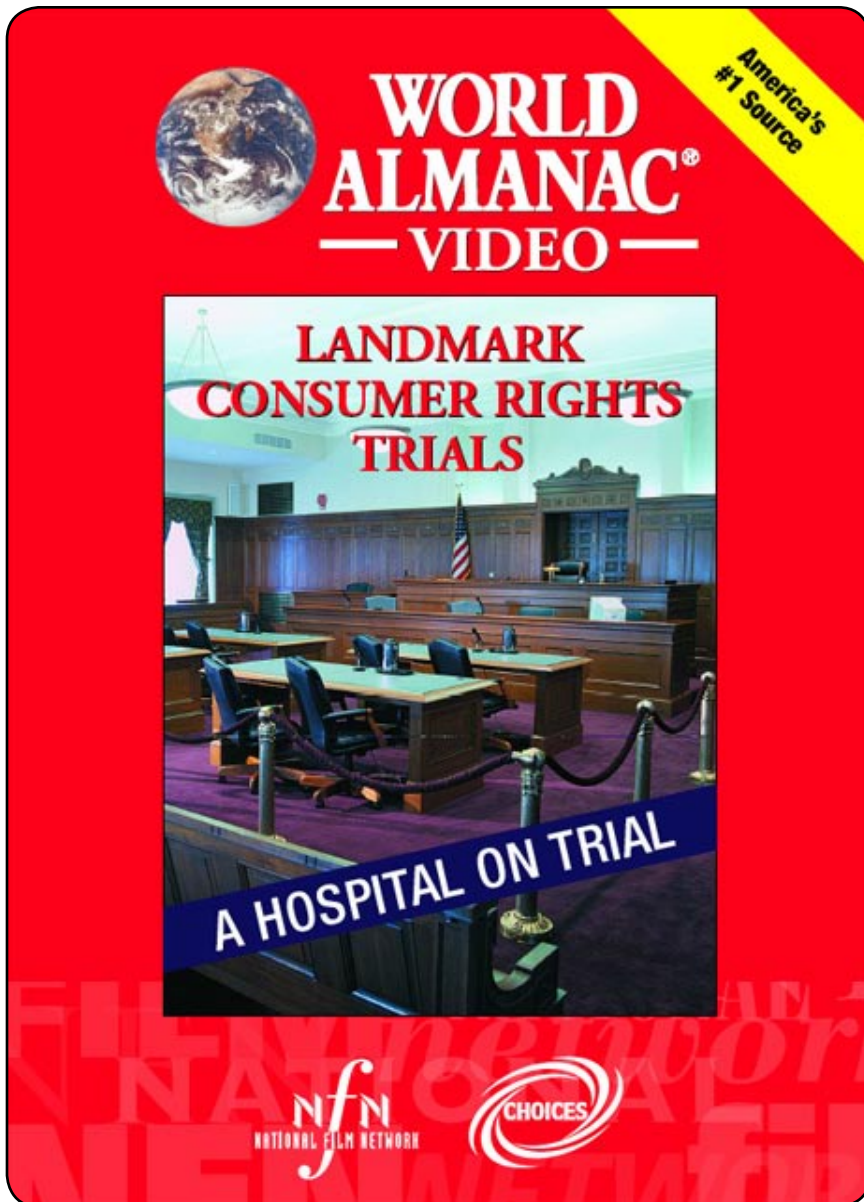


# Discussion Guide



When we purchase a product or use a service, we have the right to expect that what we buy is safe. And yet defective products and harmful services are common—indeed, most of the cases in the courts today arise out of just such occurrences. And sometimes lawsuits over products and services result in cases that grip the public in a major way. These cases may attract attention because of the huge numbers of people involved, the novel areas of modern life they reflect, or simply the large amounts of money involved. LANDMARK CONSUMER RIGHTS TRIALS examines some of these unforgettable cases.



**National Film Network**

4501 Forbes Boulevard, Lanham, MD 20706  
www.nationalfilmnetwork.com  
1-800-431-4586

# INTRODUCTION

## A Death in the Hospital

Libby Zion died in New York Hospital on the morning of March 5, 1984. That in itself is not an unusual fact—hospitals, after all, are the scene of many deaths. But Libby Zion was only 18, and when she entered the hospital the night before she was complaining of fever, an earache, and what seemed to be mild flu-like symptoms—nothing that sounded deadly. In addition, Libby's father was a prominent New York journalist and not the type of person that was going to let the matter rest without an investigation. He came to believe that Libby's death was a preventable accident resulting from the administration of two drugs that should never have been combined—one of them a drug that Libby had been taking all along on her doctor's advice, and the other a drug given to her in the hospital by someone, Zion contended, who should have known better. The hospital, on the other hand, argued that Libby had misinformed the hospital's health personnel about her drug use. Not only was she taking prescription drugs that she didn't reveal, but she had also used cocaine—and it was this that caused her death. Was Libby Zion's death partly the fault of a dangerous lifestyle? Or was New York Hospital smearing her reputation in order to vindicate itself? Sidney Zion's lawsuit against New York Hospital raised not only these issues but also others. And the dispute by no means ended with the verdict.

