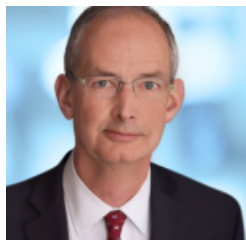


HEALTH LAW



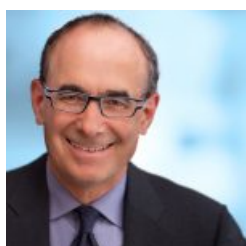
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Health law is a complicated, increasingly complex area of practice that is constantly changing. Our depth of experience in all areas of health care in BC is unique. And it is that depth of experience that has cultivated the unique insights, perspectives and skills that sets us apart.

PROFILE

We are the leader in civil litigation defence for health practitioners in British Columbia and the Yukon.

We defend physicians, surgeons and health specialists in civil litigation matters and have significant experience representing clients in complex medical malpractice cases before all levels of Court in British Columbia.

We have been counsel on the leading cases addressing the standards of medical care, consent, medical malpractice, limitation defence, and liability for medical products.

We advise clients in professional regulation matters touching on issues of ethics, professionalism, regulation, privileges, policy advice, general representation in investigations including workplace, privacy and confidentiality, employment, fraud, malfeasance, and quasi-criminal matters related to practice of medicine.

We have acted as counsel for most types of professionals, including doctors, dentists, psychologists, occupational therapist, physiotherapists, engineers and nurses.

We advocate for our clients in hearings before the College of Physicians and Surgeons of British Columbia, Provincial Health Authorities, the Medical Services Commission, the College of Dental Surgeons, hospital administration boards, and other regulatory bodies.

We are deeply committed to the medical and health professions. Our lawyers participate in medical/legal educational programs throughout the province and at the University of British Columbia Faculty of Medicine. We were also instrumental in founding the Medical/Legal Society of BC and the Health Law subsection of the BC Branch of the Canadian Bar Association.

SERVICES

Members of our practice group are committed to remaining at the leading edge of developments in the field of health law.

- 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, such as the Health Professions Act and the Health Care Costs Recovery Act.
- Advice in response to threats from patients.
- Advice regarding the release of medical records in family law cases.
- Preparation when a physician is a defendant or witness in a criminal matter.

- Coroners' Inquests or other types of inquiries.
- Proceedings before professional administration bodies such as the College of Physicians and Surgeons of British Columbia and hospital administration boards.
- Proceedings by the Medical Services Commission.

SELECT CASES

- A decision by the Supreme Court of Canada which determined the circumstances in which compliance with standard medical practice will defeat a claim of negligence.
- A trial and appeal in an obstetrical negligence case which considered the correct test to apply in determining the liability of a defendant physician, involving principles related to non-pecuniary loss and the upper limits of recovery.
- A Supreme Court of Canada matter which held that defendants are entitled to the benefits of services provided through the social safety net with an appropriate allowance for the contingency of such programs changing or ending.
- A Supreme Court of Canada matter which considered the limits of doctor-patient confidentiality in circumstances of danger to the public.
- A trial and appeal 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 Supreme Court of Canada case which considered the application of the modified objective test to causation in the context of informed consent claims.
- A trial and appeal dealing with a medical malpractice claim involving performance of an additional procedure not contemplated in advance of surgery.
- A Supreme Court of Canada matter in a breast implant product liability action which considered a manufacturer's duty to warn consumers and the application of the "learned intermediary" doctrine.
- Determining for the first time in British Columbia whether a fetus can bring a negligence action against a physician and whether it can bring a claim for failure to obtain informed consent.

RECOGNITIONS

Harper Grey recognized as a "top-listed" firm in Vancouver and in British Columbia in the areas of Health Care Law, Legal Malpractice Law and Medical Negligence by Best Lawyers® in Canada, 2017-2020

Harper Grey receives the 2016 National Medical Defence / Health Law Firm of the Year award from Benchmark Canada®

Harper Grey recognized as a "Leading Firm" in the areas of Medical Negligence (Consistently Recommended) by Canadian Legal Lexpert Directory®, 2012-2020

William Clark selected as Vancouver Health Care "Lawyer of the Year" by Best Lawyers® in Canada, 2017

Harper Grey receives highest firm ranking as a "Highly Recommended" local litigation law firm in British Columbia from Benchmark Canada® 2014-2020

