

Allan M. Freedman, LLB: a lawyer's gift to Canadian chiropractors

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This paper reviews the leadership role, contributions, accolades, and impact of Professor Allan Freedman through a 30 year history of service to CMCC and the chiropractic profession in Canada. Professor Freedman has served as an educator, philanthropist and also as legal counsel. His influence on chiropractic organizations and chiropractors during this significant period in the profession is discussed.
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Introduction

May 3, 2006, marked the end of a remarkable, 30 year era of sustained scholarship and service at the Canadian Memorial Chiropractic College (CMCC). On that date Allan Freedman stepped down from his position as Course Coordinator in Health Care Jurisprudence and Practice Development.

In order to document the depth of Professor Freedman's talents, the pervasiveness of his leadership and the complexity of his accomplishments, this paper has been arbitrarily divided into three sections. Section one, *Educator*, focuses on Freedman's role as a teacher and tries to determine the effect he had on the careers of the thousands of students he taught at CMCC, as well as his impact on field practitioner across the country. Section two, *Legal Counsel*, examines, where possible, Freedman's contributions as an attorney and advisor to the College

Le présent article examine le leadership, les honneurs et les répercussions des travaux du professeur Allan Freedman au cours des 30 ans de service au CMCC et son influence sur la pratique de la chiropratique au Canada. Le professeur Freedman a servi comme éducateur, mécène mais également comme conseiller juridique. Nous abordons l'influence qu'aura eue le professeur sur les organismes de chiropratique et sur les chiropraticiens au cours de cette période importante pour la profession.
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mots clés : Allan Freedman, conseiller juridique

and his influence on allied organizations within the Canadian chiropractic profession. Section three, *Philanthropist*, records what is known of the benevolence which motivates Allan's activities and permeates his life.

Background

Allan Freedman was born May 16, 1949, in Toronto, Ontario. He attended Wilmington Avenue Public School, then Dufferin Heights Junior High School, before proceeding to William Lyon MacKenzie Collegiate Institute, where he obtained an honour graduation diploma.

Freedman was frustrated by the quality of education available to him in high school and was the last freshman applicant to squeeze into York University in 1968. [Interview, Freedman, July 19, 2006] Here he blossomed academically, quickly becoming an honor student, and receiving a Bachelor of Arts degree in 1971.

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Figure 1 Professor Allan Freedman, LLB.

At age five, Freedman discovered Perry Mason on television and developed a keen interest in becoming a lawyer. In 1971 he enrolled in the University of Western Ontario's Faculty of Law where his finances were bolstered by running the coffee concession. He needed extra money because he was hoping to convince a lovely young lady from Hamilton, Ontario, Judy Freedman (no relation at that time), to marry him the next summer. Judy was to give them three fine sons; Darin, Ryan and Mitchell.

Freedman earned his Bachelor of Laws degree in 1974. That year he was on the Dean's Honour List and won the Dean Ivan C. Rand Honour Society Award. In 1976 he was admitted to the Bar by the Law Society of Upper Canada and immediately opened a private practice, which he still maintains.

At this time Freedman began his journey down the road "less traveled by." "I had just graduated from law school, and was finishing my articles, when I was introduced to chiropractic and the Canadian Memorial Chiropractic College. I was a patient at the College Clinic. (I

really did need care – even though I had enjoyed a number of years of valium dependency!) After being treated by an intern (who at this time shall go nameless) I received my first upper cervical adjustment from Dr. Bob Kilgannon. It was quite an experience. The adjustment and treatment led me to discussions about lawsuits and a meeting with Dr. Herb Vear and then Alfred Rozeiu. I was asked to consider teaching "jurisprudence" which for the life of me I couldn't understand since the term "jurisprudence" represents the study of law. After spending countless evenings preparing irrelevant lectures, I was finally given a course syllabus which required the teaching of risk management."¹

Educator

Jurisprudence and practice development

Freedman delivered his first CMCC Jurisprudence lecture to the fourth year class on September 9, 1976, beginning a three decade "part-time job" that would fulfill his desire to combine law with education. "By my first year of undergraduate studies at York University I knew that I wanted to do some teaching. It keeps a person active in terms of self-learning and up to date on issues."

The CMCC calendar for 1976–77 lists Freedman's course as "Health Care Jurisprudence." Its subtitle more accurately described the program as, "The Chiropractor and the Law." The course prospectus of March 1976 shows that Freedman wanted to expose his students to a wide spectrum of knowledge about how a variety of laws impact on the practice of chiropractic and the chiropractor. The outline was deliberately flexible, so that if one area of discussion proved to be of little consequence, that time could be used for another subject. It was also far-sighted. Within the topic, "The Chiropractor and the Patient," one of the subheadings was "Consent to Treatment." Consent was also considered under "Care of an Infant." This was ten years before informed consent became a major issue for the Canadian profession. As well, his course contained a hint of what was to come. "The Business of Medicine" was included as part of "The Practice of a Chiropractor."

Freedman's first program consisted of 25 lecture hours plus one assignment; the preparation of a satisfactory Chiropractic Legal Report. This report was heavily weighted; making up to 40% of the student's final mark.



Figure 2 From left to right: Len Goodman, Jean Moss, Allan Freedman, John Mrozek taken May 3, 2006 the day Professor Freedman stepped down as CMCC's Course Coordinator in Health Care Jurisprudence and Practice Development.

It had to be acceptable to both a lawyer and a chiropractor and its author capable of defending it in a simulated courtroom appearance, before the rest of the class. Freedman noted that "While the content of the report may be the most important aspect ... the foundation of the report must be its form." He insisted the document be "clear, concise, complete, accurate and relevant." Although he outlined various sections that should be included in the body of the report, he did not specify the subject matter. Freedman stressed that the procedures of collecting, recording and releasing information contained in the document, strictly comply with established protocols of consent, confidentiality, privacy and judicial process.

By 1980 Freedman's course was titled "Jurisprudence and Practice Development" and had expanded to a total of 64 hours over two years. The "Introduction," presented to the third year class over 18 hours, was "designed to introduce students to the rights and obligations of a patient and practitioner." The fourth year course of 46 hours was "intended to familiarize students with those areas of law in which chiropractic may be involved while carrying on a professional practice." Now his curriculum included guest lecturers in fields such as law, finance, accounting,

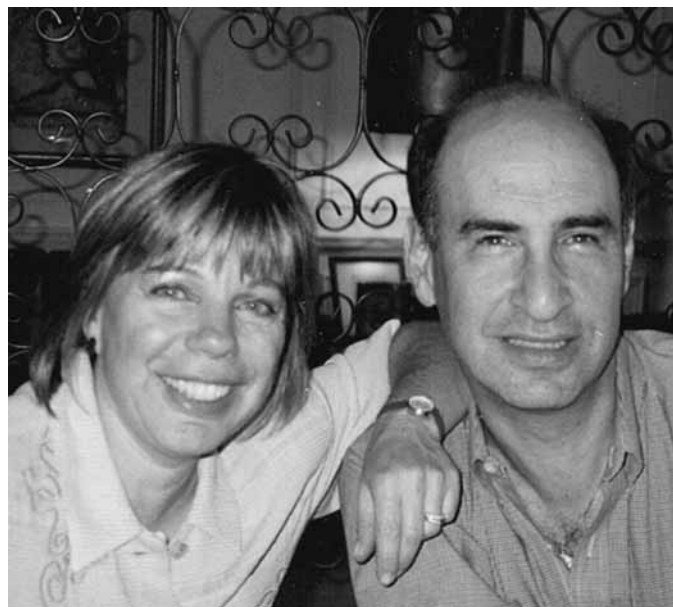


Figure 3 Judy and Allan in a rare relaxed moment.

insurance, real estate, architecture, construction, professional regulation and practice management.

