

9/10/82 14/89

Jury awards \$3.2 million in suicide of woman

A jury in Salem yesterday awarded damages and interest totaling \$3.2 million to the heirs of a Beverly woman who committed suicide in December 1980, while under treatment by a Beverly internist and a Beverly psychiatrist, a lawyer said.

Kathleen Sullivan, a lawyer with the Boston firm of Lubin & Meyer, which represented the heirs, said the deceased woman, Claire Fleming, suffered for eight months from a benign brain tumor that could have been removed if her condition had been properly diagnosed.

Sullivan said she thought the Essex County Superior Court jury did "an outstanding job" in reaching its decision. "I think there was horrendous suffering and all this could have been averted with proper medical care," she said.

Sullivan said the internist, Dr. Herbert Bistrong, failed to uncover the source of Fleming's arm tremor, drooping face, depression and memory loss. After initially putting her on antidepressant medication, Sullivan said, Bistrong later ordered neurological tests but never obtained the results of one test, a brain scan, and failed to repeat two others that did not initially produce usable results.

A psychiatrist, Dr. Arthur Berg, was brought into the case by Bistrong, Sullivan said. She said he concluded Fleming was suffering from depression and something physically wrong with her brain but also failed to obtain the results of the brain scan. Berg referred Fleming to a social worker, Sullivan said. She said that after Fleming told the social worker at their second appointment that she was thinking of suicide, Berg did not ask to see her but said she should call him if she felt that way again.

After missing her next appointment with the social worker, Fleming was found dead in her garage a day later, Sullivan said. The cause of death was listed as carbon monoxide poisoning. "Obviously this woman suffered horribly, to somehow have thought that death was less painful than life to her," Sullivan said.

Lawyers for the defendants could not be reached.

The damages were assessed against Bistrong and Berg but not against the social worker, Sullivan said. The award is to be shared by the estate of Fleming and her four children, including a retarded son whose care she had shared.

Another son, Mark Fleming of Beverly, commented: "There's nothing that's ever going to take the pain away of what happened. It's not a matter of dollars and cents. It's a matter of common sense."