Harper Grey recognized as a "Leading Firm" nationally in the area of Healthcare by Chambers Canada®, 2017, 2020

Barbara Norell bestowed the honorary title of Queen's Counsel or QC

24 Harper Grey lawyers recognized for litigation expertise by Benchmark Canada®, 2020

Guy Brown, QC recognized in 2016 for his prolific volunteer contributions by The Continuing Legal Education Society of British Columbia

29 Harper Grey lawyers recognized across 15 specialty areas by Best Lawyers® in Canada, 2020

Kim Yee receives prestigious Lexpert® 2016 Rising Stars Award honoring Canada's Leading Lawyers Under 40

Harper Grey receives the TAGLaw Membership Award of Distinction acknowledging 15 years of outstanding service

19 Harper Grey lawyers recognized as "Leading Practitioners" by Canadian Legal Lexpert Directory®, 2020

Harper Grey recognized as a "Leading Firm" regionally in the area of Dispute Resolution by Chambers Canada®, 2017-2020

Martindale Hubbell® recognizes 13 Harper Grey lawyers across 27 practice areas

Jennifer Woznesensky receives prestigious Lexpert® 2014 Rising Stars Award honoring Canada's Leading Lawyers Under 40

Harper Grey recognized as a Top 10 Regional Firm in British Columbia, Alberta and the Territories by Canadian Lawyer Magazine, 2012 and 2014

Harper Grey recognized as "Most Frequently Recommended" in the area of Medical Negligence by Canadian Legal Lexpert Directory®, 2019,2020

COMMENTARIES

"The Harper Grey team is a well-oiled machine. All the lawyers I deal with are well-trained and hardworking. They communicate well and are always available for questions."

— *Benchmark Canada® 2020*

"Cameron Elder and Chris Rusnak are excellent lawyers and honorable people. We found them to be very personable and responsive to change."

— *Benchmark Canada® 2020*

"I have a very high regard for the Harper Grey group because they demonstrate that civility and effective counsel work go hand in hand."

— *Chambers Canada® 2020*

"They fight hard for their clients and are widely renowned as the medical malpractice experts in Vancouver."

— *Chambers Canada® 2020*

"Incredibly strong skill set, knowledge of litigation and strategic, and keen ability to solve problems."

— *Benchmark Canada® 2019*

"These lawyers are all subject matter experts, and leader in their field, whose knowledge and skill are matched by their excellent client service."

— *Benchmark Canada® 2019*

"This team has provided outstanding legal service. They are prompt, responsive, and communicative. They are strong strategists and provide well researched, experienced legal advice. We work with many firms, and Harper Grey stands out. One member of the team remembers every interaction, memo, pleading and document. They understand a very complicated file and address it with ease and candor. We very much appreciate their strong advocacy."

— *Benchmark Canada@ 2019*

"The firm is top notch. They have many lawyers specialized in medical defense work who are highly skilled in their legal acumen and practice management, but who also recognize the importance of carrying out their work in a practical, results-oriented manner. They actively look for ways to more efficiently partner with their clients for effective management of the work, while at the same time not weakening their excellent service delivery, their responsiveness, or their effectiveness in the work."

— *Benchmark Canada@ 2019*

"The firm's lawyers are principled and have deep integrity. Their work is thorough and of consistent high quality."

— *Benchmark Canada@ 2019*

"Excellent response time, good talent from junior and intermediate to senior levels and reasonable service costs."

— *Benchmark Canada@ 2018*

"The firm is a recognized force in healthcare in BC."

— *Chambers Canada@ 2017*

"They've got some real gems. Kimberly Jakeman, Guy Brown, James Lepp, Karen Douglas, Abigail Turner – I've seen all of these people on occasion and I've been very impressed. These cases are not easy to cope with – they involve a lot of factual evidence you wish you didn't have to hear – but from what I've witnessed the Harper Grey team has done a very commendable job of providing assured, steady counsel in cases where it would be easy for those with less backbone and less adequate acumen to falter."

— *Benchmark Canada@ 2017*

"Harper Grey's celebrated medical defense/health capacity is brimming with regionally and nationally recognized talent, such as Kimberly Jakeman and Abigail Turner."

— *Benchmark Canada@ 2015*

"Harper Grey is one of the best firms in Vancouver. They have excellent service, knowledge and their cost structure is excellent."

— *Benchmark Canada@ 2017*

"Every day it seems like I am dealing with someone at Harper Grey, and I always find them professional, courteous and effective."