In 1984 Freedman introduced a "Jurisprudence Project" into his third year course, to be finished in January of the fourth year. Students are required to describe in detail the creation of a chiropractic practice. Areas included in the assignment are a demographic study, a lease or an agreement to purchase the location, a design of the practice, the details of any improvements, financial data and proposals including financial statements, office policy, patient protocols, informed consent, associate agreements, insurance contracts, advertising plans and any other facts necessary for the establishment of the practice.

Classes are divided into groups of four to six people and directed to obtain assistance from licensed practitioners. Each year Freedman selected one project (it could be good, bad or indifferent) for presentation by the group to the entire class, accompanied by lively discussion. Freedman is convinced "that as clinical training is to chiropractic technique so the jurisprudence project is to the teaching of practice development."² The College has found these assignments invaluable in providing students with essential knowledge needed to develop a workable facility for proper patient care, prior to graduation. Jean A. Moss, DC, President of CMCC agrees: "This focus guided students

through the creation of a complete business plan they could implement upon graduation. It was an extraordinarily realistic assignment which gave many of our graduates a jump start in building their ideal practice.”³

In 1995 Freedman began requiring fourth year students to attend discipline hearings of two different health providers such as chiropractic, medicine, dentistry, nursing, physiotherapy or pharmacy. Attendance is for a full morning or afternoon session, followed by submission of a Discipline Hearing Report. Grading of these reports is “based on content, an understanding of what has transpired and the student’s comments as to the experience of attending a hearing.” These hearings brought Freedman’s lessons to life. His pupils discovered how easy it is to get into trouble and how painful and expensive it can be to get out. Some of their insights are: “Proper record keeping is paramount ... Get informed consent ... The process is so intimidating ... I used to think people could never be that stupid ... Continuing education is a must ... The thought of being in a discipline hearing scares me half to death.”

Freedman asserts, “There’s no better way of teaching the consequences of stepping out of line than watching first-hand what happens to health professionals who do. It was one of the most important things I inaugurated. It has given the course and the students, status and credibility within the professional community.”

His lectures are theatrical events which Freedman begins by announcing, “It’s show time!” He has mastered his material so well that he can perform for two hours with apparent ease. His powerful, vividly descriptive oratory leavens serious topics with personal anecdotes, horror stories and humour, to capture the audience’s attention.

Mary Ann Grape, DC, a former College Board member, was a student in one of Freedman’s early classes. She remembers that, “Allan taught me how to deal with the real world. Everyone had been teaching us to be chiropractors but Allan taught us the business aspects and how to deal with other professions we would run across during our careers.”

Silvano Mior, DC, Special Assistant to the President, describes co-teaching one of Freedman’s courses as a “sparring match. We traded insults and opinions but we got our points across ... Allan is one of the few teachers that can take a dry and boring topic and instill a level of

practicality and awareness that would otherwise be lost on the audience.”

Among Freedman’s first students was Vincent Sinclair, DC, past Board Chair. His daughter Morgan is currently in the CMCC class of ’08. Dr. Sinclair writes: “Allan taught my daughter’s third year class last week and she described him as bodacious, expressive, forthright and enthusiastic; just as I as a student, remembered him thirty years ago.”

Greg Dunn, DC, Chief Operating Officer of the Canadian Chiropractic Protective Association (CCPA), frequently interacted with Freedman’s classes. “I quickly learned that Allan was much more than an instructor to those in his charge. I observed him as a tutor, mentor and friend to those he worked with. He had a knack of using various forms of motivation to have his students learn his important lessons. His methods ranged from cajoling to badgering and ultimately, putting the fear of life and death into his class.”

For close to twenty years, Freedman has delivered an introductory lesson to the incoming Freshman class. Its purpose is to give these neophytes a clear understanding of the type of conduct expected of them as students at CMCC. One of Freedman’s favorite tools is the Socratic method. His questions seem simple but the answers can be startling. Question: “What is your definition of chiropractic?” Answer: “Chiropractic is a profession.” Freedman’s retort focuses attention on the point he is making; bringing the subject down to essentials; and crystallizing thought. He clarifies his response by reminding the class they have enrolled in a professional school and improper behavior will not be tolerated any more in the College than it will be when they enter private practice. Freedman reinforces his remarks by pointing out that because CMCC is a degree granting institution, all disciplinary action taken against students *must* be recorded on their transcripts.

In course lectures, Freedman’s answers to questions are often deliberately ambiguous. Typical question: “If I am asked for information about a patient how should I respond?” Answer: “Depends.” Question: “Depends on what?” Answer: “Depends on who, what, why, when, where and how the information is to be collected and disseminated.” Freedman does not always provide definitive responses to queries because he knows the answers can change, depending on the circumstances. What he con-

centrates on, is giving his charges the types of questions they should be asking.

Freedman encourages students to express suggestions or criticisms concerning course content or methods of presentation in writing, and is amenable to good ideas. Brian Seaman, DC, who was a pupil in 1981–82, remembers discussing how his class could be taught to create a viable office. Dr. Seaman “suggested to Allan that he include a project asking the students to set up a ‘make believe’ clinic from scratch, as part of the curriculum. Allan liked the idea and it has been part of his course now for over 20 years.”

Freedman began his teaching career as a lecturer in 1976 and rose through the ranks to Full Professor in 1999. Over three decades he has never wavered in his duty to the students. He makes himself available to answer academic and personal questions and concerns before class, during breaks, and after class, as well as responding to telephone requests and e-mails. Freedman also sets aside special time to certify students’ applications to write their licensing board exams. He laughingly remarks that he is “probably the only notary public who’s actually worn out two notary public seals”⁴ At CMCC’s annual convocations, Professor Freedman demonstrates his admiration for the graduating class by presenting his Jurisprudence and Business Award to a worthy recipient.

Stuart Kinsinger, DC, recalls that “When I was hired as Chair of the Department of Chiropractic Principles and Practice in 1999, I did not know that Jurisprudence was part of the department. The beauty of having Allan ‘in the fold’ was knowing he would always do his job well, was always to be counted on and was a tireless advocate of ethical and professional behavior to our students, for the sake of the profession and the public we serve.” [E-mail Kinsinger to Brown, Oct. 12, 2006]

Extra-curricular teaching

Professor Freedman believes in lifetime learning. Since coming to the Bar in 1976 he has attended meetings and seminars involving Alternative Dispute, the Law Society of Upper Canada, the Canadian Bar Association and the National Association of Chiropractic Attorneys.

In 1978 he got involved with extended training for chiropractors by instituting a weekend course for CMCC’s Department of Continuing Education called “Health Care Jurisprudence,” which constituted a discussion of busi-

ness law and third party liability as they relate to a practicing chiropractor. Since then he has been a keynote speaker at many CMCC events and has appeared dozens of times before national and provincial Canadian chiropractic associations, societies and regulatory boards, as well as medical, legal and university bodies. In addition to health care jurisprudence and risk management, his talks include subjects such as professional negligence, court appearances, standards of care, practice valuations and health care economics.

Because the content of many of Professor Freedman’s extra-curricular lectures can be found in his publications, this section looks at some of the subjects he has not yet formally documented. Freedman’s seminar, “The Medical Legal Report,” as it relates to the chiropractor, was first presented at CMCC’s Homecoming ’82. Following the same format as his lectures to the CMCC third year classes, it discusses the various types of reports that may be requested of a chiropractor; the reasons for a medical legal report; its form and its content; and what must be attached to the report and set out on a separate schedule. All participants at this seminar received a comprehensive 50 page document detailing all of the above, plus appendices giving examples of medico legal reports, fee schedules and a checklist for the practitioner to ensure that all necessary data has been included. Freedman subsequently taught this course to the Alberta Chiropractic Association and the Canadian Society of Chiropractic Evaluators (CSCE).

