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LEWIS BRISBOIS BISGAARD & SMITH LLP
SAN FRANCISCO
LITIGATION

Rima M. Badawiya, the co-chair of the health care, medical malpractice and long-term care practices at Lewis Brisbois Bisgaard & Smith LLP and vice chair of the health care regulatory and compliance practice, has been with the firm for almost 20 years. She is Lewis Brisbois' chief diversity partner and a member of the management committee.

"When I first got here, we had eight or ten offices, and now we're in 29 states," she said. "I can't believe how fast our firm has grown and how we grew our health care practice to be the largest in California."

Badawiya said the health care litigation arena is changing, given the modernization of the Medical Injury Compensation Reform Act and other factors. "We'll see a tremendous increase in filings in January" when MICRA limits increase, she predicted. "You can hear plaintiffs' lawyers talking about it a lot."

Also, "The general trend in health care litigation is upward, especially in the

senior living space. The population is aging, living longer and very litigious. People want to live forever without comorbidities, and it's much easier to blame facilities when something goes wrong than the aging process itself."

That's a point Badawiya frequently makes when she defends her health care facilities clients. Last year, she secured a jury trial win for her assisted living community client in a wrongful death suit in Tuolumne County. *Glass v. Oak Terrace Memory Care*, CV62305 (Tuolumne Co. Super. Ct., filed April 12, 2019).

Resident Jack Glass, a man in his 90s, had fallen 14 times over four months and suffered multiple fractured ribs, which allegedly resulted in his death from respiratory failure two days following his final fall. Attorneys for the plaintiff, the man's surviving sister, asked for a seven-figure damages verdict. Badawiya pointed out that the man had been declining for years, a victim of his dementia. The jury awarded \$500,000.

"Falls are going to happen, and the jury related to that," Badawiya said. "You have the right to dignity, to walk around. You can minimize the risk, but not eliminate it."

In another matter, she represented an assisted living facility where resident Stephen Kahan died after a fall. Family members sued for medical malpractice and dependent elder abuse. *Kahan v. Terraza of Cheviot Hills et al.*, 20STCV0-2843 (L.A. Super. Ct., filed Jan. 23, 2020).

The plaintiffs demanded \$2.1 million; Superior Court Judge Terry A. Green awarded \$419,000. "This man wanted to be independent. He had a number of falls, but did not want to go to the hospital. The judge got it," Badawiya said.

"Both cases are about the aging process and the realities of risk," she added. "That's why I love my practice. I went to law school to make a difference. I feel like I'm performing a service for clients who take care of the elderly."

— JOHN ROEMER