

*Social networking an open book*

# Facebook, you and the employee profile

BY TIM WURTZ  
BAKER NEWBY LLP

**D**id you know that a Vancouver law firm employs a dog? That's right. This cute little pooch quite clearly lists his employer as a major downtown firm. Innocent enough, I suppose.



Tim Wurtz

Another prominent Vancouver firm has a legal assistant whose stripper name would be "Ryan Firehips." Kind of risqué. But what's the harm?

A downtown legal assistant has just advised that she is "sitting in on another loooong and boring law seminar. Yech." Law



MODEL LOCATE

firm's name is clearly available.

This is getting interesting.

Yet another law firm has a legal assistant that lists her occupation as

"I let the LAA students in on this seemingly dirty little secret. You should have seen their faces."

"Conveyance Slave", right there underneath the name of her employer.

Ouch. That must hurt.

Rebecca (no, it's not her real name, but I know what it is) is playing *Scrabulous*, an on-line, interactive game, with Jason. It's 11:35 am.

Have they taken a late coffee break? Perhaps an early lunch?

Welcome to one of the several social networking sites now on a computer near you, Facebook.

Facebook is the brainchild of Mark Zuckerberg who, in about three years, has turned this Internet directory service and social networking website into an international phenomenon.

In just minutes, you can create a personal profile, provide a cornucopia of personal information, upload pictures, search for friends who have profiles, and engage in light-hearted exchanges with other Facebook users.

But it goes much beyond that to include "mini-games" and add-on applications within Facebook. You can join "groups" *Continued on page 2* →

## Employee Retention: Another chapter in our ongoing discussion

BY MIKE BOWERBANK  
BLAKES

**I**f I were to tell you all the things that I have heard from people on employee-retention policies, there is not one new thing I can say that you haven't already heard.

So if this is the case, why-oh-why can't you stop the revolving door, and put the brakes on staff turnover?

Every firm in town says that employees are valuable, and most say that their compensation and benefits are competitive with the other firms in town.

When someone says they are 'competitive', they are essentially

saying they're pretty much the same as other firms. So these firms are boasting that they're average. Not a good sales job, and this illustrates the core of the problem.

It's one thing to say that your employees are valuable, but it is quite a different thing to actually live and breathe that philosophy. Employees are a critical part of making things work, so why, then, are firms so bad at showing it?

There is no magic formula, and this is not a situation whereby you can send out a memo or an e-mail and fix things. It's not about changing policy, it's about changing your thinking— *Continued on page 6* →

→ Facebook and you : Continued from page 1

with similar interests; engage in a role-play version of a vampire-slaying game; send a friend *Booze Mail* or a *Hatching Egg* gift that “grows” over several days; attack a friend’s “pet” in the *Pet Sabotage* section; create “quizzes” for friends, or try theirs; *Pick a Fight* with a friend, using some colorful phrases provided; send some *Bumper Stickers*; get the image of a *Daily Babe*... the list goes on and on—and on.

Admittedly, it is not difficult to see how one could become captivated by the curiosity of the content as well as the anonymous access to other users’ content.

To say it is addicting is not a stretch.

While researching and writing this article, I have spent quite a bit of time surfing Facebook, and find myself resisting the temptation to participate—everyone seems to be doing it.

So instead, I participate covertly: fake name, fake GMail address, fake pictures, fake personal info and *voila*—real access.

I have done this to explore two major issues:

1. Are staff using their employers’ time, computers and money to access social networking sites?

**“Searching for my own firm displays seven staff with full access. A little surfing through their friends’ lists, and I find at least 18 more”**

2. What characteristics of existing or prospective staff are reflected in the content of their Facebook profile?

The first question is the easier of the two. Your firm likely has an Internet policy, and better yet, one which

staff are required to sign upon joining the firm.

It should simply and clearly explain that “Internet access is a tool provided by the firm, and is to be used for business-related purposes only. Participation in social networking sites, such as Facebook and MySpace, is strictly forbidden.”

If you feel a policy is only as good as the paper it is written on, then you certainly have the ability to restrict access to certain sites at the file server level.

A search on particular law firms’ names only shows those profiles that are unprotected—otherwise, full access.

Searching for my own firm displays seven staff with full access. A little surfing through their friends’ lists, and I find at least 18 more staff with protected profiles. That’s 25—and we’re a relatively small office!

A search of a few of the biggest law firms in Vancouver (noted in the 2007 *Business in Vancouver Book of Lists*) reveals more than 60 unprotected profiles, which, through friend networks, would likely show hundreds of active

*Continued on page 3* →



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→ Facebook and you : Continued from page 2

participants in those law firms with protected profiles.

If these Facebook members are checking their profiles and using the website's applications during the day, this represents a major drain on productivity throughout our workforce.

But perhaps a firm-wide restriction may not be the answer. Administrators and lawyers have found Facebook to be a gold mine of information—which leads to the interesting second issue.

Facebook and its ilk present a new arsenal of tools to administrators and lawyers. For lawyers, there was a November 20 article in *The Lawyers Weekly*, entitled "Social networking gold mine: panning for nuggets on Facebook and MySpace."

In the article, lawyers weighed in on the value that these types of websites can have to a case including, "discrediting a parent in a custody hearing who may have posted inflammatory photos, or calling into question testimony from a witness whose

reputation is potentially tarnished by comments they made online." The article suggests that evidence procured from social networking sites would

**If someone has placed themselves on Facebook or MySpace, they are implying consent to view personal information they have provided.**

likely be admissible in court depending on the context of the particular situation. If it's good enough for the courts, it has to be good enough for us.

A more specific application for administrators, or human-resource managers, is in the field of recruiting.

*The Lawyers Weekly* article readily concedes that the legal community is using social networking sites to find out information about prospective hires.

If someone has placed themselves on Facebook or MySpace, they are implying consent to view personal information they have provided.

You can gather valuable insight into a person simply by examining what information they share about themselves. As HR professionals, we would never make a decision based solely on one reference source, of course, but this is simply one more way for us to paint a full picture of a potential applicant. If someone applies for a job, they are conceding any anonymity they may enjoy from social networking sites.

