

## HEALTH AND HOSPITAL

# Empathy — and Not Just in Healthcare

By James G. Fouassier

It often is difficult to settle on a health law subject that is not so highly technical and specific, or just plain boring, that it will only be of interest to a smattering of our members and readership, or else so general that it will be of little value. This month I don't have to make this earthshaking decision, however, because I wanted to take you, our readers, in a different direction.

Miriam-Webster defines "empathy" as "the action of understanding, being aware of, being sensitive to, and vicariously experiencing the feelings, thoughts, and experience of

another. . . , also: the capacity for this." It is something that develops over a lifetime along with other social aspects of character. Successful health care practitioners and caregivers have "the capacity for this." Obviously, empathy is not limited to providers of health care but is essential to healthy, meaningful human relationships and interactions of all kinds.

Now, *please stop what you're doing for a moment.* Click on this link, or copy it into your browser: [http://www.youtube.com/watch?v=cDDWvj\\_q-o8](http://www.youtube.com/watch?v=cDDWvj_q-o8)



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This video is part of the Cleveland Clinic's series on "Empathy: The Human Connection to Patient Care." The lesson it conveys, however, transcends patient care and should permeate every aspect of our relationships with others. Healthcare is not just a business and neither is the practice of law; both are *professions* that demand an understanding and appreciation of the emotional state of mind of the patient / client. The needs of others cannot be addressed and met unless we truly are able to "feel" those needs to the

best of our feeble human abilities.

This video is an empathy "refresher." I regularly return to it when I'm having a bad day; it helps me remember to count my blessings, of which I have many. I wanted to share it with you.

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## Meet Your SCBA Colleague *Anne Bracken*, a litigator, who focuses her practice on medical malpractice defense, remembers spending time in courtrooms as a child to watch her father, the late, Justice Lawrence Bracken at work.

By Laura Lane

**How old were you when you first went to court?** I remember seeing Dad in court when I was 4. He was a Supreme Court Justice in Suffolk and Mom was a legal secretary and office administrator working for a small firm. I watched him when I was a preteen and when I was in law school too.

**What effect do you think that had on you?** As a young kid with my father up there I was amazed. It impressed upon me the power of it all. I realized you are effecting people's lives. Back then court was different. It was more formal and the calendar was smaller. It was intimidating, but impressive.

**And you are one of seven children?** Yes. I was number six. Mom was a huge role model for me. She was one of those superwomen who did it all. I knew I could too. I have three girls, 16, 14, and 12.

**You were close with your father too, right?** Dad and I always had a close relationship and spent a lot of time together, more than with any of my other siblings. When Dad was an associate justice of the Appellate Division in Brooklyn Mom and the younger siblings would spend time there. He had an apartment two blocks from the courthouse.

**You ended up going to Brooklyn Law School too.** Yes. To save money I ended up staying at that apartment. My Father had a tremendous impact on my

life, my career, even joining the SCBA.

**While in law school you were able to get a job as a clerk at the Appellate Division.** Yes. That job exposed me to so many things. And in law school the law library was under construction. I was allowed to use the Appellate Court's library — such a beautiful building. Back then we were still using books.

**You also interned for the Chief of the Civil Division in Brooklyn, Robert Beglieter, while in law school. What was that like?** They had a mentoring program and it exposed me to a lot. I had a lot of opportunities to go to court, do depositions. At that point I knew I wanted to be a litigator.

**Then you worked as a student law clerk for Justice Ira Gammerman in New York Supreme Court. What was that experience like for you?** He had a huge personality and was very active and involved in every case on his calendar. I would sit in chambers and listen to him. Lawyers and judges took the mentoring very seriously and that made an impression on me. They were so busy but found the time. I try to do the same thing for lawyers that work for me.

**You ended up working for three years for the District Attorney's office in Brooklyn as an ADA. In what way did the experience give you insight into the profession?** I was a young prosecutor right out of law school. It was one of the most amazing

experiences in my life. That job instilled in me a deep love for the law. And it was always an adventure there. I always felt that I was making a difference in people's lives.

**How did you end up working for Heidell, Pittoni, Murphy & Bach, LLP, in NYC as a senior associate?** I was attending a function at the Brooklyn Women's Bar Association and met a medical malpractice attorney who ended up offering me a job. Despite how much I liked my job at the ADA's office I knew I didn't want to be a career prosecutor. I really enjoyed working at Heidell. There were so many great lawyers there.

**Why did you leave to join Lewis, Johs, Avallone, Aviles, LLP?** My husband was and is in the restaurant business and wanted to open a restaurant on Long Island. Dad introduced me to Fred Johs at a SCBA meeting. I have been working there ever since.

**Why did you join the SCBA?** Dad always believed it was very important to be a member of the bar association. He introduced me to Jane. Once you are hooked in with Jane you are golden.

**How did you originally get involved at the SCBA?** I attended functions. You know when you start out it is always a bit intimidating and as a young lawyer you feel you don't have anything to offer. I tried to just meet people at the events and talk to the judges and let people see my face



Anne Bracken

because I was going to be in court with them. The SCBA is great for networking.

**You have been involved, serving on the Bench Bar Committee, Professional Ethics Committee, and the Judicial Screening Committee, where you also served as the committee chair.** Yes, I was the first woman to be the chair of that committee. These committees are so important not just because they give lawyer's an opportunity but because you are developing lasting friendships with incredibly talented attorneys and judges. These committees help to ensure that the citizens of Suffolk County have faith in the legal profession. The bar association is like a checks and balance system mak-