

# ONA WINS



SUMMARY OF ANOTHER SUCCESS AS YOUR UNION STRIVES TO IMPROVE YOUR WORKING CONDITIONS

## LEAP Helps ONA Member Prove her Innocence

Most ONA members know the Legal Expense Assistance Plan (LEAP) can help with troubles at their regulatory college. However, many don't know that LEAP also assists with criminal matters related to a member's employment at an ONA facility. Joanna Flynn is one ONA member who describes herself as "eternally grateful" for LEAP's help with criminal charges.

Flynn is a long-serving RN who, in 2015, was charged with manslaughter and criminal negligence causing death for discontinuing a patient's life support without a physician's order and allegedly without the consent of the patient's husband, who was the Substitute Decision Maker (SDM).

The patient was a 39-year-old woman, who had suffered a pulmonary embolism and cardiac arrest following routine day surgery. She was vital signs absent upon arrival at the hospital, had lost all brain function and was being kept alive on a ventilator.

There were two primary issues for the court to decide: First, whether Flynn, in discontinuing life support, committed a criminal act by doing so without a physician's order; and, second, whether Flynn followed the SDM's wishes or coerced him into consenting to the removal of life support.

LEAP provided Flynn with criminal representation before charges were even laid against her. Criminal defence lawyer Samantha Peeris did an excellent job of representing Flynn throughout the grueling, two-year process, mounting a thorough and rigorous defence during the two-and-a-half week preliminary inquiry and the eight-week jury trial.

On June 8, 2017, Flynn was found not guilty of both charges. Because of the not guilty verdicts, she can seek reimbursement from LEAP for her entire criminal defence account.

Flynn still has a long road ahead of her, including a College of Nurses of Ontario matter and a grievance arbitration. ONA will provide representation for both. For the time being though, she is breathing a sigh of relief about the criminal matter. She has expressed her immense gratitude to ONA for providing her with the best possible representation and for all of our support, financial and otherwise.

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