I recently spoke to a classroom of CDI students who will be graduating from their LAA program early this year. I let them in on this seemingly dirty little secret. You should have seen their faces. It became glaringly obvious to them that they would likely be embarrassed to know that I, a prospective employer, could be look-

Continued on page 4 →

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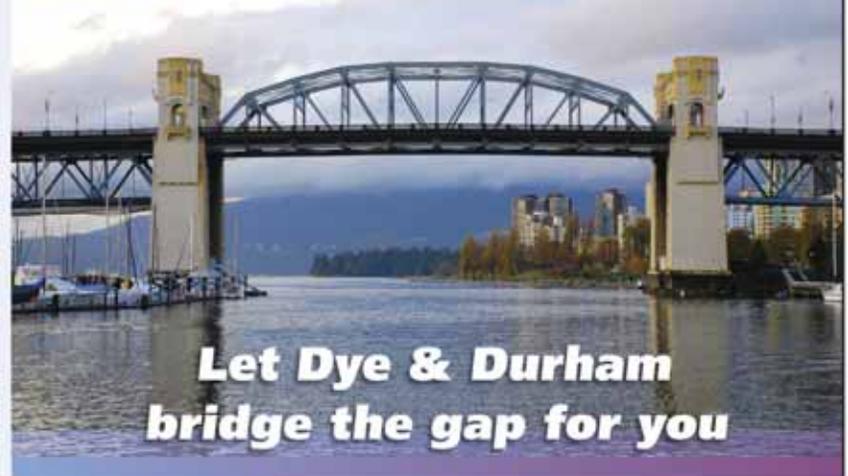
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→ Facebook and you: Continued from page 3

ing at the content in their Facebook profile.

In addition to our own recruiting

**"You should presume that anybody from whom you want something in the future could see [your] profile."**

efforts, professional recruiters are savvy to this powerful network. When one legal secretary with a fully exposed profile suggested a "Legal Assistants Group" in her *Discussion* area, the first two response posts came from recruiting agencies. The fifth post was from a recruiter informing the group that she had set up her own group specifically for legal secretaries looking for employment.

Further to this organic professional recruiting, companies can place employment ads that will be directed to specific users—a "Legal Assistants Group", for example.

I went through the motions of placing an employment ad on Facebook, which works much like Google AdWords, complete with a daily budget and a bid-per-click.

I suspect recruiters are undertaking some ad campaigns, but one might want to consider if this type of recruiting effort reflects a professionalism that our firms strive to uphold.

Disclosing social network sites as potential information sources may be yesterday's news to you.

What I also want to do is appeal to those who use the site so that they may fully appreciate how their assumed innocence can be quickly corrupted by business, and used against them, in this increasingly scarce qualified employee pool.

Valparaiso University's website cites John Palfrey, lecturer and executive director of the Berkman Centre for Internet and Society at Harvard University Law School, who suggests that,

"You should presume that anybody from whom you want something in the future could see [your] profile."

Palfrey cites a front-page story in the June 11, 2006 edition of the *New York Times*, "For Some, Online Persona Undermines a Resumé" that reports applicants, "may not know when they have been passed up for an interview or a job offer because of something a recruiter saw on the Internet."

Career counsellors are encouraging today's university students to review their Facebook profiles to avoid just

this type of pre-screening profiling.

Social networking sites should not be ignored, and they are not going to go away. Whether you choose to restrict employee access, pre-screen applicants, check up on current staff, or actively engage in recruiting, social networking sites simply present another set of tools to help guide your business and management decisions.

By the way, I take no responsibility if you become addicted to Facebook as a result of reading this article and exploring on your own. ■

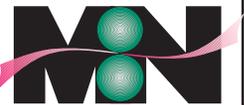
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## Operating philosophies, management issues and current legal issues—just part of the fun

BY TIM WURTZ  
BAKER NEWBY LLP

There's an old saying, often misattributed to Winston Churchill, which goes something like: "If you're not a liberal at 20, you have no heart; if you're not a conservative at 40, you have no brain."

Well, it's a good thing most of the room was smart and over 40, because we were treated to some great Jean Chrétien jokes at this year's Managing Partner Dinner.

The Terminal City Club provided a beautiful venue for the well-attended dinner last October 18. Conversation easily alternated between management techniques and philosophies, and current legal issues and strategies favoured by the managing partners.

Event co-sponsor Laura Reid, of Arlyn Reid, provided an eloquent introduction for the guest speaker, Michael Campbell, one of BC's best-known business analysts, who held the room's undivided attention for a full hour.

Mr. Campbell, amongst well-timed

anecdotes about the shortcomings of Jean Chrétien's economic policies, delivered his predictions for future economic and investment success with eloquence and charisma. He liked gold, and he thought a \$100 barrel of oil was not a

far stretch in the near future, which came true two months later.

Dave Macfarlane of TOS Hub International closed the presentation by thanking Mr. Campbell.

The evening was also filled with the odd outburst of that well-known slogan, *That was easy*, courtesy of the *Easy Buttons* everyone received from Arlyn Reid.

Stephanie Cornell, while popping in and out of her Marketing Cocktail Reception, held the same evening, graciously allowed me to borrow her camera for these candid shots.

This was my first Managing Partner's Dinner. I was impressed and will definitely attend again next year.

I look forward to seeing my colleagues there. ■



Caren Cook of Slater Vecchio (left) and Paula Keiss, formerly of Mandell Pinder



John Brown and Leslie Morgan, both of Harper Grey LLP



Victor Montagiani  
TOS Hub International



Adnan Habib,  
Baker Newby LLP



Stephen Danvers, Arlyn Reid, with  
Anita Parke, Thorsteinssons LLP



**TOUGH TIMES, SHORT WORK:** "A firm is a firm is a firm," BLG's Raf Sansalone says, "A conveyancer will do the same sort of work no matter what firm they're in. People don't quit their jobs, they quit their boss."

→ *Employee retention: Continued from page 1*

and that's where most firms are failing the grade.

#### ATTITUDE IS ALTITUDE

Raf Sansalone, the Human Resources Manager of Borden Ladner Gervais LLP, enjoys a relatively low staff turnover rate. I asked her what secret is. It turns out the people in the firm don't have a secret—they just have an attitude.

"Simply saying that people are valuable is not enough, you have to actually live that," Sansalone says. "No matter how much you pay people, if they don't feel respected and listened to, it contributes to them looking elsewhere, and being disengaged in their work."

