

# NATIONAL POST

## Christie Blatchford: New coroner in charge of Ashley Smith inquiry is also, tellingly, a lawyer

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Office of the Chief Coroner  
Dr. John R. Carlisle, MD, LLB

The Ashley Smith inquest has a new coroner at the helm.

Dr. Bonita Porter, who had presided over the oft-delayed and troubled inquest into the strangulation prison death of the mentally ill teenager, has been replaced by Dr. John Carlisle.

The Ontario government made the announcement in a brief press release Wednesday.

The announcement pointed to Dr. Porter's pending retirement this fall as the reason for the abrupt move.

Due to the expected length of the inquest, "Dr. Porter, who is scheduled to retire in November, would have been unable to complete the inquest when it resumes in the fall," the release said.

But a line in the announcement hints at another significant reason for the mid-race switch to a new horse — Dr. Carlisle is not only a medical doctor, but also a lawyer and veteran law professor.

If ever an inquest illustrated the need to have a lawyer or judge in the driver's seat, as some other provinces do, it was this one.

Dr. Porter had formally granted "standing" to about a dozen groups and individuals — meaning these parties are entitled to cross-examine witnesses — some of them represented by some of the fiercest advocates in the Ontario bar.

Almost daily, she faced procedural and evidentiary challenges from these lawyers, and from those representing the press, and was often clearly out of her depth.

Several times, lawyers appealed one or another of her decisions to the Ontario Divisional Court, most famously when Dr. Porter ruled that prison videos, showing Ms. Smith being forcibly injected with anti-psychotics and subjected to other harsh treatment at Quebec's Joliette Institution, weren't relevant to her state of mind.

Ms. Smith, then 19, strangled herself with a ligature in her cell at Kitchener's Grand Valley Institute for Women on Oct. 19, 2007, about three months after she had been repeatedly strapped to a stretcher and drugged at Joliette.

Last month, the court called Dr. Porter's decision not to seize the videos confusing, overturned her and told her to re-think the matter.

Neither did it appear Dr. Porter was getting particularly good advice from her own legal team, made up of three lawyers from the provincial attorney-general and a fourth who appeared occasionally to argue particular issues.

If originally coroner's inquests were medical investigations into a death, the high-profile ones, particularly those involving matters that have captured the public's attention, long since morphed into contests which are much more legal in nature than medical.

Dr. Porter adjourned the inquest late last month, and about a week ago, with her key decision about the Joliette videos and two others still pending, announced the proceeding would resume in September.

She promised at that time to deliver her rulings — critical to the scope and openness of the inquest — this week.

Instead, Dr. Carlisle will now “review and decide” on these issues.

Before joining the coroner’s office in 2004, Dr. Carlisle served as a medical officer with the College of Physicians and Surgeons of Ontario and as a professor at York University, where he taught a course in law and medicine for more than 25 years. These credentials appear to make him almost uniquely well-qualified to steer the inquest back on the right course.

When the proceeding adjourned last month, the five-member jury had heard only part of the evidence from only one witness.

Julian Falconer, lawyer for Ms. Smith’s family, was furious at the announcement, calling the inquest “a colossal waste, a mess.”

He said he and other lawyers have “wasted weeks and weeks” of oral argument on the three motions that were before Dr. Porter, and pointed out that now, these will have to be re-argued because Dr. Carlisle has heard none of what they have to say.

“It begs the question of what’s going on at that office,” Mr. Falconer snapped. “And remember what this delay does to the family.”

Ms. Smith, originally sent to a youth facility in her home province of New Brunswick for throwing crabapples at a mailman, ended up spending most of the last three years of her life in isolation, or segregation, units of youth and adult facilities, provincial and federal prisons, and several hospitals.

She was transferred among these various facilities no fewer than 17 times in less than a year, once being strapped to her airplane seat in the process.

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