

LEGAL MATTERS.

MISS MARION LEE VINDICATED.

We warmly congratulate Miss Marion Lee, Matron of the Fleming Memorial Hospital for Sick Children, Newcastle-on-Tyne on the retraction of an injurious and unjustifiable comment concerning her, published by the *Evening Chronicle*, and upon the apology tendered by that paper which she has accepted.

The settlement of the libel action which was brought against *Newcastle Chronicle, Ltd.*, was made at Newcastle Assizes, and the record was withdrawn by consent of Mr. Justice Goddard on agreement by defendants to pay plaintiff's costs.

The libel, said Mr. Paley Scott, was concerned with the affairs of that admirable institution, the Fleming Memorial Hospital for Sick Children, of which plaintiff had been Matron since 1929.

"Plaintiff at all times had the confidence of the Board of Management, and she still continues, and I hope for some time will continue to be the Matron of this institution.

STRAINED RELATIONS.

"Unfortunately, during last year there came to be very strained relations between the resident medical officer of the hospital and the nursing staff, particularly the probationer nurses.

"The matter became so acute in the end that the Board of Management had to decide whether to accept the resignations which had been handed in to them, not by the Matron, but by the sisters and nurses under her. The Board of Management decided to get rid of one member of the medical staff and they did so.

"About a month after, these facts came to the knowledge of the proprietor and the editors of the *Evening Chronicle* and *Sunday Sun*, who made certain inquiries and as a result of those inquiries they published in the *Evening Chronicle* and *Sunday Sun* the matters complained of.

"I recognise in the main," Mr. Paley Scott continued, "that it is apparent from the reading of articles that appeared that it was intended to convey a strong criticism of the management of the hospital. In the course of these articles there were certain phrases used which meant, and were certainly taken to mean by a good many people, that the Matron and particularly the nursing staff had threatened to walk out of the hospital leaving I don't know how many sick children with no one to look after them.

"Such a thing said of the Matron of a hospital, if true, would make her totally unfit and incapable of holding such a position as this, and so she felt herself bound to bring this action to vindicate her character.

"Defendants are now agreed that the articles were certainly capable of bearing that meaning and, that being so, the object for which this action was brought has been achieved, and plaintiff is quite willing to accept an apology from the defendants, who have agreed to indemnify her against the costs of this action."

STATEMENT FOR DEFENDANTS.

Mr. H. I. P. Hallett, K.C., who with Mr. J. Harvey Robson appeared for defendants, said that his course had been made much easier by the attitude of the plaintiff. As Mr. Paley Scott had very fairly said, the article in the *Evening Chronicle* which had been the subject of complaint was mainly directed to criticism of the way in which the hospital was governed.

Of the four columns of the article which appeared in the *Evening Chronicle* only a comparatively small part of that had been the subject of complaint. In the course of that criticism there were remarks with regard to the plaintiff, the Matron of the hospital.

He desired to say that his clients never wished and never intended to say that the Matron had given any intimation that she intended or was going to leave her post.

His clients wished to say that the words were never intended to suggest that she was in any way guilty of heartless and inhuman conduct. The language used in this article had been understood, by some people at any rate, as bearing that meaning.

Looking at the language, his clients had felt bound to realise that by the use of the expression "walk out" they were accusing the Matron of leaving the hospital at once and not tendering her resignation and leaving the hospital after proper notice.

APOLOGY TENDERED.

They very much regretted that those words should have been used. Therefore an apology was tendered for any suggestion that she was prepared to disregard the interests of patients and leave them in any sense in the lurch.

He, therefore, endorsed what Mr. Paley Scott had said.

Those of us who have been unjustly maligned in the Press realise the strain of defence in a Court of Law, and know of many instances in which courage has failed to attempt defence. It is, therefore, to the credit of Miss Marion Lee that she refused to submit to the libellous statement, affecting her professional character, and compelled her detractors to withdraw it and apologise. With Mr. Paley Scott, we hope that the Fleming Memorial Hospital for Sick Children at Newcastle may retain the very valuable services of its admirable Matron for many years.

In the name of the Profession at large, we thank Miss Lee for her courageous protest in protecting professional integrity.

THE NURSE AS DEFENDANT.¹

The following good advice appears in *The Lancet* of June 4th:—

The growing recognition of the status of the nursing profession carries with it an increase of legal responsibility. The State-registered nurse undergoes a long and careful training and she emerges with a high reputation for skill and judgment. It follows that she becomes the target for those harassing claims, often speculative and ill-founded, which patients seem to show an increasing tendency to bring in the law courts against those who have done their best to deserve a more grateful acknowledgment of services rendered. In the missing-swab or in the hot-water bottle cases—to mention two constantly recurring types of litigation—the relative responsibilities of surgeon and nurse are not yet clearly defined. If both are cited as defendants, their interests may conflict. Lately in *Mahon v. Osborne* at Manchester Assizes the defendant nurse seemed to have assumed that her cause would be looked after by the legal advisers of the defendant surgeon. As the legal advisers made plain, it happened that the interests of the two defendants would best be served by separating the defences. Such instances show that the time has now arrived for the State-registered nurse to obtain individual protection from the possibly serious consequences of allegations of professional negligence. The College of Nursing, it is understood, offers its members free legal advice as one of the privileges of membership; but the nurse who becomes involved in legal action has to bear her own expenses. At the end of 1936 a scheme was accordingly devised by the College whereby, for an annual premium of 7s. 6d., a nurse could be insured against possible claims up to £1,000. If there has so far been little enthusiasm among nurses to take advantage of the special policy devised for this purpose by a well-known insurance company, this may be because the individual nurse trained to identify herself with the interests and concern of her hospital, does not visualise herself as the possible victim of

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