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Top N.J. court reverses abortion ruling

[AP on Yahoo](#) ^ | 9/12/07 | Jeffrey Gold - ap

Posted on 9/12/2007, 9:52:47 PM by [NormsRevenge](#)

NEWARK, N.J. - A doctor has no duty to tell a woman considering an abortion that her embryo is an "existing human being," a unanimous New Jersey Supreme Court ruled Wednesday, averting a trial over when human life begins.

The decision, citing past rulings, said the court "will not place a duty on doctors when there is no consensus in the medical community or among the public" on when life begins.

The 5-0 Supreme Court ruling reversed a unanimous ruling by a three-judge appeals panel and dismissed the lawsuit of a woman who had an abortion. Abortion cases pending in Illinois and South Dakota have raised the same issue.

"On the profound issue of when life begins, this court cannot drive public policy in one particular direction by the engine of the common law when the opposing sides, which represent so many of our citizens, are arrayed along a deep societal and philosophical divide," New Jersey Justice Barry T. Albin wrote for the court.

The ruling came in a lawsuit filed by a woman who accused a doctor of failing to give her enough information before she signed a consent form for him to perform an abortion.

Rose Acuna questioned whether Dr. Sheldon C. Turkish misled her in 1996 about the development of the pregnancy, then in the sixth or seventh week. She was 29 at the time and had two daughters following a miscarriage when she consulted Turkish, who had delivered her second child.

"According to Acuna, Turkish told her that she 'needed an abortion because (y)our kidneys are messing you up,'" court papers said. "Acuna asked Turkish whether 'the baby was already there.' According to Acuna, Turkish replied, 'Don't be stupid, it's only blood.'"

Acuna signed a consent form, and Turkish did the abortion. Bleeding continued, however, and seven weeks later Acuna went to a hospital. She was diagnosed with an incomplete abortion and had another procedure.

"According to her, one of the nurses caring for her explained that the procedure was necessary because Turkish 'had left parts of the baby inside of (her).' Thus, Acuna concluded based on the reference to 'the baby' that she had given consent to an abortion based on erroneous information," the appellate panel wrote last year.

Acuna, now 40, says she suffered emotional distress for the death of an unborn child.

Acuna's lawyer, Harold J. Cassidy, said he was considering an appeal to the U.S. Supreme Court.

"Millions of women across the nation have made the same complaint as Mrs. Acuna," said Cassidy, an anti-abortion lawyer based in Monmouth County who is also involved in the South Dakota case.

"They have lost something of great value, which is dismissed as mere tissue," added Cassidy, who is also known for successfully arguing against surrogate parenting contracts in the 1987 "Baby M" case.

The doctor's lawyer, John Zen Jackson, said "the court properly recognized there are limits to a physician's duty in obtaining a patient's consent."

In South Dakota, Planned Parenthood is challenging a 2005 law that requires abortion doctors to tell women several things, including that an abortion ends human life. It has never been enforced, however, having been put on hold by a federal judge. The lawsuit challenging its constitutionality is pending.

The American Civil Liberties Union said a class-action medical malpractice lawsuit with similar claims as those raised by Acuna was recently brought in Illinois.

Marie Tasy, executive director of the anti-abortion group New Jersey Right to Life, decried the ruling. "My reaction is that once again the court relies on an outdated schizophrenic mentality to the detriment of women and indulges in semantic gymnastics to avoid the indisputable fact that a child in the womb is a human being," she said.

The ACLU praised the decision, saying it "sends a message that New Jersey will not tolerate backdoor efforts to curtail reproductive rights or free speech," said Ed Barocas, legal director of the state's ACLU chapter.

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KEYWORDS: [abortion](#); [newjersey](#); [reverses](#); [ruling](#)

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1 posted on 9/12/2007, 9:52:50 PM by NormsRevenge

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On the Net:

Opinion:

SYLLABUS

Rosa Acuna v. Sheldon C. Turkish, M.D., et als (A-15-06)

<http://tinyurl.com/35kqjl>

2 posted on 9/12/2007, 9:53:55 PM by NormsRevenge (Semper Fi ... Godspeed ... ICE's toll-free tip hotline—1-866-DHS-2-ICE ... 9/11 .. Never FoRget!!!)

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To: NormsRevenge

"On the profound issue of when life begins, this court cannot drive public policy in one particular direction by the engine of the common law when the opposing sides, which represent so many of our citizens, are arrayed along a deep societal and philosophical divide,"

So Roe v. Wade should be overturned?

3 posted on 9/12/2007, 9:55:02 PM by Always Right

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To: NormsRevenge

Baghdad Bob and four other guys on the Jersey Supreme Court?

4 posted on 9/12/2007, 9:56:29 PM by gusopol3

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To: NormsRevenge

The court recognizes the right of a doctor to not describe an embryo/fetus as a human being. It does not recognize the right of a woman to receive accurate information about fetal development **even when she asks for it**. What happened to informed consent and the right to choose?

Mrs VS

5 posted on 9/12/2007, 9:57:54 PM by VeritatisSplendor

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To: NormsRevenge

The court recognizes the right of a doctor to not describe an embryo/fetus as a human being. It does not recognize the right of a woman to receive accurate information about fetal development **even when she asks for it**. What happened to informed consent and the right to choose?