In 2003 Freedman delivered a power point lecture to the CSCE on “Auto Insurance Reform” and how it relates to “The Business of IMEs” (Independent Insurance Examinations). He terms this “the grey area of practice” and addresses it under headings such as, professional issues, compliance, privacy, conflict of interest, risk management and performance. Central to this discussion are proposed changes to auto insurance regulations regarding “Unfair or Deceptive Acts or Practices” by health professionals, insurers and service providers. Deceptive acts include improperly denying entitlement, misrepresentation, solicitation, referral fees and excessive charges. Another concern is timing. Examinations, reports, mediations and insurance benefits must be finalized within predetermined time constraints. The summary of this lecture contains two remaining areas to contemplate: privacy; and conflict of interest. Freedman has commented on this

subject a number of times. In February 2006 he addressed a conference at CMCC that was open to chiropractors, medical doctors, physiotherapists, occupational therapists, kinesiologists, psychologists and dentists, as well as third party payors, insurance regulators and lawyers.

In 2004, Professor Freedman gave the first of several power point presentations to CARP – Ontario (The Canadian Association of Rehabilitation Professionals). The theme of this address is “Privacy Legislation.” It begins with its history in Canada, which goes back to the 1977 Krever Commission on Freedom of Information and Individual Privacy before moving on to current issues involving PIPEDA (the 2004 Federal Personal Information Protection and Electronic Documents Act), PHIPA (the 2004 Ontario Personal Health Information Protection Act), Common Law (dealing with Confidentiality), Statutes and Regulations.

Freedman explains that PIPEDA governs the collection, use and disclosure of personal information, emphasizing that *consent* is at the heart of protecting such information. “Above all else it must be meaningful.” Every organization, whether it be an individual, a group or a company, involved in gathering personal data, is required to take the following steps to comply with this Act. It must develop and enforce a privacy policy which includes a complaints process; post opt-out statements; ensure third party contracts include a privacy clause; educate staff; and appoint someone from the organization to be the privacy officer and institute an internal complaints system. Use and disclosure can only be for the purpose for which the information was obtained unless: a further consent is obtained; or there is legal authority to do so without consent. Access requires a request in writing but may be refused for several legal reasons.

The last item in this speech is an explanation of PHIPA. Freedman states that the Ontario Act proclaims five things: It establishes rules concerning the collection, use and disclosure of personal health information by health information custodians and other persons; provides individuals with a right of access to personal health information; provides individuals with a right to require the correction or amendment of personal health information; provides for independent review and resolutions of complaints with respect to personal health information; and provides for remedies for a contravention of the Statute. Freedman’s concluding comment is that we should

“Hope for the best, plan for the worst and expect the unexpected.”

In June and November 2006, Professor Freedman held certification courses for members of the CSCE regarding Independent Chiropractic Examinations. His title was: “ICEs – Perception and Reality – Legal Issues.” Under “Guidelines and Policies” Freedman notes that this information was substantially copied from the College of Physicians and Surgeons of Ontario (CPSO) Policy #8–02.

Although a practitioner who performs ICEs has no doctor-patient relationship with the individual being examined he must: Behave professionally; provide an assessment appropriate to the circumstances; and prepare a quality report. The CPSO advises doctors that there are significant differences between third party services provided by a treating physician and an IME (Independent Medical Examiner). A treating physician has a duty to provide or arrange for continuing medical care, however, an IME has none. A treating physician must create and maintain records in accordance with College Standards whereas an IME has no obligation to keep notes or records of a verbal opinion. File reviews require a copy of the report to be kept, but there is no obligation to keep notes or records. Concerning clinical assessments based on information obtained through examination, the IME should keep records in accordance with the legislation and policies of the Profession. Reports, notes and records should also be kept, in the case of medicine, 10 years. Concerning access to records, the treating physician must provide a copy of any report or opinion to the patient upon request standards. For the IME, the duty to provide a copy of the report will vary based upon acceptable law, the nature of the agreement with the third party and the consent of the individual. As to fees, the treating physician has a duty not to charge excessively, whereas the IME may negotiate terms of payment with the third party.

Another CPSO policy is that the IME must make sure the individual understands the purpose of the examination; how the examination will proceed; where the report will be sent; and whether the individual is entitled to a copy. Freedman describes the creation of an IME report with one word: It must be “defensible.” CPSO policy states that a reader of the report should be able to tell how the practitioner reached his or her opinion and should know whether the opinion is based upon examination, observation or information from another source. It also

advises that a practitioner has a professional responsibility to conduct an assessment and prepare a report that meets the standard of practice in the profession. Opinion should reflect a generally accepted standard of practice, unless otherwise specified. Common ICE complaints involve tardiness, attitude, communication, lack of consent, physical and/or emotional damage, inappropriate assessors, incorrect or incomplete information, substandard reports, conflict of interest and privacy. Most complaints are adjudicated by the Health Professions Appeal and Review Board, although defendants can seek judicial review of its decisions.

From 1983 to 1995 Professor Freedman taught Health Care Jurisprudence for the Career Canada College Chiropractic Assistant's Program and accepted opportunities to interact with other health care providers. Between 1983 and 2003 he lectured for various years at Seneca College, the Canadian College of Naturopathic Medicine and the Homeopathic College of Canada.

Don Nixdorf, DC, Executive Director of the British Columbia Chiropractic Association feels "privileged" to be associated with Allan Freedman. "Allan's clarity and dedication to the profession and the persons he has worked with has provided a foundation that CMCC has flourished on ... When called on to present or advise at provincial or territorial conferences across Canada, his participation and contribution has benefited not only doctors of chiropractic but indirectly, the well being of all Canadians." [E-mail, Nixdorf to Brown, Sept. 6, 2006]

Publications

Judging from the reading requirements for Freedman's early classes at CMCC, there appears to have been a shortage of available material on risk management and practice development. Since 1977 Freedman has filled that void by writing about 40 articles on these subjects. Most of them can be found in the Journal of the Canadian Chiropractic Association (JCCA) and the Canadian Chiropractor magazine. I assumed these essays were created to give his students a body of knowledge to bolster what they received in college. When posed this question Freedman's reply was surprising. "Not really," he said, "I was hoping the chiropractic profession might pay attention." Early on Freedman recognized field practitioners' need for guidance and began using the power of his pen to provide it. Many of his publications relate to areas covered

in the classroom. The objective here is to review a few articles that stray from that well-worn path.

In 1984 Professor Freedman found a way to capture the profession's attention by helping the CCPA to produce, "Risk Management: An Incident."⁵ This video depicts a reenactment of the 1984 Mason versus Forgie case⁶ and features Freedman in the role of the tenacious prosecuting attorney. It lucidly demonstrates what the courts have determined and what Freedman has been preaching for decades; the necessity for health care practitioners, particularly chiropractors, to obtain verifiable, *informed* consent from every patient, prior to treatment. The CCPA distributed copies of this video to all its members.

Under "Millennium Commentaries" in the December 1999 issue of the JCCC, Freedman talks about conundrums which continue to face the profession.⁷ He suggests there are two major issues confronting Canadian chiropractors in the next millennium. The first is "the inability of the profession to speak with a unified voice ... The profession must be able to deal with the defensibility of its approaches to chiropractic care so that patients and those on the outside looking in do not confuse the lack of cohesiveness with a lack of professionalism." The second issue is "a lack of commitment in membership to CMCC." For years CMCC was "the most unifying force within the profession ... the place to which consumer groups, federal and provincial governments and outside organizations ... came to review chiropractic within Canada." Outsiders "continue to look to CMCC as the basis for determining the legitimacy of the profession." Regardless of philosophy or affiliations, Freedman urges Canadian chiropractors to ensure CMCC remains a strong educational institution, as a bastion of support and defense for the profession.