Raf agrees that every firm is different and what works for one organization will not necessarily work like a cookie-cutter in others. Looking at *BC Business Magazine's* "Top 20 Employers" list is also fine, but even though Telus and VanCity may have some excellent employee-retention strategies, many of their programs wouldn't necessarily come across as well in a legal environment.

Obviously, we can't be all things to all people. You have to figure out what works for your own individual firm, and go with it. When you propose something to a CEO or a chief operating officer, their first question

is often, "What are other firms doing?" That's self-defeating; if you copy what other firms are doing, you are simply replacing your revolving-door policy for theirs.

When Sansalone is asked what other firms are doing, her answer is straight-forward: "I don't know, and how does that matter to us? I'd rather be the leader than wait for someone else to do it and then follow behind them."

#### STABILITY FROM TOP TO BOTTOM

The whole firm has to contribute to an environment in which people want to stay and work hard. A lot of that comes from the management of the firm.

What Sansalone recognizes as a winning equation is that stability at the top equals stability below.

"A firm is a firm is a firm," Sansalone says, "A conveyancer will do the same sort of work no matter what firm they're in. People don't quit their jobs, they quit their boss."

When there is management turnover, staff turnover usually follows shortly thereafter. When managers stay for long periods of time, their staff often stays with them too.

"We are fortunate in that we have some long-term managers here," says Sansalone.

But simply retaining managers is not enough. The role of the manager should change as well. Managers

need to pay attention to what's going on in the firm; to keep their fingers on the proverbial pulse. Managers and supervisors need to be well-trained in their jobs, have proficient soft skills, and they have to be good leaders.

"It goes without saying that even a good manager won't accomplish the desired results without the support of the business owners—the partners and, in particular, the managing partner," Sansalone warns, "Our partners provide leadership, and they support senior managers in creating a professional and service-oriented environment."

#### PERKS HELP, BUT THERE'S A CATCH

Paying employees well is important, but it's only a part of the compensation package.

Flex-time, job-shares, reduced work weeks, training programs, a solid benefits package, and good vacation policies are all equally important to employees. If the firm takes the initiative and offers courses in stress management, soft skills, parenting tips and other wellness initiatives, then people will feel even more valued.

These frills and extras are all good, but too often there are many people who can't seem to take advantage of them. These employees need to be identified so their workload issues can be addressed. Nobody is productive when they are burnt out or on disability.

Lawyers and managers each need to recognize that offering a world of fringe benefits is useless if staff are not given time and opportunity to enjoy them.

#### ECONOMICS 101: KEEPING THE HELP IS GOOD FOR BOTTOM LINE

The firm invests heavily in its employees when they hire them. They learn your policies, procedures and culture, and it takes time before they are truly productive.

If they are unhappy and leave the firm, then

*Continued on page 11* →



**Mike  
Bowerbank**

## Health & Wellness programs a large part of the solution to law firms' Human Resources puzzle

BY ANTONIO ZIVANOVIC  
CORPORATE OCCUPATIONAL  
SOLUTIONS INC.

Attrition rates are astounding. Recent studies have shown that upwards of 15% of associates are highly mobile and display little long-term loyalty to their firms.

Gone are the days when an associate articles, becomes a partner, and finally retires—all at the same firm.

Data generated in 2005 and analyzed by the National Association for Legal Placement (NALP) indicates that 78% of associates will move to a second firm in their first five years as a professional. The cost to the firm of an associate jumping ship ranges anywhere from \$200,000 to \$500,000, according to Kristin K. Stark, a director with Hildebrandt International. That amount is connected to original recruiting costs, sunken training and development costs, resource shortage and replacement costs, administrative and human resource costs, and other factors. In addition, firms face other non-financial losses as a result of associate attrition, including the potential for client dissatisfaction with turnover and the negative impact on firm morale—both of which can quickly manifest into hard dollar signs if not carefully managed.

What can be done to slow down this rapid “revolving door” in which many professional members of Gen X, Y, and Z find themselves? Fostering retention is a serious fiscal responsibility, and several bottom-line

approaches can be used to address it.

Competitive salaries are offered by many firms to recruit and retain top talent. But with associates leaving six-figure positions in surprising numbers, something more must be going on.

The answer is simple: while money is important to free agents, associates

problems by offering robust workplace health & wellness programs, even though such programs have proven to be lucrative investments.

Addressing rising health-care costs and “presenteeism” losses, retaining recent recruits, and handling aging-employee populations are among the many ongoing tasks of a human-resources department.

Workplace health & wellness programs that foster work-life balance simplify all these tasks, yet some still doubt that providing them could have any economic payoff. Why?

Statistics on the legal industry's top health & wellness programs are not readily available. This doesn't mean that the payoff of achieving work-life balance is mythical; some of the world's most successful companies in other sectors achieve notable returns on spending to promote this balance.

Canada Life Insurance, for example, has shown a return on investment (ROI) of \$7.15 for every dollar invested in health promotion over a 10-year period.

The first five years of the Johnson & Johnson Live For Life program netted over \$1 million in savings. Recent meta-evaluations have cited an average ROI of \$6.30 for every dollar invested in employee health & wellness programs. The numbers are real, and attest to the positive indirect financial results in terms of improved morale, easier recruitment, increased employee satisfaction and productivity, and significantly lower attrition.

With such a good ROI, everyone should consider running such programs: they significantly help associate recruitment and retention, and demonstrate your firm's willingness to truly bring work-life balance to the workplace.

Some firms *Continued on page 8* →

### HEALTH & WELLNESS PROGRAMS MEASURABLE BY RESULTS

*In the previous article, we learned that employee retention can be linked to the positive and progressive attitude of the law firm as well as the cultivation of stellar top-level, or senior-management teams.*

*We were reminded of various perks that both attract and retain employees: competitive or better than average salaries, flex-hours and an excellent benefits package.*

*One perk has yet to gain widespread popularity, the health & wellness program, an essential tool in law firm employee retention—particularly when it comes to associates whose typical departure costs add up to the millions for any given firm in any given year. Not surprisingly, law firms spend hundreds of thousands of dollars on associate recruitment, since such efforts yield tangible results: colourful advertisements in glossy legal journals, interviews with candidates, progress reports and ultimately a new hire.*

*Retention initiatives don't appear to bear the same fruit, hence, less dollars spent. However, the benefits of a successful health & wellness program can be measured, savings can be realized and the bottom line improved. And what, to a managing partner or executive committee is more tangible than profits?*

*We are pleased to present the first of a five-part series that will outline and explore the numerous aspects of planning, implementing, and maximizing a mutually-beneficial health & wellness program in a law firm.*

*If you have any questions about these programs, feel free to contact the author at the e-mail address following this article. — Editor*

also need to know that their firms are interested in having their employees achieve a productive work-life balance. Programs that bring “life” to work are financially smart as well as vital to associate recruitment, retention, and productivity.