— *Benchmark Canada@ 2017*

"A Vancouver staple, Harper Grey is perhaps the most BC-centric of the "highly recommended" firms, owing largely to the firm's bench strength in several key areas."

— *Benchmark Canada@ 2018*

A lawyer who refers work to Harper Grey wrote it has 'great service, a breadth of practice and I have never received a negative comment from referrals to the firm'.

— *2014 Canadian Lawyer Magazine Stronger than Ever - Top Western & Northern Firms, September 1, 2014*

They exceeded all my expectations. I am very satisfied with their work and very happy to recommend them.

— *Chambers Canada@ 2017*

The firm has real quality people, and they've put three people on the bench there in six years.

— *Benchmark Canada@ 2015*

"Harper Grey lawyers are 'dedicated to their clients and focused on finding and implementing practical solutions for them. The lawyers are prompt, intelligent and insightful, and provide a high level of customer service'."

— *2012 Canadian Lawyer Magazine Embracing Regionalism - Canadian Lawyer's Top 10 firms from B.C., Alberta, and the Territories are in the Sweet Spot Right Now, October 1, 2012*

Harper Grey is a trial lawyer's firm, and they've got a big deep bench of well-trained litigators.

— *Benchmark Canada@ 2017*

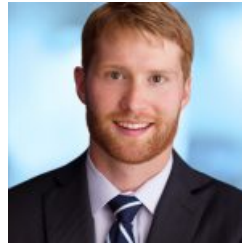
Harper Grey has a stellar pedigree as a litigation firm, and they've put a ton of people on the bench", observes one peer.

— *Benchmark Canada@ 2014*

LAWYERS



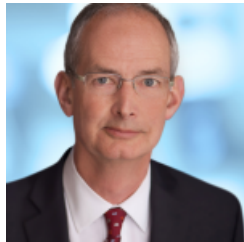
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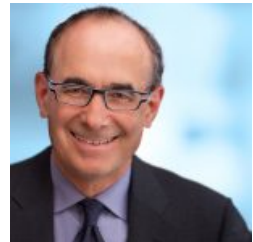
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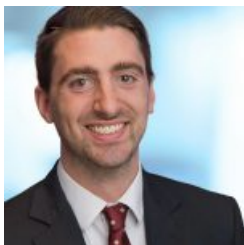
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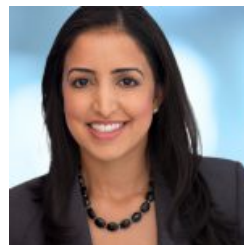
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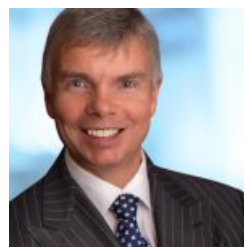
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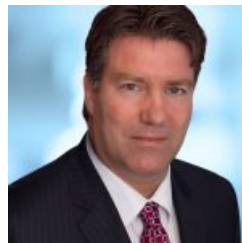
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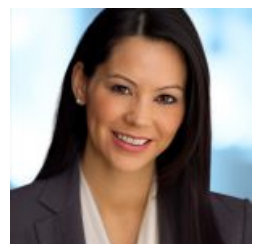
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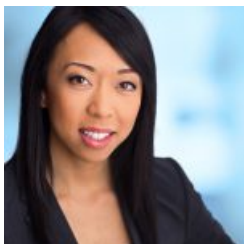


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SELECT ARTICLES + PUBLICATIONS

Case Summary authored by Guy Brown, QC and Emilie LeDuc picked up by Take Five BC Edition

Published in: Take Five Newsletter

Written by: Emilie LeDuc, Guy P. Brown, QC*

Case Summary authored by Erika Decker re-published in Canadian Journal of Insurance Law

Published in: Canadian Journal of Insurance Law

Written by: Erika Decker

Kim Jakeman and Mollie Clark co-author Unconscious Bias Article Published by The Advocate

Published in: The Advocate - Volume 77

Written by: Kimberly J. Jakeman*, Mollie Clark

Guy Brown and Kim Jakeman co-author Jury Trial chapter in 5th Edition of Civil Trial Handbook

