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BY MR. SABOURIN:

Mr. Chairman and Madam - Mademoiselle and Doctor Vorwald, Members of the Symposium, Ladies and Gentlemen: Ted Waters has asked me to be as brief as possible. I might skip a few parts of the notes I have, but in an effort at the same time not to break the continuity that I thought I should have.

Before reaching these notes in final form, I have had the privilege of taking recognition of the texts of both my predecessors on this morning's program, Doctor Braun and Doctor Barnako. This should enable me, before discussion time, to address you without possibly repeating as much of what has already been stated.

It seems to me, I submit to you, that a striking feature of compensation cases as a whole, whether controverted or not, is their importance in the administration of justice at large and the major part they thus play in organized society. I would say, without hesitation, that the number of compensation claims filed is greater than the total number of claims or law suits of other nature filed before all of the long works of this combined.

This gives you an idea of the tremendous responsibility constantly resting on the persons who, judges or not, but acting as suhh, members of boards or commissions or insurers, are called to decide. Such persons just as though they were sitting in an awkward position, are in fact, the every day ambassadors of law, justice and equity, knocking at so many doors of citizens' homes for the purpose of distributing justice in the field of compensation, a field of paramount importance to the worker and his family, that of his health and welfare, as it may be effected unlawfully by employment causing him injury or disease.

The law courts might have, at times, a more solemn character and the subject matter might appear more vital to some litigants, but the scope of responsibilities remains just as great for those who, in the compensation field, provide that daily bread of justice to thousands and thousands entitled to satisfaction. The latter, the judges and

those who act as such, let us not forget, whether they preside in regular law courts or not, form part of that august body of men and women who are the last ones to fall on the ramparts of freedom fighting to keep together this essential fabric of society, that of law and order. When this body of men and women will have gone, before whom anyone may have a fair hearing, society will have crumbled and that statue which stands in the Harbor of New York will no longer be heralding its message of liberty and justice to this new world.

In this eminent realm of rendering justice, doctors and lawyers join to participate and assist the courts, the boards, and to present the facts in the light of the law, educe proper evidence upon which to decide and whilst it may be easy to determine responsibility and the measure of redress in a great number of cases of uncontroverted character, such is not the case in the field of controverted or debatable claims.

In this latter category, come many a case wherein view of its nature or controverted aspect, is destined to act as beacon of orientation for a considerable number of cases of like character in the future. The need of such leading or so-called test cases will always exist. The contrary would reflect an absence of evolution and protest would reflect rather stagnation in science, in art, in novels,

and so forth.

Without properly controverted and disputed issues, particularly in matters involving principals, our courts of justice, to whatever appellation they may belong, would soon be tainted with bias, prejudice, become arbitrary. Whilst in compensation, celerity is of the essence in meting out justice to a vast number of men justly eager for an early settlement, yet the need of that celerity must not impede the preparation and presentation of proper evidence for a just decision.

We have heard my predecessor this morning stressing the importance of fact-finding. I join in that, that fact-finding needs close elaboration, needs a close collaboration between the attorney and the expert witness, close collaboration in the preparation of evidence, examination and cross-examination included.

We heard last year at Mellon Institute, the distinguished chairman of today, the Honorable Mary Donlon, also Doctor Wright, Doctor Burnell, deplore the hardships which necessarily often are encountered in the administration of compensation matters, and also the lack at times of ability or of preparedness in the discharge of their duties, of those persons destined to deliver expert evidence.

The field of educating ordinary evidence as to basic facts is well known to you and I shall not labor on that

point. The field of expert evidence before a gathering of this type, might call for some qualifications. The expert witness does not require only full knowledge of the facts available, a point which is detected often. The expert must realize that his very title confers upon him a degree of authority and respect which must flow from his advanced studies in the field he is to testify to, and from considerable enough experience therein.

The expert should be expected to have taken personal connotation of the material of the experts to come under discussion. An omission in that field of verification might well lead to an irreparable error which might effect the course of the whole case. Before I entered this field of compensation some seventeen years ago, I ran across one of the very good ballistic experts of the continent who had come to us in an attempted murder case. The defense of the man, a war hero of the first war, involved a revolver which contained a dented barrel, and at the time of the examination of the barrel, the dented shell, it was proven clearly, was situated to the right-hand side of the cannon. The insistence of the crown and the expert as to the presence of that dented shell on the right side of the cannon proved to be the liberation because - the liberation cause of the accused, as this revolver, a Smith and Wesson, was revolving anti-clockwise, where the dented shell should have been

found at the left hand side of the cannon. The expert merely had failed to verify the type of the gun. All of the barrel spaces were filled with shells actually and that only shell, the dented shell, was the incriminating one.

In a pathological debate which, for some five days, occupied one of our boards, some two years ago, experts on both sides realized when the case was under advisement, that the material submitted to them for analysis and opinion had not been collected all from the section under discussion. The absence of contact of experts before and after hearing explained this in part. All were diametrically opposed views, made known before and after hearing, and it should have suggested, it seems, the microscopic and microscopic examination of the parts which could have easily been made available. Errors such as this should not exist. They are just done through lack of diligence in a field which is elementary and which is a cause of error with experts as well as with ordinary witnesses.