In 2000 Professor Freedman wrote "Coroner's Inquest."⁸ This paper clarifies the erroneous assumption that because an inquest is being held, "something has gone terribly wrong." While someone has to die before an inquest can take place, "There are no preconceived notions of responsibility and even more importantly, there will not be any conclusions of civil criminal culpability arising from the Inquest." The coroner's office must first determine whether "the holding of an inquest would serve the public interest." Once determined, the final decision to hold an inquest is left with the coroner. "While inquests are not held every week ... the ultimate goal of

the coroner's office, and ultimately an inquest, is succinctly set out in the motto adopted by the Coroner, that is: 'We speak for the dead to protect the living.'

Allan Freedman and Paul Carey, DC, coauthored "Jurisprudence and Geriatric Care" in 2001. This chapter in the book, "Chiropractic Care in the Older Patient,"⁹ recognizes the obligation of chiropractors providing care to geriatric patients to assume responsibility "based upon the presumed frailties, specific quirks or nuances that may relate to such patients." The chapter is particularly concerned with these issues: consent to treatment; informed consent; substituted decision making; issues of misconduct; mandatory reporting; and record keeping. The Summary notes that "the care of a geriatric patient takes on a potentially higher amount of vigilance and concern." History taking and record keeping may require additional time and investigation. Legal and ethical issues relating to reporting abuse and the relationship between the doctor and the patient may have to be faced. "In any situation in which the health-care practitioner presents himself or herself as having a greater expertise than that of a fellow practitioner, the standard of care of the practitioner will be expanded upon and the obligation of the practitioner in providing care, over and above that of the reasonable practitioner, will be imposed upon the doctor."

"Legal Issues in Alternative Health Care,"¹⁰ is a unique treatise, written by Freedman in 2001. Rather than reviewing health care methods that might be deemed "alternative" or "complementary" to medicine, it examines the issue of medical doctors augmenting their "orthodox" treatment regimes by implementing "alternative" and "complementary" methods, and the question of what constitutes an acceptable standard of care in these circumstances. Freedman records that "A standard of care in a profession is established by a number of different factors including legislation, education, publication and litigation." While legislation can establish requirements, these do not necessarily provide discretion as it relates to a practitioner's interaction with a patient, however, legislation may lead governing bodies, such as the CPSO, to establish "policies, guidelines and standards that will all impact the practitioner and provide specific instructions with respect to patient care." Unfortunately, many procedures considered alternative to orthodox medicine are probably not legislated. Another conflicting area relates to the Regulated Health Professions Act (RHPA) which

legislates "controlled acts" that may only be performed by members of specified health care professions. Multitudes of health care procedures probably not classified as controlled acts, are considered as being in the "public domain." Even though controlled acts may be within the public domain, when conducted by a medical doctor, the practitioner's performance is expected to reach the level required by the profession.

Considering education, "the overriding question ... is whether the conduct of the practitioner is taught at an appropriate medical school ... if the actions of the doctor are not on the curriculum of an accredited educational institution, then the onus may well be placed on the medical doctor to support justification for his or her action."

Common law, established through litigation, administrative hearings and criminal procedures, is the most tenuous and volatile area in establishing appropriate standards of care. A medical doctor relying on the principle of adherence to precedent "is only a court decision away from a judgment which may well overturn what has been considered to be a custom within the medical profession for many years. Freedman believes that "it would be remiss for a medical practitioner carrying on practice in the twenty-second century to discount the issue of complimentary medicine," and quotes Eisenberg et al. to make his point.¹¹

The last paragraph in Professor Freedman's discourse brings theory and conjecture back to earth. "The matter of legal issues in alternative medicine must always start and end with the interests of the patient. It is not a matter of caveat emptor, or let the buyer beware, but more importantly let the buyer believe, as in the case of a fiduciary duty that is owed by a physician to a patient to act not only in accordance with professional standards but to apply, above all else, the principle of 'do no harm.'"

Legal counsel: CMCC administration

Shortly after arriving at CMCC in 1976 Allan Freedman began exerting his influence beyond the classroom. April 1977 he drew up terms of reference for the creation of a College Discipline Board.¹² That year the Board handled its first case; quickly resolving a dispute in one of the classes. Freedman tried to settle these matters with "Solomon-like justice. Not everyone was found guilty and each student was innocent until proven guilty. If, for example, they were unrepresented, students were advised of any

technicality which provided them with a defense. It was always my belief that failing the existence of a formal discipline process, students could be dealt with in any institution by arbitrary actions without due process. The entire Discipline Board process was created to protect the students.” [E-mail, Freedman to Brown, Sept. 14, 2006]

By 1979 Freedman was acting as legal counsel to the College and began working on a project involving the Board of Directors of Chiropractors (BDC), to amend the Drugless Practitioners Act (DPA) so that academic licenses could be issued to certain CMCC faculty. In 1980 Freedman drew up proposed amendments to the DPA, and a new regulation allowing Academic Registration was finally passed into law in 1982. Donald C. Sutherland, DC, President, CMCC, in his report to the CMCC Board, February 28, 1982, recorded that the College was told this would never happen. “The credit for this accomplishment must go to Mr. Allan Freedman who never lost sight of the goal and represented the interests of CMCC in a very capable manner.” Freedman solved this problem in the same way that he has so many others; by taking matters into his own hands. He approached the person responsible for drafting this legislation and was told that it would take months. So Freedman prepared the document himself and it was pushed through expeditiously. In 1994 Freedman was still working with the BDC, now College of Chiropractors of Ontario (CCO), and the Ministry of Health, to clarify proposed amendments to the Chiropractic portion of the Regulated Health Professions Act dealing with accreditation and academic licensure.

In 1979 Freedman became involved with issues concerning the Ontario Hospital Insurance Plan (OHIP) and supervision in the College’s teaching clinics. These difficulties, which went back to 1972, centered around the question of what constitutes a directly supervised visit in the clinics by a licensed chiropractor in the Province of Ontario. A significant breakthrough in this case came in 1983, when Allan Freedman and Ian D. Coulter, PhD, Interim President of CMCC, succeeded in getting a favourable statement in writing from an official in the Ministry of Health, stating what would be accepted as direct supervision.¹³ This policy remained in place until December 1, 2004, when chiropractic services were de-listed from OHIP coverage in Ontario.

By 1982 Allan Freedman was serving on the College’s Human Experimentation and Clinic Committees, assist-

ing in writing the Faculty Handbook, the Code of Conduct for Faculty and Students and, our Status Study for the Council on Chiropractic Education, Canada (CCEC). He helped prepare for CMCC’s hearing before the Commission on Accreditation (COA) of CCEC, attended when the College was granted Recognized Candidate for Accreditation (RCA) Status in March 1982, was present when CMCC obtained full Accredited Status in November 1986, and still represents the College’s interests at all CCEC hearings.

Dr. Jean Moss praises Freedman’s talent for conflict resolution. She finds that “Allan has an in depth understanding of the profession and the issues it faces which enables him to foresee challenges before they become issues allowing us to be proactive on many occasions.” During the 1980s Freedman had ample opportunity to hone these skills. By 1982, in addition to acting for the College in the OHIP investigation, he was fielding complaints filed with the Human Right’s Commission, faculty and staff difficulties, and our inability to get laboratory licensing. Soon he was involved with obtaining malpractice insurance for our clinics, negotiating contracts, clarifying complex agreements, settling possible conflicts of interest and, representing the College in disputes with some of our professional organizations. One of these skirmishes involved charges of incompetence and counter-charges of character defamation. Perhaps the most contentious and potentially damaging issue was CMCC’s quarrel with our accrediting agency.¹⁴ To Freedman’s credit, all these inter-professional disputes were resolved privately; without the expense, acrimony and public scrutiny of court appearances.

