



CATHERINE L.
WOODS, QC
ASSOCIATE COUNSEL

BIOGRAPHY

Catherine Woods, QC practises in the area of health care litigation defending hospitals and nurses throughout British Columbia in medical malpractice claims with an emphasis on obstetrical malpractice and serious brain injury claims. Catherine also advises hospitals on quality assurance matters, freedom of information requests, patient confidentiality issues, consent to treatment and withdrawal of life support. She is a frequent lecturer on the standards of nursing practice, medical malpractice law and quality assurance reviews and has taught the Trial Advocacy Course, Faculty of Law, UBC and medical-legal ethics, Faculty of Medicine, UBC. In 2017, Catherine was named a Fellow of the Litigation Counsel of America.

RECOGNITION

- 2006 – 2022 Best Lawyers® in Canada Medical Negligence and Personal Injury Litigation and the 2017 Best Lawyers® in Canada Medical Negligence, Vancouver “Lawyer of the Year”
- 2015 – 2022 Canadian Legal Lexpert® Directory repeatedly recommended in the area of Medical Negligence + Personal Injury Law
- 1997 – 2019 Martindale-Hubbell® Health and Insurance Distinguished® with high ethical standing
- 2017 Named a Fellow of the Litigation Counsel of America
- 2016 Benchmark Litigation “Top 25 Women in Litigation in Canada”

REPRESENTATIVE EXPERIENCE

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TEL 604 484 1784
FAX 604 484 9784

EDUCATION

- 1983 LL.B. [Dalhousie University](#)
- 1980 B.A. (with Distinction), [University of Calgary](#)

BAR ADMISSIONS

- 1984 Admitted to the British Columbia Bar

PRACTICE AREAS

INSURANCE

- Health

INDUSTRIES

- Health Care
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- ***Nelson v. British Columbia (Provincial Health Services Authority) 2019 BCSC 2094***

Ms. Woods successfully defended BC Women's Hospital in this claim arising out of an injury allegedly sustained by the plaintiff during the delivery of her daughter at BC Women's Hospital in April 2009. The plaintiff had been seeking a multi-million dollar award for loss of income as a result of her injury. The plaintiff's claim was dismissed with the Court finding that the alleged drop of the patient's leg during labour never occurred, and that even if it had, it would not have been of sufficient force to cause injury, and even if it had caused injury, the plaintiff was already suffering from a pre-existing congenital abnormality of femoral acetabular impingement which would have led to the development of the arthritis in her hips which she attributed to the alleged incident.

- ***Pestano v. Wong 2019 BCCA 141***

In this case, Ms. Woods successfully represented Vancouver Coastal Health Authority in an appeal arising out of the award of level 4 investment management assistance throughout the entire period of the infant plaintiff's life expectancy. The Court of Appeal allowed the appeal, finding that the level 4 investment management assistance was not required to achieve a rate of return equal to the statutory discount rate and that it resulted in significant overcompensation. The management fee award was reduced to \$50,000 from the trial award of \$1,000,000.

- ***Medina v. Wong, 2018 BCSC 292***

Ms. Woods defended Royal Columbian Hospital and its nursing staff in a claim brought against them and the treating physicians for a serious brain injury suffered by the infant plaintiff during his delivery at Royal Columbian Hospital. The infant plaintiff's allegation was that there had been a delay in his delivery via emergency caesarean section which resulted in the deprivation of oxygen leading to a hypoxic ischemic brain injury. The defence experts were of the opinion that the infant plaintiff's brain injury was caused by a severe chorioamnionitis, which is an infection of the placenta. Also at issue was whether or not the nurses had been properly interpreting the fetal heart strip run during labour and adequately informing the attending physicians. The infant plaintiff's case against the hospital and nursing staff was dismissed, with the trial judge finding that the nursing staff were all experienced and capable nurses who met the standard of care and, further, that the infant plaintiff had not established that his brain injury was due to any delay in his delivery by cesarean section.

- ***Nelson v. British Columbia (Provincial Health Services Authority), 2017 BCCA 46***

Ms. Woods was successful in her client's appeal from a decision made in the BC Supreme Court that the nursing staff were negligent in allowing a



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labouring patient's leg to drop while the patient was under an epidural causing that patient to suffer a labral hip tear. The plaintiff changed her evidence with regard to what position she was in at the time this alleged drop of her leg occurred, and this change in position was never communicated to her expert orthopedic surgeon on the issue of causation. The Court of Appeal overturned the trial judge's decision on the basis that he had mistakenly adopted the plaintiff's orthopedic expert's opinion on the assumption that he knew about the new version of events being presented by the plaintiff. Accordingly, the plaintiff had failed to establish the cause of her labral hip tear was the drop of her leg during labour.

