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Canadian Nurse
Attn: Judith Haines, Editor in Chief
50 Driveway
Ottawa, Ontario
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Dear Ms Haines:

RE: Canadian Nurse Magazine January 2002, Volume 98, Number 1
"Toronto Nurses Charged
Criminal Charges laid three years after girl's hospital death"

I am writing in response to the above captioned article which appeared in the January 2002 edition of **Canadian Nurse**.

I was counsel to the Shore family at the lengthy Coroner's Inquest before Dr. T. James Cairns, Deputy Chief Coroner for the Province of Ontario. I also represented the Shores in their civil litigation. I know the facts of this case intimately - probably better than anyone and possibly better than Ms McIntyre - who was not counsel at the Inquest.

The thrust of the **Canadian Nurse** article is that somehow the charging of nurses Doerksen and Soriano is unfair because Lisa's death arose from systemic problems or "systems failure". Supporters of that view are quite wrong about the facts in the Shore case. There may be systemic errors which do give rise to losses. All systems can be improved and if improvement is warranted, then it should be implemented.

Having said that, Lisa's death was not in any way, shape or form attributable to "systems" problems. Lisa's death was the direct result of nurses ignoring systems that were in place. This was a people problem, not a "systems" problem. To suggest otherwise is to miss the point - a

point which was manifestly clear to the five member Coroner's jury - which ruled Lisa's death a homicide; and a point which did not escape anyone who spent approximately twenty days in Coroner's Court or to anyone who took the time to read approximately 2000 pages of Inquest transcripts.

The other obvious point is that the police did an extensive investigation (which lasted over a year) and concluded that criminal charges were fully warranted. It is the mandate of the police and the Crown to decide when criminal charges are appropriate; not the mandate of the College of Nurses, Canadian Nurse magazine or Ms McIntyre. As citizens, we are all subject to the same rules, the same societal obligations and the same Court processes.

Your article also talks about "strained working conditions". I am sure that there are "strained working conditions". However, there were no "strained working conditions" at play on October 21, 1998 and early on October 22, 1998 at the Hospital for Sick Children's Ward 5A, B where Lisa died. To suggest that "strained working conditions" caused or contributed to Lisa's death, is patently absurd, false and betrays a profound and blind ignorance of the facts!

The two nurses involved, Ruth Doerksen and Anagaile Soriano, will be fairly tried in a Court of law and will receive justice. Whatever the verdict is, it will not in any way be a reflection on "systems" or underfunding or overwork.

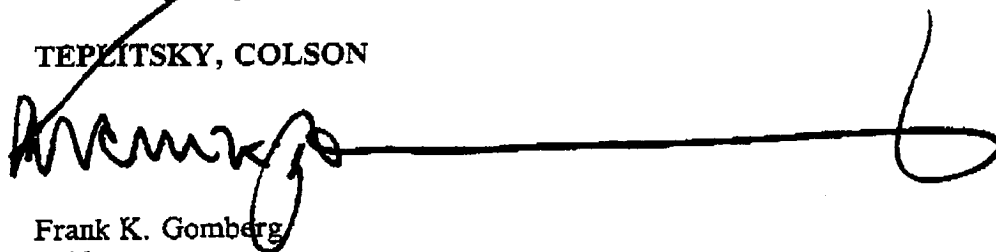
I can also assure you that if convicted the nurses will not be imprisoned for life and probably won't be imprisoned at all. To suggest that as a possibility is also wrong and profoundly so.

I fear that this suggestion was made to arouse sympathy for the nurses and their plight.

In my view, sympathy or empathy should more appropriately be shown to the Shores - however that is for your readers to decide. Having said that, your readers should be aware of the facts and not make ill-informed judgments based on innuendo and fictitious accounts of what happened on October 21 and October 22, 1998.

Yours very truly

TEPLITSKY, COLSON



Frank K. Gomberg
FKGs

P.S.

I am sure that in the spirit of fair comment, this letter will be published in your next issue.