John Mrozek, DC, has “enjoyed working with Allan over the years in my various administrative capacities, especially as Dean since 1993. Allan and I sometimes joke that we seem to be on the same page when it comes to issues where I ask for his input. In other words his approach to issues has rubbed off on me over the years, enabling me to see these issues through a different lens.” [E-mail Mrozek to Brown, Aug. 8, 2006] Kitchener Hayman, DC, wonders “if the consistency of Allan’s counsel to the many executives and governors over the years has been the thread that has held the whole pattern together. He must surely have the clearest picture of how all of the pieces fit together. His sound reasoning and measured counsel provided sensible guidance during the brief but

highly fractious period from 1985 to 1988, when I was Executive Vice-President of CMCC.” [E-mail, Hayman to Brown, Aug. 28, 2006]

Legal counsel: CMCC Board

In 1980 Freedman began attending some Board of Governors committee meetings and by 1983 was present at all Board Annual and Semi-Annual, Executive Committee and In Camera sessions, as well as Board retreats. In 1982 Freedman tackled the complexities of the College Board’s structure and functions by helping to create a By-Law Committee. By 1995, in addition to endless by-law revisions, he was involved with the Policy Manual Committee, as well as the Ethics, Nomination and Orientation, Physical Facilities, Audit and Investment Committees. That year Board members began a process of appraisal, by recording in writing, individual annual Presidential evaluations, meeting evaluations and annual self-reviews.

As Counsel to the Board, Freedman’s role is that of a wise mentor. His aim, like that for his undergraduate student programs, is apprising the Board of Governors of its legal duties and responsibilities. In 1992 Freedman admitted that over the previous ten years, he had “continually inundated the Board” with legal concepts. “Each and every issue with which the Board members must concern themselves obviously has not only financial, professional, political, social, but also legal ramifications.” [Memo: Freedman to President, Jean A. Moss, DC, June 5, 1992. P. 5] In presentations Freedman stresses what he calls the “four Ts” of responsibility; legality, reality, practicality and morality. He explains that Boards are creatures of their articles of incorporation and subject to both the law and legislation; that a division between governance and administration is required; that Board members must be prepared to accept their duties upon election; and that their duties include honesty, loyalty, care, due diligence, prudence and approval and support for the vision and mission of the College. [Board workshop, Feb. 20–21, 1998]

April 2005, during the Board of Governor’s Semi-Annual Meeting, Freedman conducted a Team Based Learning (TBL) Educational Session and administered an Individual Readiness Assurance Test (IRAT) to the members. The exam consisted of 27 hypothetical situations followed by five possible responses. Board members were asked to read each statement and choose the best

answer that they as Board members should take and/or the best response. Here is a typical incident. “Your insurance agent advises you that he is prepared to come to CMCC to speak to the Students.” Responses: “Direct the individual to the President of the SAC; Advise the individual that his attendance at CMCC might be inappropriate; Ask the individual for a donation to the capital campaign; Don’t return the call; Other.” Following the seminar one of the Board members declared: “I learned more today, in the TBL session about the College and the Board, than I have in the past three years.”

A major obligation of the Board is unequivocal support of CMCC’s presidential system of governance. Freedman has been relentless in driving this point home. In a memo to Board Chair, Doug Alderson, DC, Sept. 18, 1994, Freedman “deals with the obligations of the members of the Board of Governors to report to their memberships and to participate in the ongoing affairs of the profession while maintaining their obligations as members of the Board of Governors.” He describes the history of CMCC’s move to a presidential model in the early 1980s and explains, this means “that the College is centered around the President ... In all instances, each and every aspect of the College begins and ends with the President ... it is imperative that the President be presented as the ‘centre’ of the institution ... Individuals may come and go, but the position of the president must always be respected.”

David Gohn, DC, remembers that “During my twelve year period as a member of the Board of Governors of CMCC (1988–2000), Allan was one of the few constant persons associated with the Board. During my time, we had a change in the position of president and many of the Board of Governors retired and were replaced. I always looked to Allan as a long time legal counsel, very dedicated to the mission of CMCC. His insight into the political side of the profession was valued as well as his advice when dealing with thorny issues. He was always diligent in bringing out both sides of an argument and clarifying the details so that the board could make a decision.” [E-mail, Gohn to Brown, Oct. 29, 2006]

University affiliation

In February 1988 CMCC began its push to affiliate with the University of Victoria (UVic) in British Columbia (BC).¹⁵ This valiant but doomed struggle would occupy a lot of Freedman’s time for two years. In June that year

Allan Freedman and Ian Coulter, CMCC President, spent three days at UVic, meeting various university and government officials. Freedman immediately began drafting proposals for appropriate legislative changes that would have to be dealt with prior to CMCC moving to BC. [Brief, Freedman to Russell & DuMoulin, Attorneys to the BC Chiropractic Association, Sept. 15, 1998] Freedman's efforts were productive. Voluminous correspondence from and to his office resulted in amendments to the BC Chiropractors Act being passed by the Legislature in June 1989. These allowed for an Academic License, a chiropractic curriculum which met the standards of the Council on Chiropractic Education (Canada) and inclusion of a chiropractic College within the Anatomy Act. [Letter, Peter A. Dueck, BC Minister of Health, to Coulter, July 28, 1989]

June 1989, the CMCC Board retreat in Halifax, Nova Scotia, was titled "Planning for the University of Victoria" and centered on three areas: Governance; Academic Affairs; and most importantly, Financial Affairs, chaired by Allan Freedman. He and his committee of seven Board members produced a paper, "Evaluation of CMCC's Assets prior to University Affiliation." [Unpublished, 1989] The committee's focus was determining the assets of the College and the transfer of those assets to UVic at the time of affiliation. Overriding their deliberations was the principle that "As agents, they (the Board of Governors) are charged with the responsibility of managing the assets in such a way as to gain profits. As trustees, they are charged with the responsibility of preserving the assets, but are not the owners of the assets."¹⁶

The Committee's first objective was to determine if the College could show a net value of \$10 million to contribute to the affiliation process. Secondly, the financial obligations of CMCC following affiliation needed to be addressed. Other factors requiring consideration were: the duty to hold enough assets to operate the institution until a replacement facility was available; assurance that UVic maintained the mission of CMCC for the foreseeable future; and a means by which the assets of the College would be protected if "things go wrong" and the relationship dissolved.

The report's summary declares "that the most immediate concern of the institution should be that of a valuation of its assets. In order to ensure a satisfactory conclusion to the possibility of affiliation, it is imperative that suffi-

cient funds be retained ... the College should become aware of its present, potential and future needs as soon as any commitment is given by UVic. All other issues are secondary!" The report was never activated because negotiations with UVic fizzled out in 1990. By this time Dr. Moss was President of CMCC. She learned of UVic's decision to reject the College's offer of unification via a newspaper article, but never obtained a formal notice from the University itself.

Shortly after the breakup with UVic, CMCC reassessed its position and spent considerable time analyzing its options with several other Ontario universities, before returning its attention to the girl next door, York University (York), whom it had been courting on and off since 1960.¹⁷ Back in 1988 Freedman and Coulter had met with York representatives regarding the feasibility of leasing a facility from York on its campus. Again, in 1990 Freedman, Moss and Brian Croft, DC, Board Chair, convened with agents of York regarding the continued interest of the College in relocating to the York campus. Discussion of CMCC's needs centered around the size of the building, the availability of parking and university resources, as well as the population required for our clinic. It was reiterated that relocation of the College to York did not guarantee affiliation or the sharing of university facilities with CMCC. [Memo: Freedman, re: York University Development Corporation, October 4, 1990] The 1990 proposal differed from the one in 1988 in that the College would be required to purchase a facility to be constructed on property which it leased from York.

