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## Coroner's inquest: Province's appeal shocks advocate



By [Randy Richmond](#), The London Free Press  
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The head of a Canadian race relations advocacy group says he's surprised the province would appeal a decision allowing families easier access to coroner's inquests.

"I find it shocking and very upsetting the province, instead of supplying more funds, is fighting it," said Nigel Barriffe, president of the Urban Alliance on Race Relations.

"I don't want to politicize this, but I really hope this isn't about balancing the budget on the backs of the most vulnerable."

The Toronto-based non-profit organization has been granted intervener status at an Ontario Court of Appeal hearing set for Sept. 20, where the province will argue against a lower court decision opening the door to families seeking money to pay their legal fees at inquests.

"This case is about the broader issue of having access to justice," Barriffe said.

A disproportionate number of black, indigenous and newcomer Canadians suffer wrongful deaths, putting their families into the inquest system, Barriffe said.

"It is the experience of the Urban Alliance that many bereaved families forgo involvement in the inquest process due to a lack of resources and uncertainty over their ability to recover inquest legal fees through civil litigation," the organization's submission to the Court of Appeal states.

Coroner's inquests allow families to understand how their loved ones died and make recommendations to prevent future deaths, said Marc Gibson of Toronto law firm, Falconers, representing the Urban Alliance at the appeal hearing.

Yet few Canadian families have \$20,000 or more to spare for legal fees at an inquest, he said.

"There needs to be a way to keep families in the process if the process is going to be meaningful," Gibson said.

The appeal hearing arises from the death of former Londoner Jonathan Dew, 26, in the Windsor jail in 2012. Healthy when arrested on a breach of

a court order, Dew died after his brain was deprived of oxygen because of a cardiac arrest connected to a collapsed lung.

Several lawyers paid by the province and other agencies appeared at the 2014 inquest into his death.

Dew's mother, Kari Harris, had to pay for her own, as is standard for family members in Ontario.

Dew's family has sued the province and jail.

The family's lawyer, Andrew Murray, sought a ruling on whether the legal costs of the inquest could be recovered if the civil action was successful.

The Superior Court of Justice ruled the costs could be recovered under Ontario law. The province's appeal seeks to overturn the decision based on legal errors.

The lower court ruling only opened the door slightly to families seeking financial help. The inquest costs could be recovered only as damages in a successful civil suit.

"It is the door presented to us," Gibson said. "In a perfect world, you would not incur the expense (of an inquest) in the first place."