

# Katz Denied Standing in Canadian Inquest... Again

Editorial Staff

On Friday, September 27, 2002, coroner Barry McLellan handed down a decision denying the request of Murray Katz, MD, for official standing at the inquest into the death of Lana Dale Lewis. The inquest involves a cervical adjustment given to Ms. Lewis in August 1996 by a Toronto chiropractor. Ms. Lewis died from complications of a stroke some time later. In November 1999, her family called for an inquest into the cause of her death, apparently at the urging of Dr. Katz.

This is not the first time Katz has attempted to get officially involved in the Lewis inquest. Katz was also disqualified early in 2001 by coroner McLellan from acting as an agent for the family of Ms.

Lewis at the inquest.<sup>1</sup> In making his decision not to allow Dr. Katz to represent the family, Dr. McLellan cited a letter written by Dr. Katz to coroner Dr. Murray Naiberg, which Dr. McLellan characterized as a "threatening letter to a public official," and "behavior inconsistent with what the public should expect of an agent of a party with standing."

In the letter, which was entered into evidence, Dr. Katz threatened to end Dr. Naiberg's career unless Dr. Naiberg took action to call for an inquest in the Lewis case. Subsequent to Dr. Naiberg receiving the letter, the coroner's office reversed two previous decisions not to call an inquest, before deciding that an inquest be called. Dr. Naiberg has since retired from the coroner's office.

The letter written by Dr. Katz to Dr. Naiberg, dated January 30, 2000, states: "The legal bottom line is that you were the principal coroner responsible for the investigation of the case. It was your decision not to hold an inquest ...The family is now considering an official complaint to the Ontario College of Physicians and Surgeons. You have to extricate yourself from that. It is not the way to end a career ...That family will drag you into court and I will be pointing out their legal rights against you to them in that regard."

The evidence revealed that even after Dr. Katz became aware that Ms. Lewis had not experienced a dissection of her vertebral artery, he continued to claim a dissection was the cause of her stroke. The coroner also considered evidence going back to 1979, when Dr. Katz misrepresented himself and disseminated misleading information about chiropractic. The coroner's finding corroborates the opinion of the Royal Commission in its 1979 report *Chiropractic in New Zealand*, submitted to the New Zealand Parliament that same year, which led to the licensing of chiropractors in that country.<sup>2</sup>

Dr. Katz has appealed coroner McLellan's decision in divisional court; arguments on this matter are expected to be heard in the coming weeks, pending court availability.

## References

1. Toronto coroner disqualifies Murray Katz, MD, from inquest. *Dynamic Chiropractic* May 21, 2001. <http://www.chiroweb.com/archives/19/11/18.html>
2. Chapter 23: A North American Medical Practitioner. *Chiropractic in New Zealand*. Royal

Commission Report, 1979.

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