

LEGAL COUNSEL TIM DANSON MEDIA STATEMENT

January 16, 2004

The Canadian Chiropractic Association and the Canadian Memorial Chiropractic College are extremely disappointed by the jury verdict. It represents a massive miscarriage of justice. We have instructed our counsel to bring an Application for Judicial Review before a three judge panel of the Superior Court of Justice (Divisional Court) to quash the verdict on the grounds that it is perverse, and on the grounds that there has been a complete failure of justice in the conduct of the inquest. Our objections have been stated repeatedly on the record throughout the inquest, and regrettably, as we predicted, our fears have now been realized.

The public should know, as should the jury, that two of the most distinguished and respected neuropathologists in the world, Dr. David Graham of Glasgow Scotland, and Dr. Francesco Scaravilli of London England, were prohibited from testifying at the inquest notwithstanding the Coroner was aware that as leading world authorities, their opinions commanded great respect and would have carried considerable weight. **Expert witness are not equal.** Both Dr. Graham and Dr. Scaravilli could not understand why there was any controversy over what caused Ms. Lewis' death. They would have told the jury that Ms. Lewis had severely diseased arteries, she had multiple and severe risk factors for stroke, that medically speaking, Ms. Lewis was a ticking time bomb for stroke, and that her medical condition was so precarious that the question was not if she was going to have a stroke, but when. Dr. Graham and Dr. Scaravilli formed the opinion that this was the clearest case they have ever seen of a person dying as a result of natural causes, and any other explanation would be grossly speculative and unscientific.

Entirely apart from the fact that Ms. Lewis had severely diseased arteries, serious high blood pressure, had a family history of cardiovascular disease and high cholesterol, suffered from debilitating migraine and regular headaches, was a heavy smoker and drinker and was over-weight, **this is the first case in medical history, where a stroke is associated with a chiropractic neck adjustment, when the neck adjustment was to the opposite side from where the stroke originated, and where there was not only no dissection or damage of any kind to the artery at the location of the adjustment (the right vertebral artery in the neck), but also where there was no dissection of the left vertebral artery.** In the case of Ms. Lewis, the neck adjustment was to a facet joint on the right side of the upper neck. There was no dispute in the evidence that there was no dissection

or injury of any kind to the artery at the location of the adjustment, meaning, that at the location of the adjustment, Ms. Lewis' artery was perfectly healthy.

A damaged artery at the location of the adjustment is an absolutely minimal precondition to even a theoretical association with chiropractic. Because of a series of problems that have contaminated this inquest process, including (i) allowing the jury to hear substantial amounts of inadmissible and prejudicial evidence that was grossly speculative in nature (the worst kind of junk science), (ii) serious misconduct, disruptions and delays throughout the inquest, and (iii) serious misdirection to the jury, the jury was able to reach a conclusion that flies in the face of any accepted medical/scientific theory, including theories advanced by opponents of chiropractic. Specifically, the jury has found that while the right sided adjustment to a facet joint in Ms. Lewis' neck caused no injury to her artery at the location of the adjustment, without evidence or explanation, the adjustment somehow damaged the artery on the opposite (left) side of the neck, where there was no dissection identified on pathological examination. This is like saying 2+2= 12 million. Only a grossly flawed process could produce such a stunning and perverse result.

This verdict and this inquest represent a travesty of justice. The rule of law, the rules of natural justice, and the rules of evidence, became an inconvenience. The very rules of law, and the warnings of the courts established over the centuries to avoid the very type of injustice and prejudice that has been occasioned here, were ignored. This miscarriage of justice tarnishes the entire inquest process, and the administration of justice. What was at stake at this inquest was the truth. The truth lost.