

The Medical Legal Liaison Committee: Jack Webster Jr.—Quarter century chair and family affair

A tradition of service to the physicians of BC.

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A beautiful framed award presented to the late, great journalist Jack Webster Sr. is displayed prominently in the kitchen of the Webster family farmhouse on Salt Spring Island. Written in squiggly Pitman shorthand are some words of thanks recognizing Jack Sr. for 4 decades of dedicated service to the then-BCMA, and the award is signed by past-president Dr David W. Jones, dated 12 November 1987. The tradition of service to the physicians of BC runs in the family—this year marks lawyer Jack Webster Jr.'s 26th anniversary as chair of the Medical Legal Liaison Committee.

As the name implies, the Medical Legal Liaison Committee is a joint committee. It includes appointed representatives from the College of Physicians and Surgeons of BC, Doctors of BC, and the Law Society of BC. The committee aims to foster and encourage communication between the medical and legal professions, and encourage interaction and resolutions of disputes touching on medicolegal matters.

Ms Lynch-Staunton has worked as a sections coordinator with Doctors of BC since 2000.

This article has been peer reviewed.

A decade ago when Mr Webster Jr. welcomed College of Physicians and Surgeons Registrar Dr Heidi Oetter to the committee over the phone he told her not to worry about having to attend a lot of meetings. He was absolutely right; the committee meets very rarely. Dr Oetter emphasizes that Mr Webster Jr. is very effective at get-

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ting both parties to agree—as a good mediator does—and at the very first instance. The committee, she says, is eternally grateful for his work.

Committee member and Doctors of BC general counsel Cathy Cordell describes Mr Webster Jr. as very efficient and capable of resolving disputes in a diplomatic, fair, even-handed way, and with a sense of humor.

The nature of complaints has changed since the committee was organized in 1983. In the early 1980s many complaints arose from discourteous treatment of doctors by lawyers. In addition, a minority of cases related to doctors not being responsive to lawyers in a timely fashion. In Mr Webster Jr.'s opinion, at that

time lawyers did not understand the time pressures that doctors, particularly family practitioners, were under while running busy clinical practices.

Before the *Doctors of BC Guide to Fees* introduced fee items to pay physicians what Mr Webster Jr. considers to be a reasonable amount of money for medicolegal reports, there were some serious disputes over their cost. Mr Webster Jr. explains that many of today's disputes are still billing related. He often resolves these cases quickly by simply speaking with the lawyer and the doctor on a without-prejudice basis and trying to mediate a settlement himself, noting that this practice works very well. In the last 3 years he has resolved 95% of disputes himself, acting as a committee of one, in great part because he's good at it and because both doctors and lawyers respect him.

The process used to address the fraction of complaints that are referred to the committee is straightforward. The doctor and the lawyer involved each have an opportunity to send in a written statement in response to one another's complaints. The committee then meets and makes a non-binding decision. Mr Webster Jr. cannot remember an occasion in the past 20 years when a doctor and a lawyer haven't abided by what the commit-



Jack Webster Jr. in his Georgia Street office with one of many cartoons of his father adorning the walls.

tee recommended, even though what the committee sometimes has to say about either party can be harsh.

According to Mr Webster Jr., today a frequent focus of the courts and doctors is personal injury law—where law and medicine most frequently intersect and an area Mr Webster Jr. enjoyed working in early on in his career as a lawyer. He explains that at issue is the degree of impartiality of expert witnesses and whether they will assist the court rather than be paid advocates for the plaintiff patient. He adds that the same is true for defence lawyers who provide independent medical reports—they have to be impartial as well.

Another type of complaint the committee handles relates to the formulation of medicolegal opinions, when doctors perceive that lawyers are interfering with their professional medical opinion. Mr Webster Jr. clarifies that a lawyer can assist, can ask questions, and can talk about the format of the report, but that the opinion itself must be the doctor's. The lawyer

should not be telling the doctor what to say.

Mr Webster Jr. aims to make medicolegal work easy and honorable for physicians so they can assist the courts and be paid fairly for their time and expertise. He thinks that medicolegal work is a fulfilling aspect of medical practice, noting that he would like to make young doctors aware of what the work is about, why it's good, and that the court system is not about ripping some poor doctor to shreds and making him or her look silly in the witness box.

While he doesn't watch lawyer dramas on TV, finding them to be far-fetched and unrealistic, he's a huge fan of the documentary series *Emergency Room: Life + Death at VGH* because of its depiction of what he calls "real, real life."

What could possibly motivate Mr Webster Jr. to chair the Medical Liaison Committee for a quarter century? He says he enjoys providing the service—one that is different from his day-to-day life as an advocate. It

allows him to give something back, and he likes being involved with doctors. Beaming with pride, he mentions that his daughter is just finishing her residency in family practice.

Mr Webster Jr. also volunteers his time with the YMCA, the BC Centre for Ability, and the BC Heart and Stroke Foundation.

When he was 31 Mr Webster Jr. almost gave up law to attend medical school and specialize in neurology. His passion for medicine has evolved over time, and he thinks now that he should have been an emergency room doc, potentially a casualty officer in the emerg because that's the kind of work he is good at and enjoys—react quickly, make a decision, move ahead. It's not hard to imagine what an amazing, specialty-transcending doctor Mr Webster Jr. would have made had he discovered medicine before law.

If you have any questions about the Medical Legal Liaison Committee, please contact Juanita Grant, audit and billing advisor, at jgrant@doctorsofbc.ca.