

## MOTION FOR STANDING

### GOUDGE INQUIRY

SUBMITTED AUGUST 10, 2007

---

PARTY:                Mrs. Anne Marsden  
                          Advocate and Auditor  
                          Access for All  
                          308-1425 Ghent Ave  
                          Burlington  
                          Ontario  
                          L7S 1X5  
                          Tel. 905-639-5684  
                          [watching@cogeco.ca](mailto:watching@cogeco.ca)

#### INTEREST:

Since the mid-70's I have been involved in accountability issues within the health care and justice systems in a professional and volunteer capacity. Since the 90's I have headed several volunteer organizations which have the public interest as its number one priority. Dr. Jim Cairns, Deputy Coroner will confirm I was the sole family representative in the investigation into the death of a 14 year old Burlington boy, Eric Devins.. The police and coroner



issues associated with the death saw the family publicly acclaim the investigation into Eric's death constituted a cover up and saw a depleted confidence in those investigating such deaths. I still maintain an interest in this investigation and will until there is closure due to my belief that there needs to be accountability for every unnecessary death, and particularly those of our children. I believe I have the public support in this belief and that it is only through such accountability that we can institute the appropriate measures to avoid repeating the circumstances that sees an unnecessary hastened death for anyone and particularly a child.

I have recently been involved in auditing the role of several professionals in the Office of the Chief Coroner because of this interest and my audits have lead to several well evidenced complaints being put to the College of Physicians and Surgeons of Ontario and Minister Monte Kwinter, including for the pathologist who conducted the post mortem. The basis of the complaint is the pathologist failed to review the available evidence before



making his decision and his decision has a significant impact on the public interest.

## CREDENTIALS FOR STANDING

As a quality assurance consultant in the health care field with an expertise in audit, I gained respect at the national level (see attached reference). October, 2006 saw my platform extended to the international level where I addressed an International Conference audience of lawyers, doctors and social workers on health care and associated legal issues that affect all Ontarians. My presentation joined a small percentage of the conference presentations on the conference DVD.

From 1974 to 1993 I was employed by McMaster University Medical Centre, now known as Hamilton Health Sciences Corporation, and became very knowledgeable on how hospitals work, how they fail and the health professionals role in both. I



played a significant role in the Review of Deaths and Credentialling Committees and gained insight into the role of legislation in hospital administration and how it should work to protect the public interest.

My role in the Credentialling Committee involved ensuring doctors, including pathologists, were appropriately qualified for the privileges they wished to use at McMaster before submission to the Board of Trustees for approval. I also played a significant role in terms of discipline of those who did not cut it in terms of following the standards that were required. I was known to be relentless in ensuring those who received care at McMaster could be well assured that those who had privileges were appropriately qualified. As an example, the University had appointed a new Chairman of Pathology who I discovered was working in the laboratory without the necessary appointment to the staff of McMaster. I informed him he had to stop all his clinical work until he had crossed all his t's and dotted all his i's in terms of



process and was approved by the Board of the Hospital to undertake such clinical work. The CEO received a call from the Chairman and appeared at my desk with a question for me. He asked if it was possible for me to be more flexible because after all the New Chairman of the University Department only worked on dead bodies. I refused to show such flexibility because unlike my CEO I had a thorough understanding of the impact examining those who have passed on has on those who continue to live in our communities. The support for working in the lab this pathologist got without the appropriate credentialling process from my CEO was one of the first indicators I had with regard to the lack of accountability in our health care system for ensuring those like Dr. Smith are appropriately qualified and their work is appropriately supervised.

It was the Grange Commission that arose out of baby deaths at The Toronto Hospital for Sick Children that saw me take an interest and obtain the qualifications I needed to utilize audit the



way I do in terms of the public interest related to health care and our justice system.

Since the early 90s I have used my professional qualifications in a volunteer capacity in several organizations, which I co-founded with other Access for All advocates and have successfully argued many cases in our courts, some orally some written. We do not accept donations for the significant expenses we incur. Instead we rely on our household income, my husband works and I have a small disability pension, that seems to be like a bottomless cup because all our needs and more have always been met. I will, therefore, not be applying for funding.

The attached letter from Ian Mang is one I use as a reference associated with my pro bono work that has childrens best interests and the justice system as its focus.



## CONTRIBUTING TO THE INQUIRY

Given I am never paid for my court or inquiry appearances and I have lots of irons in the fire at one time I have a penchant for, and experience with, ensuring efficiency in the process. I am very experienced in reviewing thousands of pages of documentation and evidence and coming up with the meat of the issue in terms of relevant questions etc. There will be absolutely no duplication of questions on my part for witnesses but I believe I will bring a perspective that will not be represented by any other party with standing. More important than contributing to the process I believe my obtaining standing at this inquiry will assist in identifying what needs to be addressed to restore public confidence in forensic pathology in Ontario by learning why Dr. Smith was able to practice medicine in the role he did, as he did.