Although Freedman was not on the University Affiliation Committee, he was fully aware of what was transpiring and involved in the process. May 1993 he was instrumental in the College hiring the consulting firm of George Radwanski & Associates Inc. to do two things: Investigate the "Impact of Campus Relocation on University Affiliation," which was completed in October 1993; and provide an "Assessment of Options for University Affiliation," which followed in January 1994. The Assessment evaluates and ranks potentially available universities in Ontario in terms of achieving affiliation/relocation in a reasonably short time. Freedman also participated in joint meetings of the University Affiliation Committee and President's Council.

Relations with York seemed to be developing smoothly. May 1955 Dr. Jean Moss, President of CMCC and Su-

san Mann, PhD, President of York University, signed a letter of intent to enter into negotiations regarding possible affiliation of CMCC with York and in May 1998, the Senate at York University approved in principle the creation of a Doctor of Chiropractic program in cooperation with CMCC. This initiated three years of diligent, apparently harmonious activity to move this union forward. Then, out of the blue, came one of the “unexpected” shocks that Freedman warns his students to anticipate. On March 28, 2001, the Atkinson Faculty of Liberal and Professional Studies, with virtually no discussion, voted, by a narrow margin, not to “establish an association with the Canadian Memorial Chiropractic College (CMCC). As a result, six years of negotiations focusing on the development of an affiliation between York University and CMCC came to a halt.”¹⁸ Here is Dr. Moss’ response. “While this latest development in affiliation talks is disappointing, it does not directly affect in any way, the quality of education offered here at CMCC. This institution has a proud 55 year tradition of world-class chiropractic education and research unparalleled anywhere. Whether or not our discussions surrounding affiliation with York bear fruit, our foundations remain solid and our focus on the future remains consistent.” [CMCC Gazette, April 9, 2001] With that, CMCC, Jean Moss and Allan Freedman moved boldly forward.

Philanthropy

For three decades Allan Freedman has been an enthusiastic participant in every fund raising initiative the College has mounted. In the fall of 1981 the Board decided to create a fund raising vehicle within the College called the “CMCC Governors’ Club” and began holding formative meetings. Freedman was there from the beginning; finalizing an agreement between CMCC and the Club and preparing its by-laws. He became a founding member and director, served as the Club’s second president and, as pro bono legal counsel, attends every annual business meeting. Since 1983 the Governors’ Club has been making yearly donations to capital College projects. As of May 2007, the club had gifted or pledged \$6 million to the College. Of this, \$5 million has gone into the Capital Campaign to help pay for our new Leslie Street campus in Toronto.

During Freedman’s Club presidency in 1983, he organized telephone blitzes for new members, helped develop

the “Heritage Collection” of video-tapes by senior CMCC faculty members. and brought the “Junior Governors’ Club,” which was designed for College students, to life. Besides encouraging his classes to join the Junior Club, he was a popular lecturer at many of its functions.

In 1983 the College created an Alumni Affairs Committee. Many members of this committee belonged to the Governors’ Club, and so Freedman became involved with Homecoming, Fund Raising and the Run for Chiropractic Education (now Backs in Motion). The first race was held in 1985 and for many years Freedman “sprinted away” with first prize for collecting the most money.

The main project of the Alumni Committee was to develop annual dinners, which were designed to unite our graduates and friends by providing them with an entertaining evening and as well, to produce funds for CMCC. Between 1986 and 1994 the original committee held nine events which netted \$153,000 for the College. Allan Freedman was a prominent proponent, benefactor and volunteer at these dinners.

In 1995 the College launched the preliminary phase of a Capital Campaign to collect money for the construction of a proposed new facility at York University. The Campaign has two Divisions, Professional and Corporate. Freedman stepped forward quickly to make his own personal pledge and to assume leadership of the Corporate Division of the Campaign.

The miracle on Leslie Street

Another of Freedman’s strengths is problem-solving, on a grand scale. In 1968, when CMCC moved into its second home on Bayview Avenue it contained 54,000 square feet of space; enough to handle a total enrolment of 300 students. By the mid 1970’s enrolment had mushroomed to 600 students and despite additions and alterations, the College remained overcrowded. In 1994 Freedman succeeded in negotiating a lease for the AV Weir Building, directly across the road at 1931 Bayview Avenue. This facility, which belonged to the Canadian National Institute for the Blind (CNIB), brought out usable floor area to 75,000 square feet; temporarily solving some of our space requirements.

October 2000, Freedman “tricked” one of his business associates, Leonard H. Goodman, owner and President of First Financial Corporation, into joining the CMCC Board of Governors. Rumor has it Mr. Goodman was un-

der the impression he would only have to attend two meetings a year. In 2001 Goodman was elected to the Board's Executive Committee and appointed Chair of the Development and Planned Giving Committee. Then he took over Freedman's job as Chair of the Corporate Sector of the Capital Campaign. So much for two meetings a year!

Following the blow from York University, in March 2001 CMCC began seriously considering other options. Back in December 2000, the College had looked at a private elementary/secondary school at 6100 Leslie Street; sitting on five acres of land; backing onto the Don River; and surrounded by a large conservation area. In mid April 2001 the owners, Associated Hebrew Schools of Toronto, received an offer to purchase, from an interested party. Freedman, Goodman and Moss spent the Easter weekend of April 13 to 16, 2001, convincing the school Board that CMCC was a serious contender for the property. From that moment, Freedman and Goodman became almost inseparable; working in concert for over three years.

January 31, 2002, CMCC was successful in purchasing the Leslie Street facility. Freedman handled assessment of the property and negotiated the contract. In March we sold the Bayview campus and in April Dr. Moss received a letter from the CNIB notifying her that the College would be required to vacate the AV Weir building in 12 months to permit restructuring of their property. This created another dilemma, which necessitated moving the library and administrative offices back across the road to 1900 Bayview Avenue, before the end of the academic year in 2003.

There were four phases to the new campus development. Freedman and Goodman were heavily involved in them all. The first phase was planning, which included selection of Yonge + Wright Inc. as architects and negotiating their contract. Second, was construction, and the hiring of Kenaidan Construction Ltd. as the sole contractor. The third phase was municipal; involving amendments to the site plan density, as well as zoning and parking issues. Fourth, and overriding all other phases, was financial control. Freedman reviewed and advised on all bank agreements and was the sole legal advisor for the project. One of the many difficulties he faced was a last minute decision of CMCC's bank at the time, to refuse the College's application for a construction loan on the property. The College had to find a new bank in a hurry;

causing Freedman hours of extra work and lots of sleepless nights. [Interview, Brenda Smith, Director Institutional Planning and Assessment, Oct. 4, 2006]

Construction included renovation of 115,000 square feet of existing facilities and the addition of another 35,000 square feet to the front of the building. Despite myriad problems requiring immediate attention and 500 change orders, the project was finished on time and within budget. A job which normally would have taken between 18 to 24 months, reached substantial completion in less than one tumultuous year, as our College was transformed from its simpler beginnings into the marvelous structure of which we are now so proud. CMCC moved into its new premises in August 2004 and the grand opening was held on same day and month as our first College had opened 59 years before, September 18, 2004.

Ron Brady, DC, Board Chair 2000–02, recalls that "Allan and Len were present every day at the property during construction, not to mention all the hours they spent on the phone and in meetings with Jean and the rest of the construction committee, discussing the proverbial 'nuts and bolts' of the project." In addition to overseeing the property development, Freedman and Goodman were members of six Board committees closely tied to the project. Goodman was Chair of several of these including the Relocation Committee which by itself, met 37 times in 2003 and 60 times in 2004. Gerard W. Clum, DC, President of Life Chiropractic College West, made these comments, after his first visit. "CMCC's new campus is the most exciting thing that has occurred in the Canadian chiropractic profession since the first college was opened in 1945. It will establish CMCC as the preeminent chiropractic college in the world for years to come."