- ***Allen (Guardian ad litem of) v. Bishop of Victoria, 2017 BCCA 237***

Ms. Woods successfully defended St. Joseph's General Hospital on the appeal of the trial court's decision dismissing the plaintiff's claim against the hospital. It was alleged that the infant plaintiff had suffered a profound hypoxic-ischemic brain injury during her birth and that given the nature of the injury, her fetal heart rate could not have been normal during labour and delivery as recorded by the nursing staff. The appellant argued that the nurse responsible for monitoring the fetal heart rate must have made an error in recording a normal heart rate in the period immediately before delivery. The trial judge accepted the evidence of the hospital's expert and concluded that although the question of how the infant plaintiff's brain injury occurred remained unanswered, it had not been proven that any error had been made with respect to monitoring of the fetal heart rate. The Court of Appeal dismissing the infant plaintiff's appeal held that the trial judge's factual conclusions, including those drawn from the evidence of experts, was entitled to deference and the appellant's were not able to point any misapprehension of the evidence or to palpable and any overriding errors of fact.

- ***Allen v Bishop of Victoria, 2016 BCSC 1078***

Ms. Woods successfully defended Saint Joseph's General Hospital in this obstetrical malpractice case in which it was alleged that the hospital had failed to conduct adequate fetal heart monitoring during the progress of labour and had failed to recognize signs and symptoms of fetal distress during the second stage of labour. The trial judge found that the nursing staff met the expected standard of care and that the method they used for the monitoring of the fetal heart was appropriate and conscientiously applied and revealed no cause for concern and, accordingly, the plaintiff's claim was dismissed.

- ***Nagase v Entwistle, 2016 BCCA 257***

Ms. Woods successfully represented Interior Health Authority in this claim commenced against them by Dr. Nagase alleging defamation. The



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documents that Dr. Nagase wished to rely upon for the purposes of his defamation suit were prohibited from production in any civil proceeding by virtue of the operation of section 51 of the Evidence Act of British Columbia. The Hospital applied in the Supreme Court for an Order striking Dr. Nagase's claim on this basis and was successful. Dr. Nagase Appealed. Dr. Nagase's Appeal was dismissed and the Court of Appeal upheld the prohibition from production contained in Section 51 of the Evidence Act and held that the legislature had chosen to absolutely protect communications made concerning the evaluation or investigation of medical staff.

- ***Cojocar v. BC Women's Health Centre, 2013 SCC 30***

Ms. Woods successfully defended British Columbia Women's Hospital and Nurse Florence Bellini in a cross-appeal to the Supreme Court of Canada in a case involving a seriously brain-damaged young boy who was delivered by emergency caesarean section at BC Women's Hospital following a uterine rupture suffered by his mother. One of the major issues to be considered in this decision was whether a trial judge's unattributed adoption of plaintiffs' counsel's submissions as his reasons for judgment make the reasons incapable of appellate review.

- ***Cojocar (Guardian ad litem of) v. BC Women's Hospital & Health Centre 2011 BCCA 192***

This was the appeal decision in which Ms. Woods was counsel for BC Women's Hospital. The BC Court of Appeal overturned the trial judge's decision in favour of the plaintiff's finding that the trial judge's adoption of plaintiffs' counsel's closing submissions as his reasons for judgment made the decision incapable of appellate review.

- ***Sivertson (Guardian ad litem of) v. Dutrisac, 2011 BCSC 558***

Ms. Woods acted for the Capital Health Region and several daycare licensing officers who were sued for having allegedly failed to properly investigate a daycare at which the infant plaintiff was seriously injured. The case against the Capital Health Region and the daycare licensing officers was dismissed on the basis that there was no private law duty of care owed to the plaintiff, and even if there were it would be abrogated for public policy reasons.

- ***Steinebach v. Fraser Health Authority, 2010 BCSC 832***

Ms. Woods acted for the Fraser Health Authority in the defence of an obstetrical malpractice claim in which the infant plaintiff suffered a serious brain injury following a placental abruption.

- ***Kahlon v. Vancouver Coastal Health Authority, 2009 BCSC 922***

Ms. Woods acted for UBC Hospital in the defence of a significant personal injury claim arising out of the delay in diagnosis of spinal meningitis due to a late reporting of CT scan results.



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- ***Birrell v. Providence Health Care Society, 2009 BCCA 109***

This case involved the interpretation of the ultimate limitation period of six years for a claim against physicians and hospitals. The Court of Appeal reinforced the fact that discoverability does not apply to the ultimate limitation period and that it began to run from the time the cause of action arose and was not postponed until the nervous shock was suffered by the plaintiff upon learning of the medical error made.

PROFESSIONAL & COMMUNITY AFFILIATIONS

- [Canadian Bar Association](#) (BC Branch – Health Law, Civil Litigation and Insurance Law Sections), Member
- [Law Society of British Columbia](#), Member
- [Vancouver Bar Association](#), Member
- [Medical Legal Society of British Columbia](#), Member
- [Canadian Bar Association \(BC Branch – Insurance Law Section\)](#), Past Chair



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