#### RETAIN ASSOCIATES INEXPENSIVELY

The legal industry has been slow to address recruitment and retention

→ Health & Wellness: Continued from page 7

provide annual stipends to support associates' healthy-lifestyle efforts. The ROI on this deliverable, however, is difficult to measure. If the goal is to provide an employee perk, then the purpose is well-served.

If, however, the point is to increase adherence or motivation to exercise, thus leading to a healthier lifestyle and better employee retention and productivity, then the success is less obvious.

In articles later this year, we'll explore why the legal industry lags in this potentially profitable area. We will also address what must be done to run a successful health & wellness program in the workplace. Some of the questions we'll examine in this series include:

- ✓ How a law firm can launch a comprehensive health and wellness program;
- ✓ What can be measured for such a program, and what they look like for a firm;
- ✓ When financial returns of such

programs become evident; and,  
✓ The benefits of a truly participatory approach to corporate programming.

**OTHER PATHS TO GREATER BENEFITS**

Other approaches focus on achieving specific results, and lead to greater financial benefits. For example, by strategically targeting a lifestyle-enhancement program, individuals can be diverted from a "disease track," thereby reducing the organization's exposure.

Offering a simple "lunch & learn" session, or a potentially good service supported by little buy-in from senior partners, will not do the job. Championing a health & wellness program is one way to achieve success.

A program can include several approaches, depending on an organization's size, needs and objectives. Here are several specific initiatives that can be used by a progressive firm of any size:

- ✓ Drawing on HR data in structur-

- ing a program;
- ✓ Using a corporate culture assessment tool;
- ✓ Implementing processes to be measured, such as an annual one-hour health appraisal;
- ✓ Aligning employee health & wellness initiatives with corporate business objectives;
- ✓ On-site cholesterol testing (via the "finger poke" method of sticking your finger with a special needle, called a lancet, to get a drop of blood);
- ✓ Health education through targeted wellness seminars;
- ✓ Establishing an employee health & wellness committee;
- ✓ Implementing programs that contain a competitive element;
- ✓ Offering benefit-linked financial incentives.

This list is a good place to start in tailoring a program to an organization's needs, and can be easily implemented via a strategic plan.

Bear in mind that most, if not all, workplace health & wellness initia-

*Continued on page 9 →*

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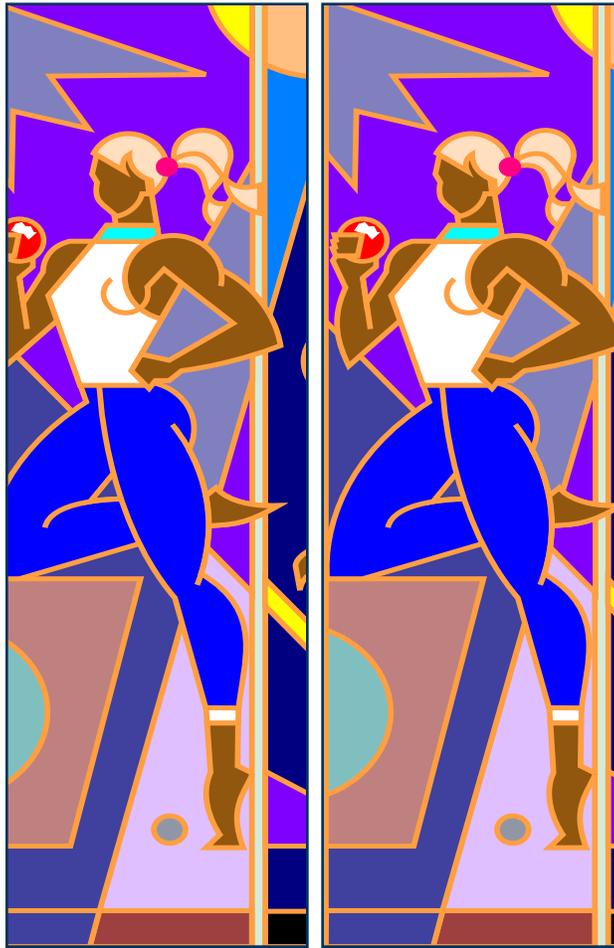
→ *Health, Wellness Can't from page 8*

tives directly or indirectly support employee recruitment and retention. Hundreds of thousands of dollars are spent on recruitment each year, but then most firms go on to under-invest in health-and-productivity management efforts that could retain recruits.

Associates face great pressures in the *BlackBerry* era, and managing the knowledge economy can be stressful. Client expectations of instant-service delivery and greater lawyer mobility are changing the legal industry.

Firms face great challenges in warding off client dissatisfaction in the face of high associate turnover, yet the connection between associate retention and providing a balanced work-life environment is often ignored.

Retaining an associate in a highly mobile marketplace is a challenge, but the challenge



will be reduced when a workplace culture is created that supports associates' personal and professional goals.

#### A CHALLENGE TO THE INDUSTRY

Recall the statistics:

- ✓ 15% of associates are highly mobile and less motivated by long-term firm loyalty;
- ✓ 78% of associates will jump ship in their first five years;
- ✓ Each lost associate costs your firm \$200,000 to \$500,000.

Strategically targeting associate retention means you must address the work-life balance issue genuinely and effectively.

Many associates face real challenges in productively achieving such balance, which can lead to an increased staff turnover rate as well as costly presenteeism losses. Simply providing monetary bonuses will not replace the provi-

*Continued on page 11* →

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# YOU BE THE JUDGE

BY PAULA BUTLER, LAWYER

Here's the case we posed to you last issue, followed by a selection of responses from the members of the BCLMA. On the right is a new scenario for you to judge, and, below it, are instructions on how to let us know what you would do in that situation. Paula Butler is a sole practitioner who specializes in labour and employment law from her office in West Vancouver.

