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## Overcoming a Common Fear: Public Speaking

By Megan McAllister, National Director of Human Resources for DLA Piper (Canada) and BCLMA Chair of HR

Public speaking is one of those fears that so many people have in common. While I am not sure this is true (and I hope it's not), I have heard that some people fear public speaking more than death!

I was certainly one of the people for which this has been true - the fear of public speaking part, that is! I am a shy person and throughout my school and professional career, public speaking has been something that has made me feel nervous. This applied even when speaking to a relatively small audience - anything I perceived to be "in the spotlight" was outside of my comfort zone.

That said, I would describe myself as having a "functional" level of fear - i.e. I would engage in "public speaking" as required. While I had opportunities for practice, I would find myself having nerves leading up to the event(s). Further, I never used the opportunities that I had as a tool to increase my comfort level - I would get the event over

with, and tended to avoid anything that would put me in the spotlight until I was required to do something again.

I also declined opportunities, even when I felt torn. The one that probably made me feel the worst is when I refused to do a speech as maid of honor at my best friend's wedding. Lucky me she is an understanding friend. It still doesn't feel good to know that you are letting a fear get in your way.

Having spent my career in law firms, my model for public speaking is lawyers - people whose career demands them to be persuasive and eloquent speakers. Many enjoy the spotlight and pride themselves on being able to perform in high pressure and high profile speaking

situations. Seeing many of our lawyers speak at work events, they deliver inspiring, funny and motivating speeches or serious calls to action, all seemingly without much effort and minimal nerves. Although not intentional, this frame of reference led me to impose a high level of expectation on myself: If I can't speak at that level, maybe I just won't.

That said public speaking was something I wanted to work on. Great speakers have an opportunity to connect to, inspire and influence others. When I think of leaders that I most greatly admire, oftentimes they are strong speakers. Being honest with myself, I knew that I was letting my discomfort hold me back from developing my potential in an important and powerful leadership skill, relevant to both my personal and professional life.

About 1.5 years ago, I joined a public speaking club. I had attempted this a few times before over the years, but always dropped

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### Who We Are

The BCLMA, founded in 1972, is a non-profit organization with 190 Firm Representatives and 360 Affiliates across BC. It is the BCLMA's goal to provide educational and networking opportunities, to enhance skills as legal administrators and managers, and to provide professional and personal benefits to its registrants.

### Member Services

The BCLMA provides opportunities to network with other law firm administrators and managers at annual Spring and Winter socials, and monthly subsection meetings. We host an annual Managing Partners Event, and a large conference every other year.

### Submissions

If you have an article or story idea you would like to submit, please email Sunita March at [smarch@cfmlawyers.ca](mailto:smarch@cfmlawyers.ca). Please note that our prescribed article length is 1000 words. All submissions will be subject to review by the editorial board.

### Newsletter Services

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# SOUNDING BOARD

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out ... always right before I actually had to do any speaking! This time was different. I attended as a visitor a number of times, then I started signing up for the various roles, smaller to larger, and, eventually, I started doing speeches. The club is an extremely supportive environment - there are people of all speaking levels and abilities, attending for many reasons: people at a high level in professional careers, entrepreneurs, new students, immigrants and retirees. One thing I love most about my club is the diversity of the group and interests, but the strong and powerful common thread: people committed to their own personal and professional development, even in the face of their fears. I have watched people with a strong aversion to public speaking face their fears and come out the other side to be incredibly proud of themselves. I am regularly inspired in club meetings and there is support, mentoring and coaching happening at all times amongst members. I often leave these meetings feeling uplifted and excited.

Through this club, I have learned my areas of strength and areas that need development. I now experiment with speeches of different tones and messages - I started with serious speeches but recently tried a funny story about something that happened to me on the way to work. I learned that my sense of humor is something that can resonate with an audience ... although there is still room for improvement with my comedic delivery!