## The Issues

### Are Doctors Overworked?

The main reason the Libby Zion case became so prominent was that it raised an issue that had been swirling around for some time. In many, if not most, hospitals it has been standard practice to require residents (newcomers fresh out of medical school) to work long, tedious hours and carry huge caseloads. One of the doctors who treated Libby Zion, for example, had already been working for 17 hours and had some 40 other patients to see that day. Not surprisingly, the plaintiffs in *Zion v. New York Hospital* charged that one reason for Libby's death was that physician fatigue led to error. The New York State legislature was impressed by this argument and subsequently passed a law regulating the hours that hospital residents could work. But New York was the only state to pass such a law, and, clearly, the issue remains a lively one today.

## Important People

**Andrews, Loretta** — One of the jurors in the case. The sole dissenter from the verdict.

**Balde, Myrna** — Nurse who attended Libby Zion. She testifies that Libby's condition worsened after she was given Demerol.

**Bensel, Frank** — Attorney for New York Hospital and for the three doctors charged in the case. Lead counsel for the defense.

**Bias, Len** — Professional basketball player who died of cocaine related cardiac arrest on June 19, 1986. His death was widely publicized as a warning that cocaine use could be deadly. The defense attorneys in *Zion v. New York Hospital* compare Libby Zion's case to his.

**Crean, Peter** — Attorney for New York Hospital and for the three doctors charged in the case.

**Dubin, Janet** — Jury foreperson in *Zion v. New York Hospital*.

**Glickman, Robert** — Standard of care expert who testifies for the defense.

**Green, Mark** — New York City Public Advocate who criticizes New York Hospital for overworking its residents. His report, which comes out as the trial is in progress, leads the defense to ask (unsuccessfully) for a mistrial.

**Greene, Edgar** — One of the jurors in the case.

**Leonard, Maurice** — Emergency room physician who treated Libby Zion. Co-defendant in the case.

**Moore, Tom** — Attorney for Sidney Zion.

**Osborn, Harold** — Doctor who testifies on the behalf of the plaintiff. He contends that errors were made by the attending physicians and that there was no evidence Libby Zion used cocaine.

**Pittoni, Luke** — Gregg Stone's attorney.

**Rieders, Fredric** — Expert in toxicology (see Vocabulary) who testifies for the defense that Libby Zion tested positive for cocaine.

**Sherman, Raymond** — The Zion family physician. He advises Sidney Zion to take Libby to the emergency room. He doesn't visit the hospital himself but keeps in touch by telephone.

**Simpson, George** — Pharmacologist who testifies for the defense that Libby Zion was using five different prescription drugs.

**Stone, Gregg** — New York Hospital resident who treated Libby Zion. Co-defendant in the case.

**Weinstein, Luise** — Intern who helped treat Libby Zion. Codefendant in the case. At the time of Libby Zion's death, she has been out of medical school for nine months and when she sees the patient she has already worked for 17 hours.

**Wetli, Charles** — Expert in forensic pathology (see Vocabulary) who testifies for the defense that Libby Zion's death was cocaine related.

**Wilk, Elliot** — The judge in *Zion v. New York Hospital*.

**Winfield, Michelle** — One of the jurors in the case.

**Zion, Adam** — Libby Zion's brother.

**Zion, Libby** — 18-year-old woman who was brought to New York Hospital in 1984 for what was thought to be a routine fever and earache but who died there eight hours later.

**Zion, Sidney** — Libby Zion's father. Prominent New York journalist.

## Note..



# THINGS TO THINK ABOUT / THOUGHT PROVOKING QUESTIONS

Note..

- *As a result of Libby Zion's death, New York State became the only state to pass a law regulating the hours of hospital residents.*  
Do you think other states should pass such a law?  
Might such a law constitute excessive government interference with the way hospitals operate? How might limiting the activities of resident physicians be harmful?  
What do you think should be the maximum number of hours a doctor should be on duty in a hospital emergency room?
- *One of the defendants in the case later argued that the millions of dollars that went into it could have been better spent on a new cancer wing.*  
Do you find this a persuasive argument?  
Do you think that excessive lawsuits may hinder the ability of health personnel to administer treatment?
- *If Libby Zion in fact failed to inform the hospital of her drug use, including cocaine, what does this tell you about the importance of informing health personnel about drugs that you, or any patient, might be taking? What might be some good ways to ensure that such important information is provided?*  
Should there be a national computer data base available only to health care personnel, providing information about people's prescription drugs?  
Do you see privacy or other problems with such a data base?
- *Raymond Sherman, the Zion family physician, never went to see Libby Zion at the hospital.*  
Do you think this was negligent of him?  
Or, based on what he knew about her condition, do you think this was understandable?
- *In what other fields of activity might sleep deprivation, as charged in the Zion case, be hazardous?*  
What can you learn about the number of hours of sleep people of different ages require in order to function efficiently?  
Do you think you are getting enough sleep?  
If not, is there something you can do about it?



www.nationalfilmnetwork.com www.nationalfilmnetwork.com www.nationalfilmnetwork.com www.nationalfilmnetwork.com www.nationalfilmnetwork.com