## THE CASE OF TOM & ANDY

Tom is a new employee in the mail room at the firm, in his first full-time job. Andy, a first-year associate, starts chatting with Tom one day and they realize that they share a mutual passion for trail riding. They occasionally meet for coffee and lunch to talk about bikes and bike trips.

On one of their coffees together, Andy puts his hand on Tom's knee and suggests that they get together on the weekend. Tom is taken aback, and quickly mentions that he and his girlfriend are busy all weekend.



Andy's drunk, and Tom is embarrassed and uncomfortable

Andy continues to make overtures to Tom, commenting that Tom must look good in his bike shorts, and suggesting that the two of them do some biking together. Tom is increasingly uncomfortable with this behaviour, but he cannot bring himself to talk to his supervisor about it. Then, Andy gets drunk at a firm social and puts his arm around Tom and starts whispering in and kissing Tom's ear.

You are the firm's Administrator. You see this happen, and see that Tom is embarrassed and uncomfortable.

### What do you do in this situation?

Hi, this is Paula. Only one person wrote in with a comment on this one, which is likely indicative of how uncomfortable this situation makes many people.

While it may be uncomfortable, it is still important to deal with the situation in the workplace. Not dealing with harassment can lead to sick time, Human Rights Tribunal complaints, a decrease of productivity, and many other negative outcomes. Whether the situation involves two employees of different genders, or the same gender, it must be dealt with.

My comments are in italics.

*Continued on page 11* →

*Our new scenario—tell us what you'd do in:*

## THE CASE OF BEATRICE & JIM

You are the Accounting Manager at Dunhill & Gideon, Barristers & Solicitors. Last September, you hired Jim Johnson, a young accounting clerk. Jim reports to Beatrice Allison, who is known to be a tough and demanding supervisor. Beatrice starts complaining about Jim almost right away, saying that he is "slow and lazy." You can tell by Jim's demeanour at work that he is not happy, and that he seems to resent Beatrice. Today, your assistant came in to your office



YVONNE BOGDANSKI

### Beatrice, you and your assistant look at Jim's blog

to tell you to look at a web address which turned out to be for Jim's blog. On the blog, you see that the latest entry is titled "Working at Dumbbell and Idiot, Barristers & Solicitors." The entry is Jim's description of working at a "sweatshop" with a bunch of "boneheads" at "Dumbbell and Idiot." Jim also writes a paragraph about being a "slave" to his "bitch" of a boss, "Beatus Allthetime" who makes his life miserable. It is clear to you that anyone associated with the legal community would know exactly who Jim talking about.

### What do you do in this situation?

## HOW TO BE OUR JUDGE

This feature of Topics, compiled by Vancouver lawyer Paula Butler, is designed to get you thinking about workplace scenarios that might happen—or have happened—to you.

Read the case above, aimed at challenging your management ability. Then, click here <<http://www.BCLMA.org>> to go directly to the BCLMA website. On the home page, click on the **Respond to Topics Scenario** button to arrive at the You Be The Judge response form. Describe how you would answer the question at the end of the scenario. **Submissions are 100% anonymous. Neither sender's name nor the firm's name will be revealed to the editors—only your response.** Next edition, we'll print a selection of your anonymous responses—and provide a new scenario.

→ Beatrice & Jim – Continued from page 10

**RESPONSE: A DIFFICULT AND DELICATE SITUATION**

This is such a delicate situation. I wouldn't even know where to start. Help!

*This is a delicate situation. However, it should be dealt with in the same way that any situation involving unwanted sexual advances is dealt with.*

*Your firm has a legal obligation under Human Rights legislation to provide a workplace free from sexual harassment; ignoring what you have seen is not a good idea. To begin with, it is important to determine whether Tom really was uncomfortable with Andy's behaviour.*

*Speaking to Tom is a good first step. If Tom is uncomfortable, and would like Andy to stop his behaviour, you can offer Tom three options:*

- ✓ *Coach Tom to help him approach Andy to voice his concerns;*
- ✓ *Sit down with Tom and Andy and assist Tom in voicing his concerns; or*
- ✓ *Speak to Andy directly and ask him to stop the behaviour.*

*Once Tom has chosen an option, you will need to ensure that action is taken. If the behaviour continues after Andy has been spoken to, a more formal approach will need to be taken.*

*If your firm has a harassment policy, it will likely provide a process for further action.*

*If your firm doesn't have a policy, it would need to be addressed like any other potential disciplinary situation: the facts regarding what has occurred need to be determined.*

*If the harassment continues, Andy would receive a written warning, and perhaps harassment-sensitivity training, to ensure that the behaviour stops.*

**It is important to determine whether Tom really was uncomfortable with Andy's behaviour.**

**LOOK AT OUR NEW SCENARIO**

Your comments help all of us better understand our workplace.

Don't forget to read the *Case of Beatrice & Jim*, our scenario for this issue, on page 10. Let us know your suggestions about how you would solve that workplace problem, and we'll provide your comments in the next issue of *Topics*. #

→ Health & Wellness: Continued from page 9

sion of on-site health & wellness services.

Suppose your firm was able to improve retention by just 10% in 2008 by implementing a workplace health & wellness program. Imagine the huge savings that would accrue.

It's time to invest in human capital and health & wellness, and follow the example of leaders in other industries. #

*Antonio Zivanovic is President of Corporate Occupational Solutions Inc., a workplace health & wellness services provider. Prior to launching his own firm, Antonio was a consultant for leading public and private sector firms across Canada. Visit his website at <<http://www.cosinc.ca>>; or e-mail him at [antonio@cosinc.ca](mailto:antonio@cosinc.ca)*

