

Doctors urge courts to protect children from parental negligence

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Many Canadian physicians expressed anger, frustration and incredulity following the recent nonguilty verdict in the retrial of David and Collet Stephan, whose son Ezekiel died in 2012 from a treatable illness. One of these physicians is Dr. Linda Leblanc, a radiation oncologist in New Brunswick. She initiated a petition demanding action against the ruling, which gathered more than 2600 signatures.

“As a profession, we need to call this out,” says Leblanc. She worries the decision could create a dangerous precedent in Canadian legislation, leaving children without legal protection in situations of parental negligence.

Ezekiel Stephan died a few days shy of 19 months old, after several weeks of illness. His health deteriorated acutely in the days prior to his death. He was brought to a hospital only after he stopped breathing. An autopsy established the cause of death as bacterial meningitis.

His parents were found guilty of failing to provide the necessities of life for Ezekiel in the initial trial, in 2016. The Alberta Court of Appeals upheld the decision in 2017, but the Supreme Court of Canada ordered a new trial in 2018. On Sept. 19, 2019, Justice Terry Clackson of the Alberta’s Court of Queen’s Bench overturned the original verdict.



Courtesy of Dr. Linda Leblanc

Dr. Linda Leblanc started a petition called “Justice for Ezekiel Stephan.”

Leblanc’s petition against this decision has been acknowledged by the Canadian Judiciary Council and the Province of Alberta. On Oct. 15, the Crown filed an appeal of the acquittal. The group lead by Leblanc is hoping for retrial and conviction.

Justice Clackson’s verdict angered physicians and legal experts not only because it may be setting a dangerous precedent, but also for its perceived racist tone. Clackson’s decision included comments on the accent, pronunciation

and conduct of Dr. Bamidele Adeagbo, a Nigeria-born pathologist who testified as an expert for the prosecution.

“I was shocked,” says Juliet Guichon, a legal scholar at the Cumming School of Medicine, University of Calgary, “It wasn’t subtle; it leapt out of the page.” She is one of 42 signatories of a racism complaint sent to the Canadian Judiciary Council.

Justice Clackson “disregarded the evidence of the medical examiner based on reasons that don’t make sense, except on the theory of racism,” says Guichon. “This has to come to public attention, because it is not normal, in any decision I ever read, for a judge to attack the expert-witness as he does, at a personal level.”

The Canadian Association of Nigerian Physicians has also complained to the Canadian Judiciary Council, suggesting that Justice Clackson’s comment were “prejudiced, racist, xenophobic and anti-immigrant.” According to the Stephans’ blog, however, the claims of racism are “baseless” and “nothing more than a desperate attempt” to control the courts.

Leblanc hopes the petition she started will lead to changes that will protect other children. “And if it doesn’t, at least we did our best and tried to get justice for this little boy.”

Marie-Claude Grégoire, Victoria, BC