Mrs VS

6 posted on 9/12/2007, 9:57:56 PM by VeritatisSplendor
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To: NormsRevenge

The decision, citing past rulings, said the court "will not place a duty on doctors when there is no consensus in the medical community or among the public" on when life begins.

So in essence they are saying: "There is a consensus that there is no consensus."

7 posted on 9/12/2007, 9:58:00 PM by torchthemummy (Democrat's Support Of The Military: "Invincible In Peace-Invisible In War")
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To: NormsRevenge

...averting a trial over when human life begins.

We definitely wouldn't want that now would we?

8 posted on 9/12/2007, 9:58:45 PM by FlingWingFlyer (The DemocrATS own failure and defeat. Success and victory really depresses them.)
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To: NormsRevenge

The ACLU praised the decision, saying it "sends a message that New Jersey will not tolerate backdoor efforts to curtail reproductive rights or free speech," said Ed Barocas, legal director of the state's ACLU chapter.

Isn't this ruling a direct assault on the free speech rights of doctors?

9 posted on 9/12/2007, 10:01:58 PM by torchthemummy (Democrat's Support Of The Military: "Invincible In Peace-Invisible In War")
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To: Always Right

"So Roe v. Wade should be overturned?"

EXACTLY how I read it, too. What a steaming pile, our anointed and robbed.

10 posted on 9/12/2007, 10:02:16 PM by Harrius Magnus (Pucker up Mo, and your dhimmi Leftist freaks, here comes your Jizya!)
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To: NormsRevenge

I met a woman,her baby's head fell into the toilet 3 days after her abortion.

11 posted on 9/12/2007, 10:05:15 PM by fatima (Baby alert,Baby Ava arrived 6-29-07 at 3 PM-she is 10 pounds:))
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To: NormsRevenge

E-Z NOW!

This IS New Jersey!

ANYTHING can happen in N.J.!

12 posted on 9/12/2007, 10:06:47 PM by jaz.357 (...diagonally parked in a parallel universe.)
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To: NormsRevenge

"On the profound issue of when life begins..."

Yet stem cells from the dead 'thing' are supposed to cure everything under the sun? Seems odd...

13 posted on 9/12/2007, 10:09:25 PM by Libloather (That's just what I need - some two-bit, washed up, loser politician giving me weather forecasts...)
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To: gusopol3; TigersEye

Justice Albin was nominated by Governor James E. McGreevey on July 10, 2002 to serve on the Supreme Court. He was confirmed by the Senate on September 12, 2002 and was sworn in as an Associate Justice by Chief Justice Deborah T. Poritz at a private ceremony on September 18, 2002. On October 3, 2002, he reaffirmed the oath of office in a public ceremony at the Trenton War Memorial.

It figures Gay McGreedy would have nominated this man. Shaking my head again & totally disgusted by the morons in NJ. He needs to be replaced .

14 posted on 9/12/2007, 10:11:58 PM by **pandoraou812** (zero tolerance to the will of Allah dilligaf? with an efg.....)
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To: **NormsRevenge**

When there is finally life on the NJ Supreme Court, perhaps the rulings will change. So long as these dead sit that bench, the demon will be served to empower democrat politics.

15 posted on 9/12/2007, 10:13:35 PM by **MHGinTN** (If you can read this, you've had life support. Defend life support for others in the womb.)
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To: **NormsRevenge**

The doctor's lawyer, John Zen Jackson, said "the court properly recognized there are limits to a physician's duty in obtaining a patient's consent."

Translation from Newspeak to English:

"The court recognized that the interest of controlling the numbers of certain undesirable segments of the population outweigh the rights of women from such segments to understand the gravity of the act they're consenting to."

Translation to brutally blunt English:

"We can't kill nearly as many of them when they actually know what we're doing."

16 posted on 9/12/2007, 10:19:12 PM by **Antoninus** (Republicans who support Rudy owe Bill Clinton an apology.)
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To: **NormsRevenge**

I must be missing something. How can something produced by two human beings not be considered human? To state otherwise implies human life starts and stops repeatedly. That is absurd. Human life has been evolving non stop for millions of years.

17 posted on 9/12/2007, 10:19:38 PM by **Man50D** (Fair Tax, you earn it, you keep it!)
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To: **VeritatisSplendor**

The court recognizes the right of a doctor to not describe an embryo/fetus as a human being. It does not recognize the right of a woman to receive accurate information about fetal development even when she asks for it. What happened to informed consent and the right to choose?

There are two problems here. One, the woman had to ask the doctor if she was carrying what? She consents to an abortion, and then wants to sue. I don't but this. She is shifting her responsibility onto the doctor. The second point is the article implies the woman's health is at risk. The writer does not go into detail so its hard to determine if the woman's life was in danger. It may have been the case that it was.

18 posted on 9/12/2007, 10:23:43 PM by **LoneRangerMassachusetts** (The only good Mullah is a dead Mullah. The only good Mosque is the one that used to be there.)
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Comment #19 Removed by Moderator

To: **tflabo**

I think I will have nightmares now. Thanks.

20 posted on **9/12/2007, 10:30:21 PM** by **pandoraou812** (zero tolerance to the will of Allah dilligaf? with an efg.....)
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