In the Spotlight: Damian Hornich & Chara Lougheed, Legal Services, Metrolinx

Damian Hornich and Charetina (Chara) Lougheed shared an office when first they summered, then articled at BLG some 15 years ago, becoming close friends. They are now reunited at Metrolinx, where Damian is Director, Legal Services, and oversees a diverse litigation portfolio, and Chara is Vice President, Legal Services, with a focus on capital project litigation and disputes.

BLG Partner Natalie D. Kolos trained with our firm around the same time as they did and stayed in touch with both. In a joint alumni interview, she gave Damian and Chara an occasion to compare notes on their respective learnings and recent perspectives at the Crown agency.

Rising up to the challenge

The past few years at Metrolinx have been nothing short of bustling. Faced with the challenge of expanding its scope from the Greater Toronto Area (GTA) to the Greater Toronto and Hamilton Area (GTHA), then called to improve its services accordingly, Metrolinx has evolved from a transit-focused entity into one that also prioritizes infrastructure. It has significantly increased its engagement in both construction and planning, which has had a substantial impact on its legal team.

> *"When I joined Metrolinx in 2016, I was the first litigation counsel, along with a labour and employment lawyer. Everyone else was either a real estate lawyer or a corporate commercial practitioner," Damian recalls.*

As the business focus shifted, his team reassessed its approach to managing a variety of claims, but construction claims continued to grow, prompting adaptations. "We went from 20 lawyers and 11-15 support staff, to nearly 100 people. We're effectively a mid-size firm now," he says.

Cue in Chara, as part of the specialized lawyers who were brought in to help support capital project litigation. "We try to resolve claims expediently. It's about preserving business relationships and finding the right balance or compromise. There are only so many players that can bid on projects of our size, scale and scope, so there's a real emphasis on building and maintaining those relationships," she explains.

Learning the value of avoiding full-blown disputes is an important lesson cultivated by Chara's in-house perspective, which sees her embrace various stakeholders' views. Damian agrees: "We need to make sure that we get the relationships right, because in some cases we have 30-year agreements with operating partners," he notes. "Of course, we also want to be a good neighbour and partner in the communities we serve. Managing all these important relationships can help minimize conflict and reduce costs."

New and sometimes unexpected business pressures are a concern, as well.

> *"Tariffs are obviously a topic being discussed throughout the industry, looking at how bans on certain contractors, for instance, would impact our current and future projects," mentions Chara.*

"Another bit of pressure that's both internal and external at the moment has to do with how we integrate legal technologies, especially AI, within the parameters of being a government agency," adds Damian.

The business side of legal matters

Damian and Chara have honed not only their legal skills since joining Metrolinx, but also their business knowledge. Chara is quick to highlight the reality that there is always a business component that needs to be factored in alongside any legal assessment: "You can try to mitigate the risk, but sometimes you need to take on that risk, because there may be an advantageous business outcome." Chara further emphasizes that understanding the enterprise objectives and understanding how her work supports those overarching goals is imperative to the work that she and her team perform.

"Something that I've learned a lot more about this past year is how Canadian rail and transit projects, not to mention operations and standards, compare to our counterparts, particularly in Europe," says Damian. "Other jurisdictions have been at this a lot longer than we have here in North America, and it's important to learn from their experiences because Metrolinx is undertaking some of the largest infrastructure projects in the country."

Bringing it home

Outside of work, both Chara and Damian spend as much time with their respective families as they can, and these longtime collaborators immediately agree on who taught them years ago to achieve this balance between professional and personal priorities: BLG Partner Kevin McGivney.

"I have a huge amount of respect and admiration for his leadership style. Getting to know the people and their lives outside of work and supporting them through different stages of their career and their life: Kevin set that benchmark of how I want to lead, and be perceived as a leader," says Chara. Damian concurs: "I still consider him a mentor and a friend."

Damian now has his own advice to offer law students and younger lawyers: "Work as broadly as you can. Don't be focused on too narrow an area of law. Understanding the dynamics and fundamentals of different areas pays dividends when you're in-house. I would try to seek out those opportunities more than I did."

Chara puts it more succinctly: "Don't do tomorrow what you can do today."