



# COALITION AGAINST NO-FAULT IN BC

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## NEWS RELEASE

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## Mother Still Calling for Justice 11 Years after Her Daughter was Killed Wrongful Death Act Needed Now for Families in British Columbia

(Vancouver) – Family members of innocent victims of wrongful death continue to suffer due to British Columbia’s lack of a Wrongful Death Act, a reality that is particularly painful today for Catherine Adamson, whose daughter Heidi died in hospital 11 years ago after being struck by an impaired driver’s vehicle, weeks earlier.

The tragedy of Heidi’s death is multi-layered. The devastating details began with the horribly reckless actions of a teenaged driver on September 13, 1997 (the incident occurred at Stokes Pit, along the Surrey-Langley border), and continued for more than three weeks as Heidi was hospitalized and subjected to various surgeries. Many of the medical decisions and subsequent actions have been called into question, both before and after October 8, 1997, the day 17-year-old Heidi Klompas died.

“There is no compensation allowable for the pain and suffering of parents when they lose a child,” Catherine Adamson wrote in *Heidi Dawn Klompas: Missed Opportunities*, a book she published three years ago in her daughter’s honour. The book is a well-written but horribly painful chronicle of Heidi’s death. As Catherine explains in the book, she hopes the details of Heidi’s death will lead to meaningful changes with regard to medical treatment, legislation and legal rights.

At present, a large and growing alliance of groups is calling for a Wrongful Death Act to be implemented in this province. Catherine, a former school trustee from Langley, got involved with one such group a few years ago. It is made up of family members who have suffered the tragic loss of a loved one through wrongful acts and circumstances. They were organized in the summer of 2005 as the Wrongful Death Law Reform Group (WDLRG). Three other groups are on board with them, co-leading a call for change – specifically, they are calling for a Wrongful Death Act to replace BC’s terribly inadequate *Family Compensation Act*.

The other groups working in partnership with the WDLRG are the Coalition Against No-Fault, the BC Coalition of People with Disabilities and the Trial Lawyers Association of BC. To date, 96 organizations have signed on in support of this initiative.

“The law definitely needs to be changed,” says Surrey resident and WDLRG member Beatrice Pereira, whose mother died two years ago after a fatal act of medical negligence. “You can’t imagine how much more pain is caused for grieving family members when they find out that BC’s current legislation fails to provide them with help and, instead, leaves them hopeless.”

The personal tragedies suffered by Catherine, Beatrice and their families are two of the accounts contained within an anthology entitled *in their name – the call for a wrongful death act in BC*, a publication produced by the BC Coalition of People with Disabilities. The present lack of proper law is particularly hard on people with disabilities, seniors and other citizens who are often not able to rely on a regular wage-earning income. Funding to produce the publication was obtained through a grant from the Law Foundation of British Columbia. The anthology can be accessed from the following two websites: [www.bccpd.bc.ca](http://www.bccpd.bc.ca) and [www.canf.bc.ca](http://www.canf.bc.ca).

Burnaby-based lawyer Don Renaud voluntarily devotes his time to the cause of the WDLRG members and the supporting organizations. As he explains it, “the state of things is tragic and it has been this way for far too long. For wrongdoers – the people who cause fatal incidents to occur – it is far cheaper to kill than to injure. We need a Wrongful Death Act that will end this dreadful situation. Too many families have been let down and further anguished by BC’s lack of fair and effective legislation.”

Until new law is put in place, the legislation in BC governing wrongful death will remain modelled after the archaic *Lord Campbell’s Act* of 1846, legislation that utterly fails to recognize or appreciate loss beyond its direct financial impact. The consequence of this failure has barred a countless number of families from seeking justice for their losses after the wrongful death of their loved ones. Moreover, nothing has changed throughout BC’s history as a province. That is why the groups are calling on the BC Government to right this wrong, to empower innocent families to seek justice after discarding of the *Family Compensation Act* and bringing in entirely new legislation.

The groups initiated a dialogue with the BC Ministry of Attorney General more than two years ago. Their efforts are ongoing. Representatives of all four groups have met with key representatives from the Attorney General’s Ministry. In September 2007, the Ministry concluded a consultation process on the topic of Reforming British Columbia’s *Family Compensation Act*. Though the process indicates the government is considering change in this regard, the groups have not been made aware of any timeline or potential developments.

The groups propose that new legislation should include the following provisions:

A. The court, notwithstanding any other damages that may be awarded, may award damages generally to the decedent's estate and /or survivors for:

1. solace and bereavement
2. personal anguish
3. emotional stress
4. loss of companionship, comfort, love and affection
5. loss of advice, counsel, guidance, protection and care
6. the decedent's mental anguish, pain and suffering from the date of injury to death

B. The court may also award punitive damages to the decedent's estate for wilful, wanton or reckless conduct shown by a preponderance of evidence.

Go to [www.catadampublishing.com](http://www.catadampublishing.com) for more information about Heidi and Catherine.

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CONTACT NOTE:

Adelaide Goldberg, # 604 435-6948, can be reached at the law office of Campbell Renaud in Burnaby. Interviews with Catherine Adamson, Beatrice Pereira and Don Renaud can be scheduled through Ms. Goldberg.

LOCATION NOTE:

Catherine Adamson resides in Vancouver.

Beatrice Pereira works in Vancouver and resides in Surrey.

The law office of Campbell Renaud is located in Burnaby's Metrotown area.