## ORAL SUBMISSIONS

I believe oral submissions to support my seeking standing will be helpful to the Inquiry. They will allow questions to be posed to me by both the Commissioner and Commission Counsel to identify the role I can play in assisting public interest issues being brought to the Commissioners attention. As I will have to travel by Go Train on my handicapped scooter to the inquiry I just ask that I be given directions on accessing the inquiry from Union Station.

## APOLOGY

I must apologize for the lack of quotes and apostrophes in this motion that I have had to put in manually. I have a software problem which is proving very difficult to fix and given the fact that I have just today learnt of the opportunity to present this motion I had no means of utilizing another computer.

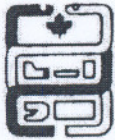


---

Anne Marsden (Mrs.)

Respectfully submitted to The Honourable Stephen T. Goudge  
Goudge Inquiry August 10, 2007





CANADIAN BOARD FOR CERTIFICATION OF PROSTHETISTS AND ORTHOTISTS  
CONSEIL CANADIEN DE LA CERTIFICATION DES PROTHESISTES ET ORTHESISTES

August 13, 1992

To whom it may concern:

On behalf of the Canadian Board for Certification of Prosthetists and Orthotists (C.B.C.P.O.) it is certainly my pleasure to provide a letter of reference for Ann Marsden.

Ann has worked as a consultant with our association on a project designed to create and implement a quality assurance program. The goal of this project was not only to serve our members and their clients but to also create a system that would be accepted by governments and other paying agencies. When this project was first identified we realized very quickly that we did not have the expertise to complete this task on our own and we have been very fortunate to have had Ann's professional guidance.

Many members of our association have been introduced to the bureaucracy of some hospital Q.A. programs and have been very leary of involving themselves in a similar time-consuming program. From Ann's very unique experiences, both from the point of view of her involvement in a hospital Q.A. program and from her point of view as a rehabilitation client, she developed a Q.A. program that is simple, realistic and credible. On May 24, 1992 Ann made a very professional presentation to our Annual meeting. Both her presentation and the Q.A. program itself were well-received by our associates and this program was accepted as our association's Q.A. program.

We certainly have no reservations about recommending Ann for further work in projects designed to improve other health care delivery systems. It has been our experience that Ann achieves the goals presented to her, completes projects on time and does this in a very professional manner.

Please feel free to contact me if you have any questions or concerns.

Sincerely,

Charles McRae B.Sc., C.O.(c)  
President C.B.C.P.O.  
Chedoke-McMaster Hospital  
Prosthetic/Orthotic Dept.  
Box 2000, Station A,  
Hamilton, Ont.  
L8N 3Z5



# MANG, STEINBERG

BARRISTERS, SOLICITORS, NOTARIES

GARY S. STEINBERG, B.A., L.L.B.  
IAN R. MANG, B.A., L.L.B.  
ISAURA MEDEIROS, B.A., L.L.B.

707 COLLEGE STREET  
TORONTO, ONTARIO M6G 1C2  
GST: 899345532RT0001  
TEL: (416) 531-4105  
FAX: (416) 531-3587

May 28, 1998

Ms. Anne Marsden  
1425 Ghent Avenue  
Apartment 308  
Burlington, Ontario  
L7S 1X5

Dear Anne:

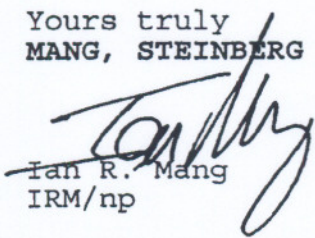
RE: [REDACTED]

You may be surprised to get this letter from me. Notwithstanding our different approaches, I thought I would write to express my appreciation for what you do. Quite candidly, if not for your involvement with the [REDACTED] family they would likely not have gotten their children back as quickly as they did. As you may be aware, after 2 days of trial, the society agreed to return the children. Needless to say, I am not at liberty to discuss the precise terms of return.

In reviewing the events surrounding the action, it is apparent that you deal with the general case, and with the injustices which you perceive to be perpetrated by Societies at large. The nature of our work is that we must deal on a case by case specific basis with a view to having a specific child or set of children returned. I hope this makes some sense.

In any event Anne, what you do is necessary to the system. All systems need watch dogs. While my methods are quite different from yours, and to a great extent irreconcilable, it does not detract from the fact that your efforts serve a significant social purpose. Forget about protection, best interests, and well being; we are talking more about concepts of fundamental justice which subsume all of the above.

Yours truly  
MANG, STEINBERG

  
Ian R. Mang  
IRM/np