→ Employee retention: Continued from page 6

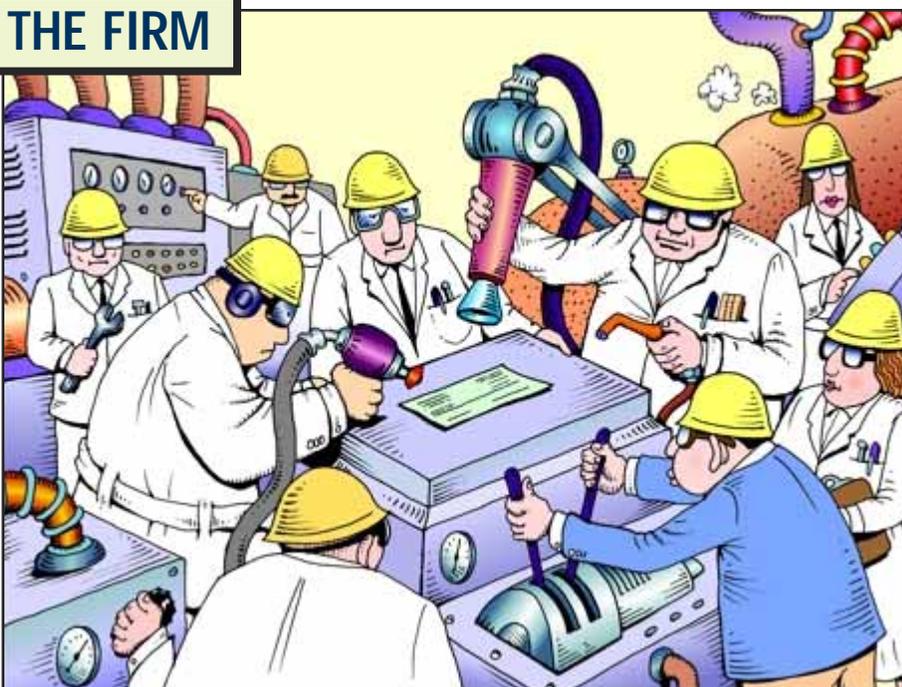
the firm has just lost an asset in which they invested. In order to get a return on that investment, then just like any other investment portfolio, you have to adapt to changing conditions in the marketplace, and continue to invest to make your asset grow. Invest in your employees and they, too, will grow and generate greater returns for the firm through productivity gains and reduced turnover.

As managers and administrators, we need to remember that our job is to provide a service to our clients. *Our* clients are the lawyers and staff, and it is *our* mission to make them feel respected, heard and supported.

From the managing partner down, the firm's attitude is key to employee retention. Unless firms are willing to live—and not just talk—the philosophy of treating employees well, they will continue to see their revolving doors spinning around and around.

Consider the recommendations presented here, and hopefully the only turnovers you see are from a bakery. *Bon appetit!* #

**THE FIRM**



JOHN PRITCHETT © 2008

**"As a matter of fact, Accounting is working on your cheque now."**

# Marketing tips and ideas, from Palmer to Aristotle, offered at marketing events

**BY STEPHANIE CORNELL  
FASKEN MARTINEAU**

The Marketing Sub-Section enjoyed a Fall Blitz as three events were scheduled in the final quarter of 2007.

A special cocktail reception took place on October 18 at the Terminal City Club. Members were asked to attend with a guest from outside the legal industry but someone whom all members would benefit from meeting, such as a graphic designer, a public relations consultant, a CMO, or an advertising agent—someone who could offer additional knowledge and expertise about our mutual marketing initiatives but from the corporate world.

Attending the event was a benefit to the guest since each had the opportunity to make lucrative business development contacts inside the legal industry in a comfortable setting.

It was a quaint group, but I've learned that each attendee went on to schedule meetings with one another as a result of the introductions made that evening. There was a lot of

positive response about the event, including from those who were unable to attend on that particular date, so it may be something the sub-section looks at doing again, albeit with a larger group, this spring.



Carrying on the theme of harvesting marketing knowledge from outside of the legal framework, it was the BCLMA's distinct pleasure to welcome Frank Palmer of DDB Canada to speak with members at the offices of Fasken Martineau in October.

As founding member of what was once known as Palmer Jarvis, Frank Palmer is the most "winningest" individual in Canadian advertising today.

Between clips of ads and commercials that some in the room were surprised to learn were hatched right here in Vancouver, Palmer quoted Aristotle and discussed various keys to success.

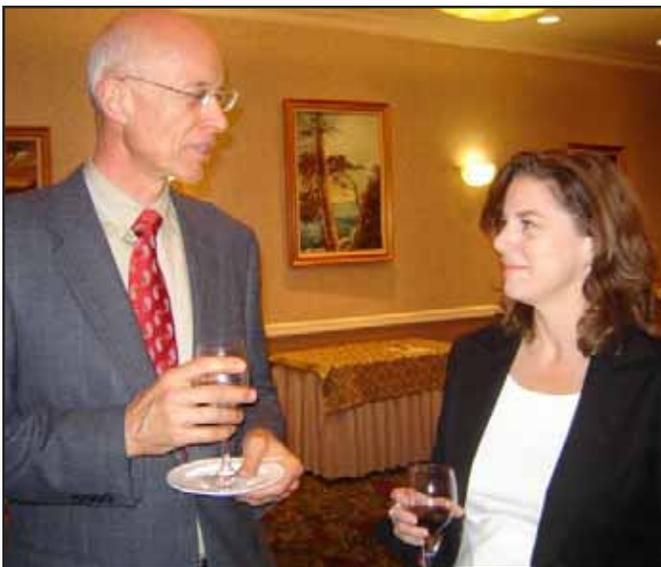
✓ *Be Creative* Creativity can bring magic to any marketing or advertising initiative; don't be afraid to embrace it. Be ready to prepare several concepts to your decision



**ARTISTOTLE**  
"We are what we repeatedly do. Excellence becomes a habit."

committee. While one or two options may be safe routes, one concept should be outside the box. Your firm may not be accustomed to it, but you never know what idea might actually interest a partner, and become a winning idea.

✓ *Go For It* Don't sell yourself short. Take chances. *Continued on page 13* →



**AT THE COCKTAIL RECEPTION:**  
Doug McKegney of GEM Communications Inc. with Carol Hastie of McCarthy Tetrault



**ALSO AT THE COCKTAIL RECEPTION:**  
Allison Wolf of Shiftworks; Gary Mitchell, GEM Communications Inc; and Dorothy Sitek, Weber Shandwick

→ *Marketing – Continued from page 12*

In so doing, be prepared to be rejected, but don't take it personally. It's all part of the process.

- ✓ *Cultivate Relationships* Not only are we in the business of messages, "We are in the business of relationships, and what we produce is a by-product of trust," Palmer said. It is through our relationship development with our internal clients—partners, management committees—that we come to understand their objectives and goals. A keen understanding will enable us to develop and deliver their message.