Published in: CLEBC BC Civil Trial Handbook - 5th Edition

Written by: Guy P. Brown, QC*, Kimberly J. Jakeman*

Case Summary: “Administrative Bad Faith Analyzed in Horne” Article

Published by: CBA Health Law Webpage - 17.Apr.18

Written by: Paul Saunders

“Compulsory Psychiatric Treatment in the MHA: When is it Legitimate?” Article

Published in: CBA BarTalk - 01.Feb.18

Written by: Kelsey A. Rose

“Medical Assistance in Dying: Finding a Balance” Article

Published In: CBA Bar Talk - 01.Jun.17

Written by: Dionne H. Liu, Kimberly J. Jakeman*

Guy Brown, QC and Michael Thomas contribute to BC Motor Vehicle Accident Claims Practice Manual

Published in: CLEBC BC Motor Vehicle Accident Claims Practice Manual - 01.Mar.17

Written by: Guy P. Brown, QC*, Michael G. Thomas*

SELECT EVENTS + PRESENTATIONS

Erin Hatch, Kim Jakeman and Una Radoja attend Women in Law Summit

Event Date: 18.Feb.21

Presented by: Erin Hatch, Una Radoja*, Kimberly J. Jakeman*

Kim Jakeman and Rose Keith, QC to present at Women Lawyers Forum Online Networking Event

Event Date: 11.Feb.21

Presented by: Kimberly J. Jakeman*, Rose Keith, QC*

Daniel Reid to co-present at upcoming CBABC Freedom of Information & Privacy Law and Health Law online meeting

Event date: 26.Jun.20

Presented by: Daniel J. Reid

Nigel Trevethan and Lara Zee join panel on “Avoiding and Mitigating Legal Liability for Oral Healthcare Providers during COVID19”

Event date: 20.Apr.20

Presented by: Nigel L. Trevethan*, Lara C. Zee

Una Radoja, Kim Jakeman and Jessica Wilson attend Vancouver Women in Tech Event

Event date: 13.Feb.20

Presented by: Una Radoja*, Kimberly J. Jakeman*, Jessica Wilson

Jackson Doyle to present at upcoming 2019 BCCA AGM and Convention

Presentation date: 01.Nov.19

Presented by: Jackson C. Doyle

Kim Yee to present on Privacy Law

Presentation date: 29.Oct.19

Presented by: Kim J. Yee

Scott Marcinkow to speak at 2019 BCCA AGM and Convention

Presentation date: 01.Nov.19

Presented by: Scott J. Marcinkow*

Scott Marcinkow, Rose Keith and Jackson Doyle to present at 2019 BCCA AGM and Convention

Presentation date: 01.Nov.19

Presented by: Scott J. Marcinkow*, Rose Keith, QC*, Jackson C. Doyle

Jackson Doyle and Brett Weninger to present on Best Practices for Medical Office Staff

Presentation date: 09.Oct.19

Presented by: Jackson C. Doyle, Brett Weninger

Kim Jakeman Chairs CLEBC “Civil Litigation Basics for Legal Support Staff” Course

Event date: 26.June.19

Presented by: Kimberly J. Jakeman*

Scott Marcinkow to present “Key Issues for Chiropractor Agreements” webinar

Presentation date: 19.Jun.19

Presented by: Scott J. Marcinkow*

Nigel Trevethan to present at the 2019 Western Canada Addiction Forum

Presented by: Nigel L. Trevethan*

Harper Grey lawyers attend Indigenous Legal Studies Networking Reception

Event date: 25.Feb.19

Presented by: Kelsey A. Rose

Kim Jakeman and Una Radoja attend 2018 We for She Forum

Presented by: Kimberly J. Jakeman*, Una Radoja*

Scott Marcinkow and Jackson Doyle to speak at 2018 BCCA Convention

Presentation date: 02.Nov.18

Presented by: Scott J. Marcinkow*, Jackson C. Doyle

Daniel Reid to present at College of Physicians and Surgeons of BC 2018 Education Day and Annual General Meeting

Presentation date: 14.Sept.18

Presented by: Daniel J. Reid

Derek Mah, Scott Marcinkow and Michael Thomas to present at Bridging the Gap 2018 Spring Seminar

Presentation date: 25.Apr.18

Presented by: Derek Mah*, Scott J. Marcinkow*, Michael G. Thomas*, Drew Lawrenson*

Kim Jakeman co-presented at CMPA Regional Conference

Presentation date: 04.Apr.18

Presented by: Kimberly J. Jakeman*

Kim Jakeman to present “Treating Physicians As Witnesses: Exploring The Ethical And Legal Considerations”

