



Drilling down

Canadian Lawyer's top insurance defence, environmental law, and trusts and estates boutiques are even more focused.

By Michael McKiernan

In days gone by, an insurance defence firm may have sounded like a pretty niche outfit. But as boutiques in the area enter a second generation, they're drilling down to even more precise specializations in order to stand out from the crowd. Most of the firms that made our list this year now have at least two decades of experience behind them, many after breaking away from larger, full-service firms. "It's a mature market, and it's not a new area of law, so the gross revenue is not increasing dramatically," says Eric Dolden, co-founder of Vancouver firm Dolden Wallace Folick LLP. "You're always going to have your auto cases and house fires, but that's kind of static. The growth is in new areas where you couldn't get insurance 10 years ago."

He says firms are increasingly looking to market themselves as experts in sub-specialties, such as professional liability, subrogated claims, and policy wording. At Dolden Wallace Folick, particular emphasis is placed on cyber-liability — a growing concern for companies dealing with potential privacy and personal information breaches — and directors' and officers' liability.

A couple of blocks away, at Vancouver's Whitelaw Twining Law Corp., director Kim Wigmore says the multitude of specialty groups (there are 11 of them) not only sends a message to insurance companies about the depth and breadth of knowledge at the firm, but also to the firm's new recruits. "It lets associates know that we're investing in them, and that they shouldn't just strive to be generalists, because they're a dime-a-dozen. They're acquiring specializations that are going to distinguish them from their peers going forward," says Wigmore.

Steven Stieber of Toronto's Stieber Berlach LLP says the dominance of boutique firms in the insurance defence field is no surprise, given the intense demands from insurance companies for cheaper rates and innovative billing practices. "It doesn't work nearly as well within large corporate firms," he says. "The rates for insurance defence lawyers are considerably less than large firms tend to charge. The difference between rates can be 60- to 70-per-cent higher in large firms, which is going to create division within those firms, because the insurance defence partners simply can't bill nearly as much as the corporate guys bill."

At the other end of the maturity scale, environmental law boutiques don't have to try as hard to break new ground. "When I started in 1977, it really was just a fledgling legal subject," says Willms & Shier Environmental Lawyers LLP partner Donna Shier. "It's not like there's a body of law that's entrenched and enshrined. It's so new, and evolving at a pretty rapid rate."

Patricia Houlihan, who runs Vancouver's Houlihan & Associates, says the dynamic nature of the practice area means she's never short of work. Despite the recent gutting of the Canadian Environmental Assessment Act cutting off one avenue, others are constantly opening up. She says larger firms

are happy to bring her on board for deals with environmental aspects, or to refer clients when conflicted, safe in the knowledge she's not going to steal them away as clients. For particularly large projects, she brings in freelance lawyers to meet the extra demand. "Everyone knows I don't do anything else," she says. "The good thing is if I'm offered something that I don't want, I don't have to take it."

In trusts and estates law, as with a number of other areas, boutiques have struggled to make an impact outside of the country's largest cities, with mid-sized and larger full service firms attracting some of the best practitioners. One firm bucking the trend is Horne Coupar, which has amassed 11 specialist

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lawyers in Victoria, B.C. Partner Fiona Hunter says the growth was more organic than planned. "I don't think it was anticipated that we would ever be categorized as a boutique. We've been around since 1944, always with a focus on estate planning, trusts, and wills," she says. "The reason we do it well is that we've been doing it a very long time. In more recent years, we've been fortunate enough to have attracted people who want to work in this area, and we've been able to deepen our experience."

Canadian Lawyer's editorial team began the process of selecting Canada's top five environmental law, trusts and estates boutiques, and top 10 insurance defence boutiques by creating a short list of the most notable firms in their respective fields. We ran a short online survey and from there drew on the experience of in-house counsel and large-firm lawyers who refer work to these boutiques, conducting a series of confidential interviews to identify the cream of the crop. That input was used to compile the following results, listed in alphabetical order.

Top 5 Environmental Law Boutiques



Daigneault Avocats Inc. (Montreal)

daigneaultinc.com

Biologist Robert Daigneault established the firm in 2001, intending to operate as a sole practitioner. But after three years, demand for his services had led to hiring three more lawyers. Clientele ranges from the local service stations to large multinational firms, including Canadian National Railway, Ultramar Ltd., and BFI Usine de triage Lachenaie Ltd. Daigneault, a former legal counsel to the Quebec Department of Environment, is the author of the standard French-language legal reference text on federal and Quebec environmental law.

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