Let us eavesdrop on Allan Freedman's thoughts. "I recall that over the span of a number of years many locations were scouted as potential new sites for CMCC. As fate would have it, and more importantly through the insight, dedication and daring of Dr. Jean Moss and Mr. Leonard Goodman, a commitment was made to acquire the 6100 Leslie Street property. The trials and tribulations concerning the acquisition of Leslie Street, the retaining of the architect, creation of the design, hiring of the contractor, dealing with the day by day, week by week and month by month issues including the disposition of 1900 Bayview Avenue have been enormous. To even try to delineate the time involved by the Committee Members,

Len Goodman, Jean Moss, Brenda Smith, Ron Robinson, Henry Graupner and myself, would be beyond one person's ability. However, imagine a room six feet by six feet by ten feet and I am sure that it would not hold the paper that has been generated by this project ... The "move" started approximately two and a half years ago and may take another six months or so to finish. I will not even attempt to describe the time commitments made by the Committee members over the span of the project. It would be a disservice to the individuals whose lives were turned upside down to ensure that the Facility would be ready to receive the students at the end of August, 2004, less than one year from the starting date of construction ... I would not be completely truthful if I said that the entire project ran like a finely tuned watch or that all Committee Meetings started or ended with unanimous decisions or with little debate. Each of the Committee members brought a deep and sincere passion to the Project which is now evidenced by the completion of a beautiful structure which can truly hold the mission and vision of CMCC." [CMCC Physical Facilities Committee – Minority Report, September 18, 2004]

Extended service

We have examined the transforming effect Allan Freedman's virtuosity has had on life at CMCC. Now it is time to look at his influence on other chiropractic organizations. This is challenging because as Jean Moss has stated, one of his greatest strengths is "his ability to do most of his work in the background." That, accompanied by Freedman's reluctance to speak about his career, makes him hard to pin down. One way to unearth organizations he has assisted is to look at some of his awards: In 1992 he was placed on the Ontario Chiropractic Association's Honour Roll; in 1996 he was made an Honourary Member of the Canadian Association of Medical Evaluators; and in 2006, the College of Chiropractors of Ontario presented him with the Harold Beasley Award for Excellence in Jurisprudence. By these citations, these groups have publicly acknowledged their indebtedness to Allan Freedman.

It has been mentioned how Freedman assisted the CCPA and by extension, its founding body the Canadian Chiropractic Association (CCA). Another arm of the CCA is the Journal of the Canadian Chiropractic Association (JCCA). Back in 1949, the "News Bulletin" of what

was then the Dominion Council of Chiropractors, provided "official news and views of interest to members of the chiropractic profession from coast to coast." In 1957 the Bulletin was reformatted and became part of the new Canadian Chiropractic Journal. In 1978 the CCA News (now Report) was inaugurated. It replaced the Bulletin in keeping members informed of current events. In 1979 the CCA began a comprehensive investigation of its publications and a year later established a Publications Committee to revamp the JCCA. Terry A. Watkins, DC, Chair, Publications Committee, writes: "From the time of its inception the Journal has been used as the main vehicle to distribute news and professional and political information of relevance to the Canadian chiropractic scene. Developments in research around the time of the first NINCDs Conference (February 1975) and a need for chiropractic researchers to begin to publish regularly led to expanding demands within the profession which had to be met by the Journal."¹⁹ Freedman served as a member of the CCA Publications Committee for over a decade (1983–1997). "The committee was developing the model used today by the JCCA as a research publication and Allan made a major contribution to the development of this model." [E-mail, Watkins to Brown, July 26, 2006] As of January 2007, the three-fold purpose of the JCCA was: "To publish scientific articles and papers related to the principles and clinical applications of chiropractic; to cultivate professional dialogue and awareness through the publication of national and provincial information; to enhance the continuing education of the practicing chiropractor." [www.jcca-online.org] Other than the order in which they are presented, this Statement is identical to the one first published in the JCCA in 1979.²⁰ Rather than a dramatic change in policy, the emphasis was shifted, with the CCA News maintaining its centre on current CCA and provincial activities, while the JCCA became primarily research oriented. To accomplish this many organizational and structural changes were carried out; methods of publishing and mailing improved; and subscription and advertising rates increased. In addition, the number of papers in the Journal was augmented; it was accepted for international indexing; and inclusion of the French language instituted.

Allan Freedman's longest tenure with any chiropractic body other than CMCC, has been acting as legal counsel for the Canadian Chiropractic Examining Board (CCEB).

The CCEB was created as a committee of the CCA in 1962. James A. Langford, DC, was a founding member and served as chairman from 1969 until his retirement in 1985, when Douglas M. Lawson, DC, took over the reins.²¹ Dr. Lawson remembers Freedman being involved with the CCEB since his installment. When Freedman arrived on the scene, CMCC students were contesting a statement on the CCEB candidate application form which they were required to sign. Freedman took charge and deftly settled an issue which was becoming disruptive and confrontational. Lawson “liked his approach to solving the problem. I felt I would much rather have his advice than be his adversary. I have enjoyed his counsel and friendship since that time.” Another knot Freedman unraveled was helping to make the CCEB autonomous. At the time Langford stepped down in 1985, no progress had been made in prolonged efforts to separate the Board administratively and financially from the CCA. Lawson became frustrated with the delay and asked Freedman to apply for letters patent for the CCEB to become a Federal Non Profit Corporation. This was Freedman’s Valentine’s Day present to the Board in 1989.

Lawson relates that “Allan also brings a broad perspective to the CCEB. As you know, he has been involved with the profession in multiple capacities; from patient to educator. His understanding of stakeholder issues (or possible issues) has assisted the CCEB in its development of policies and bylaws that have moved the examination process forward. Many of these policies, such as the disability policy, have been copied by other organizations. One of Allan’s strongest points is his ability to manage confrontation in an appropriate manner. I know of no chiropractor who has this skill at such a highly developed form. Allan’s recommendations on which battle to take on and which battle to negotiate have always been right on ... He has an excellent ability to manage risk.” [E-mail Lawson to Brown, July 31, 2006]

Rocco Guerriero, DC, affirms that “Allan Freedman has been the lawyer for the Association of Designated Assessment Centres (ADAC) for the past ten years. He was instrumental in assisting ADAC and myself negotiate the Fast Track DAC fees with the Insurance Bureau of Canada. At that time the CEO and Superintendent of the Financial Services Commission of Ontario accepted and published our fee guideline. Later, these negotiated fees were written into the Auto Insurance Regulations when it

was changed in Ontario in March 2006. Allan acts for the Canadian Society of Medical Examiners and has been the lawyer for the Canadian Society of Chiropractic Evaluators (CSCE) for ten years. He has made numerous presentations at CSCE conferences ... and has been a speaker as part of the Independent Chiropractic Evaluations (ICE) certification programs for the past two sessions.” [E-mail Guerriero to Brown, April 17, 2007]

Besides risk management, Allan Freedman has a propensity for risk taking. This has led him into areas of service removed from chiropractic. Although he claims not to have any hobbies, Allan has belonged to the “Zen Riders Motorcycle Club” since 2001, where his nickname is “Pit Bull.” Perhaps he considers performing death-defying motorcycle stunts and living to brag about them, as a form of relaxation therapy. In 2002 Allan learned that the wife of one of his colleague’s had been diagnosed with breast cancer. By chance, he read about a charity ride for “Breast Cancer Support Services,” that was happening in Burlington, Ontario. Although the event was only a few weeks away, he used “lawyering” techniques to extort \$9,000 from his “friends.” Allan repeated this process of coercion, with increasing success, annually until 2006. That year he was dealing with all sorts of crises, including destroying his bike on a tour of the Great Lakes in May. Although recovering from a fractured collar bone and a body battered and bruised, just two weeks before the date in August he resolved to ride again. In five years, our Pit Bull, collected \$62,000 for another worthy cause.

