

Lawyer calls testimony 'outrageous'

Inquest into girl's death erupts at suggestion alarm may have been faulty

NATALIE SOUTHWORTH
The Globe and Mail, Toronto

A new theory to explain how a 10-year-old girl died at the Hospital for Sick Children drew immediate fire from the coroner and others at an inquest into her death yesterday.

Testifying for the hospital, the manager of patient care equipment services said the machine used to monitor Lisa Shore's heart beat and respiration might have detected a heart beat even if none were there because of a potential malfunction. That means no alarm would have sounded from the machine to indicate that Lisa was in danger.

The theory put forth by hospital official Stephan Bauer was immediately attacked by other lawyers, including Frank Gomberg, lawyer for Lisa's parents. Lisa died mysteriously in October of 1998 after being admitted for chronic leg pain.

"This is the fourth or fifth inquest I have done in the last few years. I've never heard anything like this. It is outrageous," Mr. Gomberg said emphatically.

Mr. Bauer was then cut short from continuing his testimony and

the jury was sent from the room.

Counsel for the coroner, Margaret Browne, charged that the introduction of Mr. Bauer's testimony yesterday was an "adversarial tactic" because she had not received advance word of it.

Hospital lawyer Patrick Hawkins said Mr. Bauer conducted tests on Lisa's heart graphs on Friday and the lawyer said he had only just heard about the theory. "We are not saying this happened. It is one of the possibilities that happened," Mr. Hawkins said.

After hearing all the lawyers present their sides, Dr. Jim Cairns, the coroner, described the hospital's use of the witness as "an ambush of the process."

He reminded the hearing that the inquest is not a trial, which by definition is adversarial.

"This is something that looks into a child's death and to prevent another one like it from happening," he said.

He chided Mr. Hawkins for his failure to provide the inquest with prior notification, or a written report, or scientific background about the theory.

Meanwhile, there was diverging testimony yesterday, the second day of the inquest, on whether the monitor had been turned on.

Dr. Melanio Catre testified he was one of the three orthopedic doctors making routine rounds who found Lisa unconscious. He said the corometric monitor — the machine used to monitor Lisa's breathing and heart beat and alert medical staff if either stopped — was not turned on.

He said he heard no alarms sounding from the machine. However, he testified the machine's wires, or leads, were attached to Lisa's body and electrode patches were on her chest.

Earlier in the day, Pauline Matthews, a nurse from the hospital's emergency room, who aided with the resuscitation procedure, testified she did not remember "100 per cent" if the leads were attached to Lisa's body. However, she said the machine was turned on.

Lisa died after being admitted into the hospital the previous evening because of chronic pain in her leg.