In November, Vancouver Canucks CEO Chris Zimmerman addressed BCLMA members at the Pacific Palisades Hotel.

Zimmerman has a strong corpo-

rate marketing background. He was President and CEO of Nike Bauer Hockey, General Manager of Nike Golf as well as US advertising director for the Nike brand. Prior to that, he was Senior Vice President at Saatchi & Saatchi, the New York-based advertising agency.

Like Palmer, Zimmerman also talked about messages, and outlined a three-step process of successful messaging.

- ✓ *Focus* Once you have determined your message, simplify it. Package it in a way that will be easy for your audience to understand and absorb.
- ✓ *Listen* We need to listen to our audience, our clients and our suppliers. Each one has a need that we can satisfy—if we take the time to listen and understand.
- ✓ *Communicate* The world of communication today is undeniably cluttered: newspaper and magazine advertising, billboards, pub-

lic-transportation signage, TV commercials, Internet, blogs, voice-mails, e-mails, text messages, flyers.... How will your message break through the clutter? Think of unique ways to engage your audience. Make it count.

Once your message breaks through, think about the ways in which you can then attract your clients to spend more time with you and your brand. Relationship creation and development is integral to any marketing plan.



Audience members posed a common question of both guest speakers: *How do you get buy-in?* But what we are all learning as legal marketers is that there is no golden egg.

There is no secret formula from the corporate world that we can use to convince partners or committees of our vision of how their message should be conveyed.

The success of an NHL CEO or award-winning advertising executive cannot be attributed to an elusive method to which we have not been made privy. The only common denominator is to try, or to quote a famous phrase, "If at first you don't succeed, try, try again."

Not everyone will like every one of our ideas every day of the week, but the fact that we are in a position that allows us to exercise our imagination and flex our creative muscle is some-

*Continued on page 14 →*



Frank Palmer



Chris Zimmerman

## MAKING THE MOVES...

**J**eff Mousseau is the new Administrator at Mandell Pinder... and Anita Parke is the new Human Resources Manager at Thorsteinssons.

*er... Facilities & Services:* Rita Koivunen of Stikeman Elliott... *Trainers and Knowledge Management:* Linda Gobbo of Boughton Law Corporation; Trish McCully of Lindsay Kenney.

## NEW SUB-SECTION LEADERS

**F**inance: Gurjinder Sandhu of Alexander Holburn Beaudin Lang; Wendie Berthelott of Whitelaw Twining; Anita Matkovic of Harris & Company; Corinne Paulin, Oyen Wiggs Green Mutala... *Marketing:* Carrie Innes and Carrie Yada both of Alexander Holburn Beaudin Lang... *Human Resources:* Lily Pollard of Whitelaw Twining; Jennifer Robinson of Lang Michen-

## NEW FIRMS & MEMBERS

**W**e welcome the following Full Members and Member Firms to the association: Holly Luc of Sangra Moller LLP... Lisa Dawson of Oyen Wiggs Green Mutala... Mr. Laurie Yaworksi of Davis... Jennifer Leong, Office Administrator for Grossman & Stanley... Allison Bissicks of Lando & Company... and Susan Spalding of Owen Bird. ■

## Holiday Party's 115 attendees made it 'outstanding success'

Like the membership surveys says, the BCLMA likes to party! As usual, the annual BCLMA Holiday Party was an outstanding success. We had the highest attendance ever this year, with more than 115 members, sponsors and guests. Guess we'll be looking for a bigger venue next year!

Everyone mixed and mingled during cocktail hour before filling tables



**HAVING A GREAT TIME WITH FRIENDS**  
Wendy Fister, formerly of Lang Michener, with BCLMA Marketing Chair Stephanie Cornell

for the pre-set menu. Doug Ausman, BCLMA President welcomed everyone, thanked our sponsors and wished us all a safe and joyful holiday season on behalf of the association

Co-sponsored by Dye & Durham and Hub International, the dinner was held at Bridges at Granville Island.

Many people went home with door prizes courtesy of our generous sponsors, as well as additional gifts from ZSA and the BCLMA. ■■



**MANAGING FOR FUN AT HOLIDAY PARTY**  
Barb Marshall and Knowledge Management Chair Greg Christensen, both of Fasken Martineau, with Finance Co-Chair Lesley Morgan of Harper Grey



**THREE IS NOT A CROWD**  
Wayne Scott, Alexander Holburn; Jay Cathcart, Farris; and Spencer Hartigan, Miller Thomson

### → Marketing – Continued from page 13

thing to embrace and appreciate. The fact that we continually dust ourselves off and march back in for another round says something about our tenacity. And when our idea is bought, produced and celebrated, there is our prideful moment that reminds us of our passion for marketing.

### RECRUITING

Please note that we are seeking a Marketing Sub-Section Leader.

Consider making a contribution to the BCLMA, particularly your marketing colleagues.

You will continue to promote a group of dynamic marketing professionals as well as develop your own skills in a leadership role.

You will plan and execute four

to six events throughout the year, each with the purpose of providing members with opportunities for learning and networking.

You will also work closely with the BCLMA Executive on an annual business plan for the sub-section.

If you have questions or would like to discuss further, please contact me. I look forward to hearing from you. ■■

*Who was it that said:*

## Insight into citations brings harmony

BY PETER MORGAN  
MORGAN:NEWS

If there's one thing that a law firm's administrative managers, legal administrative assistants and marketing staff have in common with judicial staff, it's a deep and abiding interest—maybe even a love/hate relationship—with citations.

They even have similar reasons for this interest/concern/love/hate: ensuring the citations they imbed in bulletins for lawyers, key articles published by the firm for marketing reasons, as well as in court judgments, are both correct and handle the trade-off between brevity and accuracy.

A citation is like a life-preserver ring aboard a ship: you don't pay any attention to any of them until you need to use one. And then it's sink or swim.

Those in the biz know exactly how useful they are, although they puzzle most non-legal people, mostly because the people of the legal profes-

sion have a jargonized method of writing them that's much different from most citations in the rest of the civilized world. Legal citations, for instance, usually omit the author's initial, place of publication and publisher's name to save space.