I have done an error of that kind myself, Mr. Chairman, when I was in McGill, I was singing, or was expected to sing at the wedding of a friend of mine and had not verified the exact address of the church, and I sang throughout the sermon at a wedding where no song was expected at all, and everybody was turning and looking at me. What surprised me most was that I joined my friends for their

celebration after the sermon - after the ceremony, and my friend congratulated me, nevertheless, upon the very good singing produced at his wedding.

It reminds me, too, that lack of verification, sometimes of the lack of knowledge of an address in a particular case. There was a funeral directors school in Toronto, and a young man had attended the school for a month or two and came back home to the country, and his father said: "Well, my lad, you know, when you went to Toronto to go to that special course of embalming and conducting funerals and so on", he said, "I was a little bit surprised," he said, "I should think it's very dull, or is it not?"

Well, the lad said, "Oh, dad, no, it's very nice". He said, "I enjoyed it a lot". He said, "You know, everybody there is kind of quiet, there is soft music everywhere you go, and my boss always in striped trousers, morning clothes and gloves and everything is discreet; we never raise our voices, and everything is just wonderful, flowers all the time". "Yeah", but he said, "Isn't there anything unpleasant or something at least happening at sometimes, some dining, some moving around, ping pong, things like that".

The fellow's dad wanted to hear something like this, and the boy said, "Well, last Saturday, we get a telephone call, said Royal York Hotel, double suicide case, so I called the lads to get the Cadillac out, beautiful

black Cadillac, dad, and we drove very soft, slow speed to the Royal York Hotel", and he said, "My boss just went up to the counter and everybody expected him, he just had to show his card and he asked about the double suicide case and the manager said Suite 307. Of course, we went up. I was eager to go in and I went to the door and pressed the button and no answer and pressed again and no answer, so I opened the door and there what do we find, on this warm day? Here there was the body of a lady with little clothes on, very well constituted, good looking person, and there she was, dead, dead, dead, and a few little feet distant from that person, the body of a young man, strong fellow, curly hair, standing on his back, just dead, dead, dead. And the boss said, 'That's tragic', but I thought you usually start feeling the nose, to see if it isn't resistant, so I told that to the boss and he said, 'That's nothing, my lad, that's rigor mortis'. He said there's a very easy way to dispose of that. He said - well, his boss was a very good golfer and without taking the ball at all, he just takes the golfing stick and he just teed off very gently, and he said you asked me what happened sometimes. From that moment that boy just woke up and startled finding the room in a shambled, but no more startled than we were when we looked at the number. We were in the wrong room".

Laws, as long as they are evolved by humans, will

never be ideal, nor will their application be, but let us want the law to be well known, for the worker, also to know it well. Our laws are very generally good, and the law will seldom be defeated which the industrialist and the worker, the doctor and the lawyer, and the judges, will know well.

The expert must have persuasive ability. He must take to the field and look for actual training practice. In court and before potential bodies, to have the issues properly expressed and accurately, he must be familiar with all of the aspects under discussion, and must express them in as simple language as possible. I will cut as much as I can. I have attended some of the international meetings here and abroad, but come into the very serious side of this symposium which I think is most impressive, I am glad to be able to say, and this is the opinion expressed yesterday, which doctors who attended with me the symposium in Europe, and the Continent here, some of whom I see here, such as Doctor Vidal, who is chairman of our Canadian Tuberculosis Association, that no gathering of specialists in this pulmonary industrial field has done as much constructive work in such an outspoken manner as that which has been evidenced at this symposium, and I am glad to say this in the presence of Doctor Lanza, of Doctor Greenburg, Doctor Merewether who represents England, Doctor Lanza and others who represent the United States on this Industrial Medicine Board.

I am happy to say this in the presence of all the distinguished scientists who are here today, and in closing my remarks on this last day of the symposium, I should like to pay particular homage to all those who work in silence, unselfishly, all those who have been coming here today, all those who have particularly been here for some years, to those who came here in the last three quarters of a century since Doctor Trudeau, that unselfish doctor and scholar founded this institution, to all those who have come here to work and toil, and to all those who have helped them to come and to remain here, sometimes to work in glory, but glory and misery alone, but in recognition. To all those who have worked in their labs and keep on working for the betterment of this world in that eternal quest for the causes of death and of the alleviation of pain, guide them here as though they were, by the hand of God, right in the center of the Adirondacks where we find nature unmatched in its beauty, I pay homage to them for they are of those who keep on working and toiling until their hands weary and their minds tire, and such as was the case of Doctor Gardner, until they drop their tools by the way, for their brow to settle in the eternal splendor of Day, and for which humanity will ever be grateful. Thank you. (Applause).

BY MISS DONLON:

Thank you, Mr. Sabourin, and especially for that