



TOP INSURANCE DEFENCE LAW BOUTIQUES

Times are changing for insurance defence lawyers

IT GOES without saying that when you are thinking of trends in the field of insurance defence law, COVID-19 would have a big role to play.

“It became very clear to us very early on that the pandemic was going to completely change some key aspects of our business,” says Benson Percival Brown LLP partner Heather Vaughan. That included, as it did with virtually all law firms, moving to a remote work environment over the course of a weekend and then spending the next few weeks ironing out the kinks in a virtual world.

As part of pivoting to a virtual practice, insurance defence firms have learned how to conduct pretty much any court hearing or meeting with clients or witnesses virtually. Examination for discoveries, mediations,

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pretrials and settlement meetings have pretty much all moved to a virtual format.

Likewise, the courts have innovated at a rate that has not been seen before because of the pandemic and are poised to embrace many of these new tools permanently.

Brian Rhodes of Dolden Wallace Folick LLP says that, in December 2020, some of the firm's lawyers conducted a two-day appeal hearing by Zoom. It was the first case heard in the B.C. Court of Appeal using the Caselines application for electronic management of evidence at trial, a technology many court jurisdictions are now using.

Eric Grossman of Zarek Taylor Grossman Hanrahan LLP says it is likely that litigation practice in the insurance defence world has changed for good because of the tremendous cost savings and efficiencies associated with

virtual hearings. He was recently involved in a nine-day virtual hearing and the experience was "incredibly efficient," especially since the lack of travel obligations made things easier.

In insurance-related litigation coming out of COVID-19, lawyers at the winning firms say claims are expected to rise in areas such as business interruption, wrongful death in residential care facilities and claims against companies for not providing paid goods or services such as the airline industry.

Rhodes says his firm "worked closely with domestic and international insurers to address unique and novel insurance issues affecting the retail, hospitality and recreational business sectors." He adds that the firm recently has been handling class action claims involving long-term care homes, pharmaceutical products and allegedly defective

HOW WE DID IT

In late 2020, *Canadian Lawyer* asked lawyers, in-house counsel and clients from across Canada to vote on the top insurance defence boutiques. They were asked to rank their top firms from a preliminary list, with a chance to nominate a firm that was not included. To qualify for our list and be voted for in our survey, firms were required to derive a minimum of 80 per cent of their work from insurance defence.

construction materials.

Richard Hepner, a partner at Dutton Brock LLP, says the "new normal has its pros and cons. . . . The second wave has not been easy, and we are finding ways to deal with COVID fatigue and break up the monotony of 'just work,'" he says. **CL**



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