Are citations useful? Is it important to do them right? You bet. Let's say you find a 10-year-old briefing memo that seems similar to the case a lawyer in your firm is working on, and it talks about, say, a specific judgement that, particularly in litigation situations, can save everybody on the current case a whole lot of work, time and effort—if you can only find the actual reference.

In fact, the citation even saved the authors of the memo some work, time and effort, because they need only detail a particular sentence or clause in the original reference, and not incorporate the whole background aspects of the document.

The citation, in use or when it's being created, may have its own particular jargon, but its mandate is to

accomplish at least three things: identify the reference document and where, in that document, the material being quoted originates; give the reader—and that's not you—enough information to track down that document in the sources the reader has—and those are practically guaranteed to differ from the sources you, the author, have; and provide enough information to convince the reader the document is worth finding. And it may be the reader is separated by considerable time and place from where you are.

These are the key principles to keep in mind as you decide what information to include, and what to exclude, when you're drafting a specific citation.

Tradition, which really tends to hone the way citations have developed over the centuries of use here in Canada, the US and the UK, prompts the development of a citation to even communicate, by what is not in the citation, by its presence or absence, of how far the reader needs to search to get to the good bits.

It might list, for instance, a particular judgement on a particular page in a particular book by listing the book to make the citation short, but not include the subsequent updates to that book (which often change the page numbering, or even drop the case altogether). Adding an update listing with its different page number, meanwhile, can mean more people may be able to quickly find the judgement because they have the update, but not the original.

Accuracy is a key component, of course. Citing a page that's off by even one number is as frustrating as being given a phone number that turns out to be wrong by one digit. A reader hoping to save themselves a lot of effort is left deeply frustrated because it's quite likely they'll not be able to connect with the information—at all.

And that means not only accuracy in the original typing of the citation, but ensuring the accuracy remains the same through the various iterations of the → *Continued on page 16*

### INTERNET AND BOOKS AVAILABLE FOR CITATION TECHNIQUES AND EXPERTISE

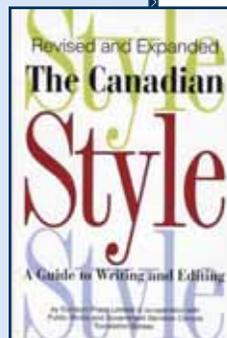
**T**he Internet, as a handy public place, is only about 10 years old, and there is, as a result, no consensus on how to cite electronic documents, particularly since many documents are ephemeral on it, almost by definition, or at least their location can be.

But there are now several printed guides and Internet sites that can provide guidance.

One of the best Canadian compilation sources of citation guides on the 'Net is at the University of Alberta Library <<http://www.library.ualberta.ca/guides/>>. There is also The Canadian Style; A Guide to Writing and Editing, Revised and Expanded, from Dundurn Press, which contains about a page of common examples of legal citations depending on

the work referenced.

The International Standards Organization has published ISO 832 (second edition, now), to cover citation abbreviations and a whole lot more, but you have to pay for it when you order it. One of the best free locations is Cornell University's Basic Legal Citation web portal, which is located at <<http://www.law.cornell.edu/citation/index.htm>>. The work there was first compiled in 1993 and has been periodically updated, with the latest to occur earlier this year. There's also the 18th edition, now, of The Bluebook. Both are widely used in the US.



document as it moves from draft to final, or is repurposed from paper to database, to web use.

Virtually all legal writing deals with persuading a reader to your point of view so you also have to ensure the citations don't get in the way of that. Not only can the lack of accuracy bite the reader, it can roll back down to you, as the citation's author.

The one thing you do not want to experience first-hand are the ripple effects of the comments by a Court of Appeal Justice who was following the complex logic of a lawyer's brief and turned to a reference citation at a critical part of a case, only to discover the citation turned out to contain a typo that effectively broke the train of thought.

Another major component of citations is the shorthand used for standard references.

There are standard abbreviations—SCR is Supreme Court Reports, or United States Code is USC, for example—that are designed to work on the trade-off between brevity,

the ideal of a citation, and sufficient reader information, which is another, conflicting ideal. There are also traditions of typography and grammar that must be learned, or taught: a comma goes here, a semi-colon there, italicize this, but not that.

The basics each citation author needs to quickly master are those for today's national case reporters, those for federal and provincial or territorial laws and regulations, and those that report regional cases.

Another is to ensure that if you feel you're sufficiently comfortable in abbreviating references, or the types of references, also ensure you're consistent about it, or you'll irritate careful readers who are trying to decide if your version of "Sustainability", which might be "Sust." in one citation, and "Susblty" in another, is really the same thing.

Citations are also like extras in a movie. When you're reading a legal brief, it's easy to be focused on the brief's discussion points, and not see the citations at all. But movie producers or directors develop a habit as they become more experienced, in

seeing what the extras are actually doing, even while the main actors are taking up almost the full screen. Experienced readers of legal information pause now and then to mentally follow a reference through, envisioning themselves tracking down the reference, for no other reason than it keeps them sharp.

Fortunately, for some—not so for others—there are no citation police. There are, of course, some local court rules about citations and how they should be constructed, and not following them can produce some quick trouble.

But, generally, violate a rule of citation tradition and there are no immediate repercussions: no jail cell awaits, no fine is imposed, no axe will fall, no blood shed. Readers far away in time and space can do nothing but silently—or loudly—curse you and your mangy descendants.

But do it consistently and nearby readers—those who are proofreading your work, or those who rely on the citation, like the lawyer at the Appeal Court, will begin to take note as their irritation flares. ■■

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President: *Doug Ausman*

## WHO WE ARE:

The BCLMA, founded in 1972, is a non-profit organization with 95 Full Members and more than 220 Sub-Section Members across B.C. It is the BCLMA's goal to provide educational opportunities for our members, to enhance skills as legal administrators and to provide professional and personal benefits to the members and their law firms.

## MEMBER SERVICES:

- ✓ Opportunities for members to network with other law firm administrators are provided by events such as our annual Spring and Winter social, or monthly sub-section meetings. We host an annual managing partners luncheon.
- ✓ Our job bank offers Members information on potential employment opportunities.
- ✓ The discussion section on our website allows our members to quickly get questions answered with advice from others who may have faced similar situations.

The best way to get involved is to become a part of the BCLMA.

## NEWSLETTER SERVICES:

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