While my "technical" speaking skills have been developing, surprisingly, that has not been the biggest area of development. My biggest lesson learned, by far, has been that I had been imposing a perfectionist standard on myself. The ultra-supportive environment of the club has allowed me to let that perfectionist standard go and in doing so, I have unlocked my potential.

If you are interested in gaining more comfort in public speaking, I highly suggest you consider a club or course. It's one of those skills that, while you can study or read about it, the only way to really improve is to practice. Being in a supportive environment of people can be the comfortable cushion to help you launch. If you are not ready to join a club, think about the opportunities you have in your daily life and work environment to practice this skill: using your voice in meetings at work, BCLMA meetings, volunteering to introduce external speakers, lead internal training sessions or do



The BCLMA provides many valuable advantages to its member firms: education, networking, mentoring and professional development opportunities. In addition, surveys produced by the Association give key insights into the practice of law in the province of British Columbia.

Those who have participated in the annual Law Firm Economic Survey, performed by Baker Tilly WM LLP (formally Wolrige Mahon LLP), understand the impact of being able to benchmark your firm against other participating firms. We have been fortunate to have a good cross section of our membership participate in the Law Firm Economic Survey, so the results are meaningful to regional firms of all sizes. Some of the information you will see is:

#### **The ranking of your firm with relation to:**

- Fee revenue per lawyer and equity partner
- Total expenses per lawyer
- Net income per lawyer and equity partner

#### **Key economic factors:**

- Expense as a percentage of fee revenue
- Computer and IT costs per lawyer
- Occupancy costs as a percentage of fee revenue
- Office space per lawyer
- Accounts receivable turnover
- Accounts receivable over 90 days as a percentage of fee revenue
- Average billable hours per lawyer
- Marketing costs per lawyer

The survey is free of charge to our members and the results are completely anonymous, so while your information is used to benchmark, it is not disclosed to any other firm.

We encourage all member firms to take advantage of this important annual survey. The questionnaires will be available on April 3, 2019, with the option to choose either the regular questionnaire for firms with 20 or more lawyers, or the modified version intended for smaller firms. The more firms who participate in this survey, the more value there is in the results generated.



toasts at family gatherings. There are probably lots of low risk and low effort opportunities around you if you look for them.

Now, instead of speaking only where I am required, I volunteer myself for opportunities even when they scare me ... especially if they scare me. It's a very empowering feeling to know you are leaning into the things that make you feel a little uncomfortable.

And if you are wondering, yes, I still get a little nervous when I do any sort of speaking. The difference is I now know how to move through those nerves by processing them as excitement for another opportunity and privilege to connect with people. I do the best I can, and can shake it off if I have an (inevitably human) imperfect delivery.



*Megan McAllister is the National Director of Human Resources for DLA Piper (Canada) and the Chair of the HR sub-section of the BCLMA. She is passionate about personal development and inspired by people who do things outside of their comfort zone in the name of growth.*



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## Why It's OK to Show Personality in your Marketing

By Darian Kovacs, Founding Partner of Jelly Marketing

“Play it safe” and “Don’t rock the boat” are two phrases often told to marketers by their clients or bosses. And, in this day of zero-to-crisis, it’s easy to understand why they would not want to push the boundaries (or the public perception of their company) too far.

However, the refrains to play it safe from stakeholders tend to lead many marketers to contract their ideas too far. Their refrains aren’t saying that we cannot or shouldn’t show some personality in our marketing, it just means they haven’t bought in all the way to where your original idea took them.

Let’s think about this in a different way. If you walk into a store looking for advice on a product and the store clerk has a bored, disinterested expression and greets you with no more than a grunt, how likely are you to spend your money there? If I were a betting man, I’d hazard a guess that 90% of people would walk out of that store having not purchased a single item, including the one that they walked in to find out about.

