To His Health! William Carter Retires from BLG's Health Law Group

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Health Law Monitor caught up with Bill in December to look back on a long-lasting and memorable career in health law.

As 2017 drew to a close, William Carter retired from his position as senior partner in the Health Law Group in the Toronto office of Borden Ladner Gervais LLP. In a law career devoted exclusively to working at BLG, he practiced civil litigation and administrative law, specializing in health law, professional regulation, and commercial and health products litigation.

Health Law Monitor caught up with Bill in December.

HLM: Bill, we understand that you were inspired not only to pursue a career in law, but health law in particular. What was behind that inspiration?

WC: For me, and perhaps others of my generation, it was watching Perry Mason on television. Perhaps I'm dating myself, but you might remember him as he interrogated witnesses on the stand. My family was involved in business and I decided I didn't want that. As a child, I also had an interest in medicine, but I went to the library and began to read medical texts and found them quite complex. As portrayed on television, pursuing a career in law and extracting confessions seemed simple by comparison. I was 12 years old when I decided on law and I've never looked back.

HLM: After graduating from the University of Toronto, you were called to the Bar of Ontario in 1977. As a lawyer, your first employer was one of BLG's predecessors, Borden & Elliot. That's a long time to be with one firm. What enticed you to stay for so many years?

WC: I was very happy here. I was given tremendous scope to learn my trade and found a great mentor at the firm in Rino Stradiotto. I acted as his junior on a number of matters and found terrific opportunities as a young lawyer to get involved in very challenging cases.

HLM: How did you end up practicing in the firm's health-care specialty area?

WC: We built this practice area, brick by brick: Rino and I and Dan Ferguson, who later became a judge. We became increasingly involved in health-related hospital work, which dovetailed perfectly with my interest in medicine. We initially acted for the insurer of a large number of public hospitals and provincial mental health facilities, defending various claims, usually tort malpractice-type claims against the hospital and staff.

HLM: In 1987 there was a shake-up in the health-care insurance industry; Ontario hospitals formed the not-for-profit Hospital Insurance Reciprocal of Ontario ("HIRO"), which later became the Healthcare Insurance Reciprocal of Canada ("HIROC"). How did that affect the practice?

WC: We became their counsel and suddenly we had a flood of hospital cases. Three or four of us made a commitment to the client that we would give up everything to focus exclusively on being health lawyers. We started on the ground floor, building an exclusive health practice serving HIROC and other clients, including individual hospitals.

HLM: How has work at the Health Law Group changed since it was founded?

WC: It began as a tort malpractice defence enterprise, which is still a mainstay of the group, but the scope of work is now far broader than it was. We've also acted as a portal for bringing in hospital work in such areas as administrative, labour and tax law — we've even dealt with such matters as the helicopter landing rights for SickKids hospital. Today we have more than 25 lawyers in this specialty in Toronto alone, of which I'm the last charter member.

HLM: How has health law changed over the years?

WC: The complexity has increased many, many times over. The field has become increasingly regulated, primarily by provincial legislatures. When I started practicing, we didn't have consent legislation or capacity legislation. All of that was governed by Common Law. Every time the government steps in to regulate an area, hospitals and others in the health and medical areas are impacted and often confused as to what exactly is required and what has changed. The law requires a great deal of expertise to interpret and explain. New rights, new obligations, privacy, security, the duty to care — all of it can be quite the maze to navigate.

HLM: Medicine itself has also become increasingly complex. How do you rise to that challenge?

WC: With the assistance of highly expert people we get to know what we need to know to accomplish our objectives for the client. I am a student of both the medical field and the law as are my fellow lawyers, many with discrete practice areas, such as mental health or assistance in dying. One is even a doctor by background as well as a lawyer. The more you learn and stretch yourself, the more interesting it becomes as legal and ethical issues emerge from the advance of science.

HLM: What do you consider the highlights of your career?

WC: As I look back, one of the key highlights for me has been working with The Hospital for Sick Children here in Toronto. About 50 per cent of my practice since the late 1970s has been devoted to SickKids. It's been inspiring to work for that organization. They are

like a second family to me — and it's amazing the number of lives that they have touched. We all know of friends or family members whose children have been looked after by the great staff at SickKids. Even my own children were helped there — two of my own sons were treated there as babies. The hospital holds a special place in people's hearts in this part of the world — people really hold it in high regard because of the great work they have done. Over the span of my career, I've helped SickKids deal with some very challenging and stressful problems at every level in the organization and I've always felt that what we were doing was for the benefit of the children. Through SickKids, I've also been involved in a wide variety of work, from deaths in the cardiac ward in the early 1980s, to inquests, to Royal Commissions.

The other highlight of my career would have to be working with the Health Law Group here at BLG and seeing it grow as well as the lawyers within it as they have developed into the professional group that they are today. That includes hiring a lot of the people here and seeing them become terrific lawyers and great friends.

HLM: What do you enjoy most about your work?

WC: Talking to clients and solving problems. The law is a convenient way for us to get together, but it also allows you to do something very meaningful.

HLM: What do the next 10 years look like for you?

WC: I'm going to stay in the health law field although on a somewhat reduced basis. I'll be working for HIROC in an area that's quite congruent with what's going on here at BLG. It will continue to give me that opportunity to get up in the morning and do something I enjoy with people I know and like.

HLM: What's your advice to people starting in the legal profession today?

WC: Stay the course. It's very important to develop a professional practice in a way that satisfies your personal ethical standards and pursues intellectual interests. You need that sense of fulfillment and professional growth to carry you through.

HLM: Your advice to those you leave behind?

WC: I'm not leaving anyone behind — they're all passing me!

HLM: Your final word for clients?

WC: As mentioned earlier, the complexity today is intense. There's so much regulation and financial pressure in the health-care sector that sometimes it may become difficult to keep your eye on the goal. It's that goal, though, that is ever important — the welfare of your patients. Don't lose sight of it.

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