mrs. Shore continued on with her study of the law at Osgoode Hall, where she is now three months away from graduation -- a decision born in all she saw after her daughter's death.

In the midst of that onerous schedule of study and her roles as wife and mother (she and Bill have two sons), Mrs. Shore also managed to write a book called *No Moral Conscience: The Hospital for Sick Children and the Death of Lisa Shore*, which bears a picture of the couple's lovely girl on the cover.

Self-published through a B.C. firm, it is a compelling work, carefully footnoting documents, most of which are in the public domain from the coroner's inquest and posted on the website Mrs. Shore maintains (<http://www.lisashore.com>) about her daughter's case.

Though it is told from Mrs. Shore's blunt point of view, and while she has an obvious bias, it would seem that her lawyer's training also kicked in: As lawyers are taught to do, she often simply lays out the facts of the case as the coroner's jury heard them, remarkable given that it is the death of her beloved child she is detailing.

Where she is opinionated, she is unwavering: She believes that Lisa didn't get the care she should have and that this had its roots in the fact that she was seen as a demanding parent and Lisa as not genuinely ill (and she wasn't suffering a life-threatening condition, of course, which by any measure makes her death the more outrageous); she disagrees with the testimony of the two nurses at the inquest; she is very critical of some of their supervisors and of hospital officials.

Earlier this month, Mrs. Shore's publisher (though interestingly, not Mrs. Shore herself) received a letter from a lawyer for the two nurses, claiming the book contains numerous false and defamatory statements. The publisher has suspended sales.

It has been more than four years since Mrs. Shore first complained to the College of Nurses of Ontario.

The college, spokesman Cindy Campbell said this week, promptly investigated, and the nurses were charged with professional misconduct -- failing to meet standards of practice; failing to keep records as required; falsifying a record; and conduct considered to be disgraceful or dishonourable.

While the misconduct charges were temporarily on hold pending the outcome of the criminal proceeding, that was resolved 20 months ago when Ms. Doerksen and Ms. Soriano walked out of court.

No date for their misconduct hearing has yet been set. The nurses, who were on paid leave during the criminal process, have upgraded their skills and taken courses, a lawyer for one of them said yesterday.

They are now back on active duty at Sick Kids, hospital spokesman Lisa Lipkin confirmed this week.

cblatchford@globeandmail.ca

• |
© Copyright 2005 Bell Globemedia Publishing Inc. All Rights Reserved.