

## *Health Law*

Harper Grey is the leader in civil litigation defence for health practitioners in British Columbia and the Yukon. We have been counsel on the leading cases addressing the standards of medical care, consent, medical malpractice, limitation defences, and liability for medical products. We have represented our clients at every level of the judicial system, from the British Columbia Provincial Court to the Supreme Court of Canada.

In addition, we have unique experience representing clients before medical regulatory bodies in the area of administrative law.

Harper Grey's longstanding commitment to providing assistance to health care professionals includes regularly participating in medical/legal educational programs at health care institutions throughout British Columbia and the Faculty of Medicine at the University of British Columbia. Our firm was instrumental in founding the Medical/Legal Society of BC and the Health Law subsection of the BC Bar Association.

### Our Areas of Focus

- Claims resulting from medical treatment and care
- Allegations of breach of fiduciary duty between doctor and patient
- Advice regarding legislative and regulatory changes that may affect medical practice
- Advice in response to threats from patients
- Preparation when a physician is a defendant or witness in a criminal matter
- Coroners' inquests or other types of inquiries
- Proceeding before Professional Disciplinary Bodies

### Representative Experience

Our significant cases include:

- A seminal decision by the SCC which determined in what circumstances compliance with standard medical practice will defeat a claim in negligence.
- A decision by the BCCA in an obstetrical negligence case which considered the correct test to apply in determining the liability of a defendant physician, principles related to non-pecuniary loss and the upper limits of recovery.
- A decision of the SCC which held that defendants are entitled to the benefits of services provided through the social safety net with an appropriate allowance for the

### Recent News

Six Harper Grey lawyers named "Leading Practitioners"

Peter Willcock appointed a Judge of the Supreme Court of British Columbia

Four Harper Grey LLP Lawyers Named "Best in Canada"

Allan Thackray rejoins Harper Grey LLP

Five Harper Grey Lawyers named Lexpert "Leading Practitioners"

Three Harper Grey Partners named amongst the Best Lawyers in Canada

Roselle Wu and Kim Jakeman elected to executive, National Health Law Section, Canadian Bar Association (CBA)

Christopher E. Hinkson, Q.C. appointed a Justice of the Supreme Court of British Columbia

### Media Centre

Battling Over Medical Exam Rights

No need for interview for mental health detention: BCCA

### Events

Law in Medicine Lecture

Health Care Costs Recovery Act

Canadian Anaesthesiologists' Society

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## *Health Law* cont.

contingency of such programs changing or ending.

- A decision of the SCC which considered the limits of doctor patient confidentiality in circumstances of danger to the public.
- A decision of the BCCA which considered the standard of review applicable to professional disciplinary bodies in a case involving a physician charged with infamous conduct following a sexual relationship with a patient.
- A decision of the SCC which considered the application of the modified objective test to causation in the context of informed consent claims.
- A decision of the SCC in a breast implant product liability action which considered a manufacturer's duty to warn consumers and the application of the "learned intermediary" doctrine.

For more significant cases, please read the profiles of lawyers in this group.

### Contact Person

The chair of Harper Grey's Health Law Group is James Lepp, QC. Please contact him at 604.895.2825 or [jlepp@harpergrey.com](mailto:jlepp@harpergrey.com).

Health Law CLE Conference

Medical Experts

Canadian Medical Protective Assoc.  
Symposium

Adult Guardianship and Related Issues

Medico-Legal Aspects of Addictions

End of Life Decision Making

Liability for Discharge of Psychiatric  
Patients

## Lawyers

**Chair:** James M. Lepp, QC

**Assistant Chair:** Guy P. Brown

Andrew D. Brine

Alison W. Bruneau

William S. Clark

Cameron B.P. Elder

Julie K. Gibson

Mandeep K. Gill

Kimberly J. Jakeman

Megan L. Kammerer

Cheryl L. Khanna

M. Kathleen Kinch

Sandra L. Kovacs

*Health Law* cont.

Neil J. MacDonald

Jonathan D. Meadows

Barbara J. Norell

David W. Pilley

Daniel J. Reid

Terrence L. Robertson, QC

Raj Samtani

Bena W. Stock

Michael Tammen

Michael G. Thomas

Abigail C.F. Turner

Emily M. Williamson

Jennifer R. Woznesensky

Roselle P. Wu

Kim Yee

**Paralegals**

Eileen Fieldhouse

Jan Sherman

Louise Siegmund