Presentation Date: 01.Dec.17

Presented by: Kimberly J. Jakeman*

Kim Jakeman presents at CAMAP MAiD 2017 National Conference on Medical Assistance in Dying

Presentation Date: 02.Jun.17

Presented by: Kimberly J. Jakeman*

Barbara Norell, QC and Daniel Reid to present “Privacy And Reputation Management In The Internet Age” at Harper Grey Bridging the Gap Seminar Series

Event Date: 30.May.17

Presented by: Daniel J. Reid, Barbara J. Norell, QC, Derek Mah*

Daniel Reid to present at CBA National Health Law Summit

Presentation Date: 04.May.17

Presented by: Daniel J. Reid

Laura Miller to co-present “A Review Of Laursen v. Director Of Crime Victim Assistance” at CBA Social Justice Subsection Meeting

Presentation Date: 4.May.17

Presented by: Laura E. Miller

Lindsay Johnston presented at the BCNA / CNPBC Annual General Meeting

Presentation Date: 27.Apr.17

Presented by: Lindsay R. Johnston

Karen Douglas and Abigail Turner to present “How Not To Get Sued: Office Practice Risk Management” at Harper Grey Bridging the Gap Seminar Series

Event Date: 25.Apr.17

Presented by: Karen F. Douglas*, Abigail C.F. Turner*

Derek Mah and Michael Thomas to present “Do Your Records And Reports Measure Up?” at Harper Grey Bridging the Gap Seminar Series

Event Date: 28.Mar.17

Presented by: Derek Mah*, Michael G. Thomas*, Abigail C.F. Turner*

SELECT NEWS

Kim Jakeman Elected to the Paralympic Foundation of Canada Board of Directors

Related to: Kimberly J. Jakeman* - 10.Feb.21

We’re thrilled to announce the addition of Daniel Reid to the Harper Grey Partnership

Related to: Daniel J. Reid - 08.Jan.21

Kara Hill volunteers for CBA BC Women Lawyers Forum Marketing and Communications Committee

Related to: Kara L. Hill - 15.Oct.20

Harper Grey recognized as a Leading Law Firm in the area of Healthcare by Chambers Canada 2021

Related to: Guy P. Brown, QC*, Kimberly J. Jakeman*, William S. Clark* - 10.Sep.20

Chambers Canada 2021 Recognizes Eight Harper Grey Lawyers as Leaders in Their Field

Related to: Guy P. Brown, QC*, Richard E. Bereti*, Kimberly J. Jakeman*, William S. Clark*, Christopher M. Rusnak, QC*, John P. Sullivan*, Michael J. Hewitt*, H. Roderick Anderson* - 10.Sep.20

Harper Grey receives 51 rankings from Best Lawyers® in Canada 2021

Related to: Steven Abramson*, Owais Ahmed*, H. Roderick Anderson*, Bryan G. Baynham, QC, Richard E. Bereti*, Salman Y. Bhura*, Guy P. Brown, QC*, William S. Clark*, Prentice Durbin*, Cameron B. Elder*, Michael J. Hewitt*, Kimberly J. Jakeman*, Steven G. Lukas*, Maureen L.A. Lundell, QC, William D. MacRae*, Derek Mah*, Jonathan D. Meadows*, David W. Pilley, Una Radoja*, Christopher M. Rusnak, QC*, Raj Samtani*, John P. Sullivan*, W. Sean Taylor, Michael G. Thomas*, Nigel L. Trevethan*, Abigail C.F. Turner*, Adam R. Way, Jennifer R. Woznesensky, Lara C. Zee - 27.Aug.20

Guy Brown, QC named 'Health Law Lawyer of the Year' in Vancouver by Best Lawyers® in Canada 2021

Related to: Guy P. Brown, QC* - 27.Aug.20

Harper Grey welcomes new associate, Ellie Einarson

Related to: Ellie Einarson - 04.Aug.20

Harper Grey recognized by 2020 Canadian Legal Lexpert Directory as a leading law firm in in 5 practice areas in BC

02.Jul.20

Harper Grey Welcomes Six New Associates

Related to: Luke Elliott, Alicia Catalano, Nicola Virk, Aynsley Severide, Neal Parker, Caryna Jiwani - 27.Jun.20