On the flip side, one of the most beloved brands, Starbucks, is not afraid to show personality, both online and in-store. In fact, stepping through the threshold of almost every Starbucks, you’re bound to be met by two things; the sweet aroma of freshly brewed coffee and an even sweeter smile and welcome from a barista. It’s a part of the service and is deeply ingrained in their training, which states:

As a Starbucks Barista, you will provide legendary customer service to customers with quick friendly service, high quality beverages, and a clean, relaxed environment. With every cup of Starbucks comes service that will make a human connection, from you, to your customer.

Meanwhile online, the Seattle coffee company’s development team has been working hard creating automated social media chatbots, including the ever-popular @TheRealPSL, which is best known for its lighthearted responses to the brands’ enthusiastic fan base.

Of course, there’s another brand that has been causing hype over the past couple of years for showing an abundance of personality online - that company is fast food chain, Wendy’s. Facing increasingly tough competition and declining market share, their goal when starting the Twitter Beef campaign was to continue to disseminate the message that their burgers were “fresh and never frozen” as well as improve in store sales of burgers by 1.4%.

The campaign was more successful than they could have imagined, though. On more than one occasion their snapbacks to competitors, like McDonald’s, made the news cycle in

a positive way and became a case study for universities and social media courses across North America.

According to WARC, they exceeded their projections, too. The brand increased sales of their premium hamburgers by 2.8% for the first time in over a decade, propelling them from sixth to fourth on the Quick Service Restaurant Sales Rankings. Brand recognition that their burgers were fresh and never frozen gained, too. Millward Brown's brand health tracker showed that recognition of Wendy's fresh burgers gained 11 points with a four point increase in the belief that their hamburgers are built with higher quality beef.

Of course, these are brands with huge marketing budgets so it can be a little unfair to compare to the average business. But showing personality doesn't mean having to make a big splash, it can be as simple as showing off who you are to the world. My agency, Jelly Digital Marketing and PR, recently had to answer this question when we decided to shut down our social media after years of the status quo. Digging deep, we wanted to play on the theme of what we give and take from the world; boiling that down further to innovation, inspiration, and ideation. If you want to know what this looks like, follow our Instagram page.



*Darian brings over 15 years of experience in marketing, communications and public relations. Throughout his career, he has also been a founder and board member of various foundations and charitable organizations. Through his award-winning company, Jelly Marketing, Darian has worked with various local, national and global brands building and executing on their digital & PR strategy.*

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## MEMBER SNAPSHOTS



**JOYCE ANOYO**

**When did you join BCLMA?**

10 years ago.

**Where do you work?**

Fasken (RICOH).

**Where did you vacation last?**

New York.

**Where were you raised?**

I was born and raised in Manila, Philippines.

**Favourite wine under \$20?**

Blue Mountain Pinot Blanc.

**Favourite lunch spot?**

At the office in our staff lunch room.

**Favourite restaurant?**

Minato Japanese Restaurant.

**Favourite or most recent movie?**

My favorite movie is *Love Affair* (Warren Beatty and Annette Bening).

**Best thing about working in the legal industry?**

The people that I work with and meeting different types of people.

**Something surprising about you?**

That I am a collector of English Tea cups.

**How do spend your spare time?**

Spend time with my family.

**Favourite BC day trip?**

Harrison Hot Springs and Whistler.



# Employment Standards Reform and Law Firms as Employers

by Preston Parsons, Associate Lawyer at Overholt Law

All law firms are accustomed to navigating the ever-shifting legal landscape in service of their clients across a variety of practice areas. It is not only their clients' needs that require legal advice however. As businesses themselves, law firms must also keep abreast of changes to the law that affect their own internal operations, including their legal responsibilities as employers.

It is widely expected that the BC Government will introduce amendments to the BC Employment Standards Act (the "Act") this year. What can we expect from this? A recent report from The British Columbia Law Institute (the "BCLI") sheds some light on what may be on the horizon.

