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Abstract

Topic: Here Comes the Judge

In the past five years there have been a number of ethics consultations in Eastern Health (Newfoundland, Canada) that eventually made their way to court. The documents from the ethics consultations were called as evidence and the facilitators of the ethics consultations were called as witnesses.

This session will give an overview of the cases, the reasons why they went to court and lessons learned along the way. Some important factors are documentation, communication, quality initiatives, and the challenge to present ethical reasoning as evidence in an adversarial court system where the art of persuasion seems more relevant than ethical principles and concepts.

In some cases there were strong challenges to the credibility of the ethics consultation service. There were challenges to the process, the competency of participants in the consultations, the selection of participants, and the point at which the ethics service was consulted. In some cases there was insistence that the ethics service ought to be more proactive and function more as ethics police than as a consultation service.

A portion of this session will be reserved for interaction and discussion regarding the potential to establish best practices for ethics consultation.