We are pleased to welcome new associate, Alicia Catalano

Related to: Alicia Catalano - 27.May.20

Aynsley Severide joins our Family and Health groups as an associate

Related to: Aynsley Severide - 27.May.20

2020 Canadian Legal Lexpert Directory Recognizes 19 Harper Grey Lawyers as "Leading Practitioners"

Related to: Steven Abramson*, Joel A. Morris*, H. Roderick Anderson*, Bryan G. Baynham, QC, Richard E. Bereti*, Guy P. Brown, QC*, William S. Clark*, Michael J. Hewitt*, Kimberly J. Jakeman*, Scott J. Marcinkow*, Jonathan D. Meadows*, David W. Pilley, Christopher M. Rusnak, QC*, Raj Samtani*, W. Sean Taylor, Abigail C.F. Turner*, Nigel L. Trevethan*, Jennifer R. Woznesensky, Lara C. Zee - 22.Apr.20

Harper Grey Lawyers Recognized as Litigation Stars by Benchmark Canada® 2020

Related to: H. Roderick Anderson*, Richard E. Bereti*, Salman Y. Bhura*, Guy P. Brown, QC*, William S. Clark*, Michael J. Hewitt*, Kimberly J. Jakeman*, Rose Keith, QC*, Jonathan D. Meadows*, David W. Pilley, Una Radoja*, Christopher M. Rusnak, QC*, Raj Samtani*, John P. Sullivan*, Michael G. Thomas*, Nigel L. Trevethan*, Abigail C.F. Turner*, Jennifer R. Woznesensky, Steven Abramson*, Scott J. Marcinkow*, Joel A. Morris*, Roselle P. Wu, Kim J. Yee - 14.Apr.20

Benchmark Canada 2020 shortlists Cameron Elder for the Medical Defense/Health Law Lawyer of the Year award

Related to: Cameron B. Elder* - 21.Feb.20

Harper Grey shortlisted in two areas for Benchmark 2020 Practice Area Awards

18.Feb.20

Harper Grey shortlisted as BC Law Firm of the Year by Benchmark Canada 2020

14.Feb.20

Harper Grey welcomes new associate, Bruno Desparts

Related to: Bruno Desparts - 20.Jan.20

Harper Grey welcomes new associates, Mark McPhee and Joe Antifaev

Related to: Joe Antifaev, Mark McPhee - 10.Jan.20

Kim Jakeman Appointed a Member of the Property Assessment Appeal Board

Related to: Kimberly J. Jakeman* - 18.Nov.19

Harper Grey welcomes contract lawyer, Allison Lepp

Related to: Allison Lepp - 22.Oct.19

Harper Grey recognized as a Leading Law Firm in the area of Healthcare by Chambers Canada 2020

Related to: Guy P. Brown, QC*, Kimberly J. Jakeman*, William S. Clark* - 19.Sep.19

Eight Harper Grey Lawyers Ranked as Top Litigators in Their Field by Chambers Canada 2020

Related to: H. Roderick Anderson*, William S. Clark*, Richard E. Bereti*, Guy P. Brown, QC*, Kimberly J. Jakeman*, Michael J. Hewitt*, John P. Sullivan*, Christopher M. Rusnak, QC* - 19.Sep.19

Harper Grey receives 48 rankings from Best Lawyers® in Canada 2020

Related to: Sandra Abley, JD, CFP®, TEP, Steven Abramson*, Owais Ahmed*, Bryan G. Baynham, QC, Richard E. Bereti*, Salman Y. Bhura*, Guy P. Brown, QC*, William S. Clark*, Prentice Durbin*, Michael J. Hewitt*, Kimberly J. Jakeman*, Steven G. Lukas*, Maureen L.A. Lundell, QC, William D. MacRae*, Derek Mah*, Jonathan D. Meadows*, David W. Pilley, Una Radoja*, Christopher M. Rusnak, QC*, Raj Samtani*, John P. Sullivan*, W. Sean Taylor, Michael G. Thomas*, Nigel L. Trevethan*, Abigail C.F. Turner*, Henning W. Wiebach*, Jennifer R. Woznesensky, Lara C. Zee - 21.Aug.19

Jackson Doyle elected as Treasurer for the CBABC Health Law Subsection

Related to: Jackson C. Doyle - 17.Jul.19

Kim Jakeman re-elected as Honorary Member-at-Large of the CBA Health Law Section

Related to: Kimberly J. Jakeman* - 13.Jun.19

CBA Health Law Section re-elects Abigail Turner as Member-At-Large

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