In the fall of 2018, the BCLI completed an independent, non-partisan review of the Act and produced recommendations to modernize it. While some amendments to the Act were enacted recently to extend employees' leave periods, it has been over 20 years since the last major review of the Act. During the past 20 years we have seen significant changes at the workplace, including technological disruption, expansive remote access to work, the "gig economy", more flexible work schedules, and so forth. The Act presently reflects a relatively static and dated

view of the workplace; it has not kept up with the realities in many instances of the modern workplace.

The BCLI's recommendations are influential and offer a preview of the direction in which the BC Government may take the law. Its recommendations are numerous and broad in scope, covering everything from further amendments to special leave provisions, to amendments to the Employment Standards Branch's administrative penalties and enforcement procedures. Of particular interest to legal employers are the BCLI's recommendations regarding overtime and shift schedules. Some examples include:

## 1. 24-HOUR NOTICE OF CHANGES TO SHIFT OR WORK SCHEDULES

The BCLI recommends that the Act be amended to restore a provision requiring 24

hours' notice to employees of a change to a work schedule, subject to certain exceptions, and recommends that employees who do not receive this notice may refuse to report to work.

## 2. CHANGES TO AVERAGING AGREEMENTS AND ALTERNATE WORK SCHEDULES

The BCLI makes several different recommendations with respect to averaging agreements under the Act. Averaging agreements are currently used in some workplaces to supplant the ESA's default provisions regarding hours or work and overtime.

## 3. VOLUNTARY AGREEMENT TO MAKE UP TIME OFF

In the same vein as the recommendations about alternate work schedules, the BCLI recommends that the Act be amended so that an employee can voluntarily work up to 3 hours in a pay period to make up for time off in that pay period, without the employer needing to pay overtime.

If passed into law, the recommendations may require firms to adjust existing policies and payroll procedures. For law firms with part-time staff who may be asked to come in on



short notice, the BCLI's recommendation of 24-hour notice of changes to shift or work schedules could require management to make staffing choices further in advance.

The suggested amendments are not all bad for employers however. The BCLI notes throughout its report that there are areas in the current Act that fail to recognize the practical reality of the modern workplace, and do not match with the actual conventions followed by employers across the board. The possibility of amendments reflecting a more flexible, modern approach to work could benefit employers, particularly where amendments to the Act provide more solid legal footing for those employers currently operating precariously outside the bounds of the Act. Amendments that encourage the use of averaging agreements, alternate work schedules, and a more holistic approach to overtime hours could introduce increased flexibility in how law firms are permitted to schedule their non-lawyer staff based on their operational needs. In particular, legal employers dealing with international clients or time-sensitive transactions may benefit from considering increased flexibility and alternate work schedules for support staff and administration.

It is indisputable that comprehensive reform of the Act will affect law firms as employers. Firms are advised to keep their ears to the ground throughout 2019 so they can be ready for changes to the Act that may come into force with relatively short notice. A proactive approach to managing the changes will minimize administrative disruption associated with ensuring compliance and minimize the risk of future liability and expense for management.

Stay tuned for further updates on the Act as 2019 unfolds.



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## Is Your Organization Addicted to Recruiting?

By Michael Timms. Originally published on Avail Leadership website

An addiction is a “behavior for which the rewarding effects provide a compelling incentive to repeatedly pursue the behavior despite detrimental consequences.” Organizational addictions may be even harder to spot than personal addictions because, by definition, organizational addictions are cultural norms. When “everybody’s doing it,” addictions don’t look that bad. That’s precisely what makes the addiction to recruiting so insidious.

### A FAMILIAR DISCUSSION

Before I break down the components of recruiting addiction, see if you’ve ever heard this conversation between a hiring manager and an HR professional in your organization:

**Hiring Manager:** I need you to find a highly trained, senior specialist for my department.

**HR Advisor:** Which intermediate specialists in your department are prepared to take on greater responsibility?

**Hiring Manager:** Nobody.

**HR Advisor:** Nobody?

**Hiring Manager:** Nope, none of my intermediate specialists have the technical skills to step up.

**HR Advisor:** You currently have three senior specialists. Have they been regularly training your intermediate specialists to fast-track their development?