Friendship

On October 16, 2003, over 700 alumni, faculty, guests and students gathered in the Ballroom of the Sheraton Centre Hotel, in Toronto, to attend CMCC’s Gala Evening, in support of our Capital Campaign and to pay tribute to Allan Freedman. From their enthusiastic response, it is safe to say that the majority of people who flocked to that celebration had benefited from Allan’s capacity for kindness. Jean Moss credits Freedman with being an advisor as well as legal counsel. He provided her with sound career advice and was always supportive. “I knew that if I needed Allan urgently, he would drop everything and rush over to the College.” Howard Vernon, DC, Research Professor, declares that “whenever I needed AI for personal or professional reasons, he was there



Figure 4 Judy, Allan, Mitchell, Ryan and Darin.

in a flash, ready to protect me to the hilt.” Kelli Blunt, DC, describes her reactions to Freedman from two perspectives: as a student; and as a member of the CMCC Board. “Allan is a man who is near and dear to my heart ... As a student I begrudged more assignments, but Allan’s creation of the fourth year Jurisprudence Project proved to be a bible that I referred to after graduation and needed to start my practice. Allan made us work and we respected him for it. But Allan never stops there. As all of us know, he continues to help us through our practice years with multitudes of advice ... He gives of his time freely ... Plain and simple, he cares ... I will always be thankful for this.”

Dr. Guerriero has known Freedman as a student and business associate. “Allan has been a great mentor and close friend to me. He has done so much for me and my colleagues that I find it difficult to do him justice in a few words. Allan’s most important quality is his integrity. He is someone that we as chiropractors can trust.”

Of course everyone who crossed Freedman’s path was not totally thrilled. Because he is a multi-gifted individualist, his character has several dimensions and his response to situations can be unpredictable. Vince Sinclair

remembers that “during my term as Chairman of the CMCC Board, Allan was very supportive of my efforts ... Most Board members got to know both sides of Allan, but for many outside the Board, his curt, no nonsense approach to issues often placed him in disfavour. He had a habit of telling people what they needed to know but didn’t necessarily want to hear.” Ron Brady recalls: “Allan Freedman could be a loyal friend or bulldog foe. He did not tolerate fools well and was not afraid to use his rapier-like tongue to let you know!” Sil Mior confirms that “At times Allan could be offensive, obstinate, obstreperous and arrogant, but he was always honest, caring, passionate, and mindful and protective of student rights and the profession’s rightful position in health care.” Freedman excels at face-to-face communication. Whether telling stories and jokes, calmly explaining, arguing vehemently, or bristling with anger, his purpose is always the same: to inform; to caution; to defend.

Freedman is also capable of introspection. When he left high school in 1968 his academic future was uncertain. Although determined to become an honour student at York University, the embers of rebellion still simmered within. In his first year at York Allan was required to take

a course called “Modes of Reasoning.” One discomfiting day he asked the professor, “Why is it necessary to take this class?” The professor replied, “Because it’s mandatory.” Freedman brazenly responded, “Then why does it have to be so boring?” Later that day, after what must have been an illuminating discussion with his philosophy teacher, Allan met with the professor he had offended and apologized. Allan now admits that this “logics course was probably the most helpful of all those I took at York, in getting me into and out of law school.”

Memories

I first met Allan Freedman in 1976, shortly after he arrived at CMCC. We were holding a Monte Carlo fund raising night in the College gymnasium on Bayview Avenue and Allan was enthusiastically operating a Wheel of Fortune game of chance. I had recently been elected to the CMCC Board and was gingerly dipping my toes into the College’s turbulent waters. Although I graduated from CMCC in 1955, and had taught some technique, this was my initiation into the complexities of governance. Private practice was my only source of income and I deliberately put my financial welfare first and CMCC second. On the other hand, Allan had just opened his law office and although probably financially challenged and an uncertain swimmer, he plunged right in. Allan is the only person I know, whose prime income does not come from the College, to put CMCC’s interests ahead of his own.

Six years later, it was my pleasure to hand Allan Freedman the first Honourary Membership awarded by the College Board to anyone, in recognition of his “considerable and commendable contributions to CMCC.” I had no idea then, that “the best was yet to come.” Since 1982 Allan has attended every meeting of the Board and its Executive Council; he remains Legal Counsel to the College Administration and Board, and is a director of the Governors’ Club once more. Although Allan “retired” from his post as Coordinator of Jurisprudence and Practice Development last May, during the 2006–07 academic year he taught half of the course lecture hours and helped organize the other half. Adverse circumstances such as business difficulties, family emergencies, health concerns, and the pressures of daily living, plague us all. None of these have deterred or even delayed Allan from carrying out his self-imposed obligations to CMCC.

Howard Vernon, DC, Director of the CMCC Centre for the Study of the Cervical Spine, has definite opinions about Allan’s stewardship. “Allan has had a great impact on the College. I know less about his input as CMCC’s legal counsel, however, whenever I needed legal help related to our profession, he was there in a flash, ready to protect me to the hilt ... I think Al’s biggest influence is not in his superb teaching and the excellent grounding our students get in both jurisprudence and in setting up their businesses (which by the way, is light years more than the other health professional students get). His biggest influence has been in creating an atmosphere whereby we, chiropractors and the College, are regarded as part of the mainstream of society, just as we should be. In a sense, Al was our first and longest lasting inter-professional relationship. He normalized this situation for 30 years worth of students. It might not sound like much now, but, as I’m sure you know, 25–30 years ago, this was a very big deal.”

Dr. Ian Coulter, who served as CMCC’s President from 1982 to 1990, retains a clear image of Allan Freedman obeying his tenant that the President, as the centre of the College’s universe, must always be aided and respected. “I quickly developed a close relationship with Allan shortly after assuming the CMCC Presidency. He was my legal counsel for the full term of my appointment and I consulted him frequently. One of the things I admired about Allan was his ability to give me sage advice prior to embarking on a course of action, rather than after. He was superb in helping to build a defensive wall around the College to thwart external attacks. This was a turbulent time in the history of CMCC. Allan’s willingness and ability to back me up enabled me to survive what could have been an emotionally draining period of my life.” [Phone call, Brown to Coulter, April 29, 2007]

Allan C. Gotlib, DC, has recollections of Allan Freedman stretching back almost half a century. “I have always respected Allan’s views, whether they had to do with my personal or professional life. He taught me to explore the full dimensions of a particular issue. He showed me what being driven really means. Over the past 31 years we have frequently engaged in spirited discussions about CMCC or some of the other chiropractic organizations we both support. I have always admired Allan’s tenacity and courage. He is a person who has a great sense of public duty and the will to stand behind his beliefs. He made

me think about a lot of things, especially that Allan makes his commitments with great care – unwavering, lifetime commitments.

“Early in our childhood friendship I realized that Allan was filled with and fulfilled by idealistic ambition. Through the years, he has demonstrated extraordinary determination in the face of serious challenges. For his many traits but particularly for this, Allan has held my steadfast respect for more than 46 years.” [E-mail, Gotlib to Brown, May 25, 2007]

Certainly this is not the end of Allan Freedman’s tenure with CMCC or the profession. Although he has reduced his undergraduate teaching, his passion for Canadian chiropractors endures. For all we know “the best may *still* be yet to come.” However, it is the end of this discourse. Because he is my attorney, I must defer to Allan and give him the last word. “I hope that when my involvement with the chiropractic profession comes to an end, it will be said of me that while I couldn’t make friends with all the people I met, I always acted honourably and in the best interests of CMCC.”²²

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