

Outlook on Halton Hills

Ruling on 19 charts becomes a major issue

By **BILIAN MacLEOD**
Herald Staff

The ruling on Georgetown hospital's attempt to enter 19 new charts into evidence against Dr. Jack Ford is becoming a major issue in his appeal to have his hospital privileges reinstated.

Dec. 2, hospital lawyer Joshua Liswood sent 19 new charts, said to contain some 2,000 pages of photocopies and documents, to Dr. Ford's lawyer Gavin MacKenzie.

The hospital then argued that these new "relevant and weighty" cases should be entered as evidence in the hearing.

But Mr. MacKenzie argued that the Statutory Powers Procedures Act says all evidence relating to the issue of incompetence must be filed prior to the hearing.

Hospital Appeals Board Chairman Thomas Wood met with the rest of the board members and ruled that Dr. Ford could be asked if the hospital ever talked to him about the 19 new cases, which date back to 1980, but the hospital could not in-

roduce information from the charts as evidence.

When Mr. Liswood attempted to use information from the charts to back up allegations previously levelled against Dr. Ford, he was challenged by Mr. MacKenzie who said he was no longer within the bounds of the original ruling.

Mr. Wood instructed the two lawyers, Mr. Liswood and Mr. MacKenzie, to research and find out if there is a precedent for the introduction of the evidence mid way through the hearing and if the board was allowed to overrule its own ruling.

On Wednesday morning, the last day of the hearing until they adjourned until Jan. 11, the two lawyers "battled it out" in the words of Mr. Wood, the crucial point of the new charts.

Mr. MacKenzie argued that the Statutory Powers Procedures Act, and the Public Hospitals Act, which governs the Ontario Hospital Appeals Board, say all the evidence of allegations against Dr. Ford must be

furnished prior to the hearing. He also brought in two precedent cases to back his claim.

Mr. Liswood attempted to argue that the Statutory Powers Procedures Act simply says "reasonable information" about all allegations must be clearly furnished prior to the hearing and not necessarily all the evidence.

But Mr. Wood said the Public Hospitals Act specifically mentions all "evidence" must be supplied before the hearing.

It also appeared that the board could indeed overrule itself.

Then the question of when the hearing began arose.

Mr. Liswood said he did present Mr. MacKenzie with the new charts before the second segment of the hearing.

Mr. Mr. Wood said unavoidable delays in the hearings should not be used to introduce new evidence.

The board then ruled that Mr. Liswood could use evidence from the new charts as long as it was used to contradict a statement or position already made by Dr. Ford.

That argument and decision took from 9:30 a.m. Wednesday morning, until 2 p.m.

When Mr. Liswood continued his cross-examination of Dr. Ford, he introduced one of the new charts on the basis it "contradicted" a statement made by Dr. Ford.

The board allowed the evidence from the chart, concerning the stillbirth of twins in 1980.

When Mr. Liswood attempted to introduce a second chart on the same basis, he was challenged by Mr. Wood to look first at the 20 cases that were already introduced as evidence at the October portion of the hearings.

Mr. Liswood said since he can only introduce information from the new charts as contradictory evidence during cross-examination of Dr. Ford, he had to deal with them while the doctor was on the stand.

Mr. Liswood said five of the 19 new charts offered information which contradicted Dr. Ford and it was his intention to introduce all five of them.

Mr. MacKenzie argued that the hospital was attempting to lead evidence under the guise of cross-examination.

Late Wednesday afternoon the Board went "in camera" once again to decide the fate of the five charts.

The Board ruled that Mr. Liswood can cross-examine Dr. Ford on evidence in the five charts providing he proves the evidence contradicts a statement or position taken by Dr. Ford.

But the issue didn't end there. Given the ruling, Mr. MacKenzie

asked the Board that he be excused from the "convention" that a lawyer does not talk to his client about the case during cross-examination.

Mr. Liswood argued against that. He said Mr. MacKenzie has now had the charts for a week and he has had time to go over the new charts with Dr. Ford.

Mr. Wood ruled that the "peculiar" circumstances of effectively introducing new evidence during the hearing dictates that he may set aside convention in this case.

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Experience the tranquility of winter at the Mountsberg Wildlife Centre during the Winter Experience program from Dec. 26 to Feb. 21, 10 a.m. to 4 p.m., weekends and holidays (daily Dec. 26 to Jan. 31).

Take the family for a cross-country ski or a brisk skate on the pond with bonfires close by to warm your toes. Horse drawn rides let you explore winter's natural beauty through quiet forests. Live birds of prey, elk and bison can be seen along the Wildlife Walkway, a self-guiding trail.

Regular presentations and displays are offered in the Interpretive Centre as well as a concession area. Cross-country ski and snowshoe rentals are available for

half or full day use.

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Mountsberg is located on Millborough Line, 5 km west of Campbellville. For further information, call the Halton Region Conservation Authority at 336-1158 (weekdays) or the Mountsberg Wildlife Centre at 854-2276 (weekends).

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The Georgetown Fall Fair Board awarded its annual "Purple Pig" award Nov. 28 at a dinner at the Masonic Temple in Georgetown. This year's award, which is affectionately called Wilbur, was given to Manley Dan Moore. The award is given to the person who has contributed the most to the fall fair. Janet Armstrong, who knitted the Purple Pig plaque, presented the award to Mr. Dan Moore. (Herald photo)

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LEMON SAUCE
• 1/2 cup sugar
• 1 tbsp. cornstarch
• 2 tbsp lemon juice
• few grains of salt
• 2 tsp butter
• 1 1/2 cup boiling water
• grated lemon rind

Grate off a little of the lemon rind and add it to the water; boil for 5 minutes. Mix together the cornstarch, sugar and salt. Add the water gradually while stirring constantly. Return to saucepan and cook until thickened. Remove to a low heat and cook for 5 minutes longer. Remove from heat, add lemon juice and butter. Serve hot.

OLD TIME BRANDY SAUCE:
• 2 eggs
• 1 cup powdered sugar
• 3 tsp. brandy

Beat egg yolks until thick and lemon coloured; add one-half the sugar gradually while beating between additions. Beat egg whites until stiff, add remaining sugar a little at a time, beating between additions. Fold the egg white mixture into the yolk mixture. Add brandy. Sherry or vanilla or grated nutmeg may be substituted for the brandy.

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