



## FEATURE TLABC MEMBER SUSANNE RAAB

### MEDICAL MALPRACTICE

#### How did you choose medical negligence as your practice area?

The idea of “loving your work” or “finding your true calling” is an elusive idea that I never put much stock into, until it happened me – largely as a result of a series of fortunate events in my life.

I went through the first half of law school relatively disinterested in most of what I was studying. Largely to combat the general malaise that was beginning to set in, I decided to go on an exchange to the University of South Australia. During my exchange term, I took a course in medical law and ethics taught by a particularly inspirational instructor. I was hooked. When I returned to British Columbia, I immediately set out to persuade the law firm of Harper Grey Easton (as it then was) to hire me, as this firm did the majority of the defence work for physicians in British Columbia, and had an excellent reputation. I was fortunate enough to be hired and to spend the next several years of my career working alongside and learning from some of the very best medical malpractice lawyers in the country.

After having children, I decided to shift my practice from representing physicians to representing injured patients and their families. In 2011, I was given the opportunity to join Paul McGivern at Pacific Medical Law where I now practice, together with a team of talented and dedicated lawyers. This firm is unique in that it is the only firm in the province that focuses solely on plaintiff side medical negligence work. Our bookshelves have more medical texts than legal ones, and we spend more time at medical conferences than legal conferences. It is a perfect fit. Being able to focus solely on medical negligence is a huge advantage, and I feel very fortunate that I am able to do so.

#### How do you stay motivated to do the type of work you do?

Most of my clients are infants who suffered brain injuries around the time of birth as a result of medical negligence, and are diagnosed with cerebral palsy as a result. I also spend a great deal of my time with children who have cerebral palsy and their families in my volunteer position as President of the Board and Chair of the Advisory Committee of the Cerebral Palsy Association of BC. I have sat in the living rooms of countless families of children living with cerebral palsy and heard their accounts of tireless uphill battles with no or little support from the community. As a parent of young children myself, these conversations leave me feeling both humbled and inspired by the resilience and determination of these parents who are navigating a difficult road for their child. To make a difference in the lives of these families, to provide the resources necessary to keep these children safe and to give them a chance to reach their full potential, is what motivates me.

I am also motivated to do what I can to improve patient safety in our communities. Part of my practice involves providing *pro bono* legal services to parents who have lost a child around the time of birth. These parents arrive at the hospital full of anticipation and promise, and leave with empty car seats and unanswered questions. Losing a child is truly one of the most devastating tragedies that can befall anyone. I assist these families with navigating the process to obtain some real answers. Without this, they cannot move on. While these answers and apologies will not bring their child back, these parents always tell me they need to go through the process to do what they can to ensure the same tragedy does not occur to another baby. Through this process, we have been able to institute improved obstetrical training among physicians and nurses, and have helped shed light and recognition on where safety in obstetrical care can be improved. This motivates me.

It is also helpful that medical malpractice litigation is never dull. The medicine is complex and constantly evolving, counsel retained by physicians and hospitals in British Columbia are highly specialized and skilled and have virtually limitless resources to defend their clients, the stakes are high, and the statistics in terms of success are most certainly not in the plaintiff's favour. This creates an environment which is intensely challenging and offers plenty of opportunities to go to court. There is truly never a dull moment in medical malpractice litigation.

### **What advice would you give a young lawyer just starting out?**

I teach the medical negligence course at the law school at UBC and have been a visiting instructor at the medical school at UBC. Honestly, these students seem so much smarter and wiser than I ever was in University. In my view, the most important message to these students is that by the time they have graduated, they have demonstrated that they are smart enough to do whatever they choose. The key to a successful career as a lawyer is finding an area of law that you are truly passionate about. I would add that one should measure success by one's own values and standards – for some it will be measured by monetary reward, for others the intrinsic satisfaction of making a difference or achieving a desired lifestyle, and for most, some unique combination of these factors.

### **Why is being a member of the TLABC important to you?**

TLABC has gone through tremendous growth and evolution over the past few decades. I joined the Board of Governors a few years ago and continue to be impressed by the high level of vigorous debate around the table at board meetings. The board is full of incredibly dedicated and committed lawyers who spend countless (and thankless) hours working behind the scenes toward improving access to justice. The publications, listserves and continuing legal education conferences not only provide useful information for trial lawyers, but serve an even more important function, and that is to provide a community for sharing knowledge, experiences and resources. It is a mistake to keep your head down and work in a silo. In order to practice competently, and enjoy your work, you must connect with your peers. The TLABC provides a forum to facilitate this connectedness.