

A cut above, pt. I

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It's safe to say most budding lawyers these days have a similar outlook on the career that lies ahead of them. They will land an associate position at a large firm, and hopefully contribute to the bottom line well enough to one day join the partnership. It's an enviable plan that has produced some of the country's top lawyers. But it's not for everyone, and especially not those who lead the firms listed in the latest round of *Canadian Lawyer's* top boutiques.

There's no doubt that the insurance defence, personal injury, trusts and estates, and commercial real estate boutiques listed below have followed different paths to find the success they now enjoy. And while this year's crop of firms comes from disparate, and at times competing, segments of the profession, what links them all is a drive to create a lean and nimble law firm that aims to be the best at just one thing.

Many of the lawyers whose firms have made the list are like John McLeish of McLeish Orlando LLP, who spent several years with a full-service firm before establishing his personal injury boutique. He sees a wide range of benefits to operating a specialized firm, with streamlined staff training, efficient information systems, and a more cohesive presence in the marketplace at the top of the list. "Everyone is singing from the same hymn book, right from the most senior lawyers down to the person working in the photocopy and scanning room," says McLeish.

Of course this isn't to say that boutiques lack challenges. There's no doubt it can be hard to attract clients bred to look first to the big-name national, and increasingly international, firms across the country. For many boutiques it has therefore become essential to join forces with their like-minded peers. McCague Borlack LLP identified that need long ago by establishing an affiliation of similar insurance defence boutiques called Canadian Litigation Counsel. That group has since linked up with its counterpart in the United States, the Harmonie Group, which consists of at least one firm in each state. The groups in both countries have recently created a global partnership called Harmonie International, which brings into the fold firms in Europe, South America, and Mexico.

Howard Borlack, a founding partner at McCague Borlack, notes that the affiliation has been essential at a time when insurance companies are increasingly doing business across borders. "They love when they can get co-ordinated services, which we can provide," he says, noting that Harmonie International members must pass a strict vetting process. "Clients know that when they call us, they have a certain quality and level of experience and professionalism."

Other leaders at the country's top boutiques cite a long list of additional reasons why they thrive in a legal services marketplace often dominated by large firms. They say lower overhead costs translate into smaller bills for clients; modest lawyer head counts make way for a more personal touch; and the availability of new technology levels the playing field when it comes to research, drafting documents, and communicating.

The firms that made the following list of Canada's top boutiques were selected on an informal basis through calls to leaders in their respective practice areas. Winners were credited for superior client service



and expertise. The list is sure to create some heated discussions, and it is possible that some excellent firms just missed out. But based on the experts we canvassed, what follows are the five boutique firms that rise above their counterparts in each of the areas of insurance defence, personal injury, trusts and estates, and commercial real estate. They are listed in alphabetical order.

TOP 5 PERSONAL INJURY BOUTIQUES

Howie Sacks & Henry LLP (Toronto)

Established by former Thomson Rogers lawyers Jim Howie, Neil Sacks, and Michael Henry in 2000, this 13-lawyer firm has carved an impressive presence in the highly competitive personal injury litigation field. The partners also brought along Adam Wagman, who is now the firm's managing partner. Howie recently acted as co-counsel in a case that led to a \$9-million settlement for a plaintiff who was severely injured in a collision along Highway 401. "Easily one of the best firms anywhere, with lawyers who are very strong opponents," remarked one in-house counsel. "They are very no-nonsense."

McLeish Orlando LLP (Toronto/Barrie/Hamilton, Ont.)

One in-house counsel said this 11-lawyer firm is respected for "vigorously forwarding their clients' cases in a professional and ethical manner," describing its lawyers as "known leaders in personal injury claims." John McLeish and Dale Orlando have accomplished much since departing what was then Loopstra Nixon Orlando LLP in 1999 to set up their own shop. McLeish notably represented Katherine-Paige MacNeil, who suffered catastrophic injuries in an auto accident and was awarded an unprecedented \$18.4 million by Ontario's Superior Court in 2009. Orlando is the current president of the Ontario Trial Lawyers Association, while McLeish and firm lawyer Patrick Brown are both past presidents.

Oatley Vigmond Personal Injury Lawyers LLP (Toronto/Barrie/Sudbury/Hamilton/North Bay, Ont.)

This firm traces its roots to Barrie, Ont.'s Oatley Purser law firm, which Roger Oatley established with Alan Purser in 1974 after starting out with what was then Borden & Elliot in Toronto. Oatley, a past Advocates' Society president, was later joined by Jim Vigmond, himself a former president of the OTLA. With offices in five Ontario cities, this firm has established an overwhelming presence in the personal injury field, and is highly respected for its approach to the law. "They have set the standard in so many ways for personal injury practice," commented one voter.

Singer Kwinter Personal Injury Lawyers (Toronto)

This firm was co-founded in 1974 by partners Alf Kwinter and the late Morris Singer, who were classmates at the University of Toronto's Faculty of Law. They started out focusing on criminal and family law respectively, but Kwinter gradually shifted his practice to the personal-injury work for which his six-lawyer firm has become renowned. "This firm has very competent and skilled lawyers who are, at the same time, reasonable to deal with," said one in-house counsel. Kwinter helped secure the largest jury award in the province's history for punitive damages against an insurer in the 2006 case *Pereira v. Hamilton Township Farmers' Mutual Fire Insurance Co.*, with his clients ordered to receive \$2.5 million.

Thomson Rogers (Toronto)

This firm dates back to a litigation shop established in 1936 by Edson Haines, who was later joined by his brother Douglas. After the Second World War, B.J. Thomson, Phil Benson, and L.R. Freeman came on board. In 1996, the firm shortened its name to Thomson Rogers. Its concentration gradually moved from full-service commercial work — at one time the firm was among Toronto's largest with about 70 lawyers — to specializing in personal injury cases. It has now trimmed down to 32 lawyers, and is Canada's largest personal injury firm. In 2007, the firm won the largest class-action settlement in Canadian history for

aboriginal survivors of institutional abuse.