Cancer Malpractice Justice and Coldplay's "Everything's Not Lost"

May 1, 2018 By Robin McGee

I am now sharing about something I have never talked about on this blog. I can now announce at last that for the past seven years, I have been in litigation against Doctors One, Two, Three, and Four. The Cancer Olympics describes their conduct, which resulted in a two-year delay in my cancer diagnosis. I was represented by the avuncular Ray Wagner of Wagner's Law Firm and his smart-as-a-whip co-counsel Kate Boyle. The CMPA, the insurance company that defends all doctors in Canada, were unable in all that time to find one expert able to defend the standard of care I received. So they asked to mediate. I can now announce at last the case has settled out of court for a to-be-undisclosed amount.

My cancer recurrence changed the scope of damages in the case. But it also painted me in a corner. I would not be well enough, because of chemotherapy and a late January surgery, to endure the 18-day trial scheduled for April. So I was forced by my health and by my own mistakes at mediation to settle for 63 percent of the actual value of the case. Of that amount, I see only 59 percent, as the rest goes to the lawyers, the insurance companies, and the taxman.

I must tell you that medical malpractice law is not for sissies. The story of the lawsuit is as wild a tale as the medical story that spawned it. It was full of suspense: hours of hard work and research peppered with great lurches forward and backward, and happenings that that ran the full gamut of human emotion. There were sudden reversals, brinkmanship, rescues, and rapprochement. There were brilliant and conscientious experts, and there were disgraceful charlatans (such as the expert who sent us in writing, only days before a settlement discussion, his blithe announcement that he had submitted an opinion to the court but had not actually read the case materials!) Readers of The Cancer Olympics will be touched to hear that I was saved at the 11th hour by Dr. Mark Dorreen, the hero of my past. His unwavering opinion that I had been an early stage case when I first presented to Doctors One, Two, and Three was the first of several such expert opinions that eventually turned the tide for me.

Emotionally, although it required creativity, stamina, and perseverance on my part, I experienced the suit as helpful to my coping, even foundational to it. It rallied me. And if I had to do it all over again, I would do it. If people with stories like mine do not come forward to lawyers, society will never change.

So what song do I use for this experience? "Everything's Not Lost" from Coldplay's 2000 Grammy-

winning album, Parachutes, is a stirring anthem about helping an underdog. It is widely considered Coldplay's "Hey Jude." Starting with a relaxed and assured opening, it then builds to a powerful crescendo. The singer offers his skills and abilities (his "demons") to help someone in extremis. So today, this song goes out in gratitude to Ray Wagner and his team, for his seven eventful years of work on my behalf.

'Cause if you ever feel neglected
If you think that all is lost
I'll be counting up my demons, yeah
Hoping everything's not lost

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