**Hiring Manager:** The intermediate specialists come to them when they have questions, but the senior specialists are too busy right now. I can’t afford to pull them off real work to train others.

---- 3 months later ----

**HR Advisor:** You’re never going to believe this, but our recruiter just told me that she convinced a senior specialist from one of our competitors to consider taking a position with us!

**Hiring Manager:** No thanks. That

competitor uses a totally different process than we do. It would take him a year just to unlearn our competitor’s process before he’d be useful to me.

**HR Advisor:** Perhaps we should begin focusing our recruiting on hiring junior specialists and training them so we will have intermediate and senior specialists in the future who are trained in our unique process?

**Hiring Manager:** The senior specialists are too busy right now. I can’t afford to pull them off real work to train others.

And the cycle continues....

### THE RECRUITING ADDICTION CYCLE

Many organizations today are totally unaware that they are caught in a desperate and detrimental cycle. They are addicted to what is considered to be “the quick fix” of recruiting. Virtually every time they have a vacancy, they are forced to look outside the company to find top talent because they don’t have qualified employees who can step up. Why? Because they don’t effectively develop their people.

When good people within the organization time and again get passed over for promotion by external candidates, they become bitter and either a) mentally check out, or b) look elsewhere to advance their career. When the company needs to hire qualified senior people, what do they do? Because they don't effectively develop their own people, the only option available to them is to once again hire someone from outside the organization and perpetuate the cycle. These organizations are, in a very real sense, addicted to recruiting.

### DETRIMENTAL CONSEQUENCES OF ADDICTION

If you recall the definition of addiction, it involves a compelling incentive to repeat the behaviour regardless of "detrimental consequences." In the case of a recruiting addiction, the compelling incentive is the apparent quick fix to fill a vacancy. Except recruiting is anything but quick. Most key hires take at least 4 – 6 months to fill; some take longer than that. Then the new hire has to learn the key elements of the position and the culture of the organization. This lost time represents a massive opportunity cost. (Read THIS ARTICLE to learn how to calculate that lost opportunity cost for your organization.)

Here are some of the other detrimental consequences of being addicted to recruiting:

- Creates a bottleneck to organizational growth.
- Low employee engagement when employees repeatedly get passed over for promotion by external hires.
- Higher turnover occurs when these disenfranchised employees leave to advance their career elsewhere.
- Low productivity ensues, resulting from lack of effective training and development and lack of employee engagement.
- Institutional knowledge is lost as people retire.
- Higher recruiting costs as the salary of external hires is 20% more on average than salaries of existing employees.

Like all addictions, repeating the behaviour both reduces options as well as obscures the remaining options available. Like the gambler who feels he needs to keep gambling to make up for previous losses, organizations often feel that, because they don't have any internal candidates, the only option available to them is focus more



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## Call for Submissions

Do you have an idea for an article that you think would benefit BCLMA members? Are you itching to put pen to paper (or more likely fingers to keyboard) or do you have an article that you have already written that you'd like to share? We are always looking for submissions!

If you have an article or story idea you would like to submit, please email Sunita March at [smarch@cfmlawyers.ca](mailto:smarch@cfmlawyers.ca). Please note that our prescribed article length is 1000 words. All submissions will be subject to review by the editorial board.



energy on recruiting! The reality is that there is an alternative to the costly addiction to recruiting.

### RECRUITING ADDICTION RECOVERY

The key to successfully recovering from recruiting addiction is to believe and understand that there is an alternative. Some of the key findings from the research for my book *Succession Planning That Works* is that world class organizations

- a) put their people first
- b) have a people strategy
- c) this strategy revolves around developing their people.

World-class organizations focus their recruiting on entry-level positions and have a disciplined process to develop their people up through the organization. And, this is key, their people-development process is not run by HR. The executive team itself owns the responsibility for people development throughout the organization. HR may help support the process, but the process is led by the entire executive team, or a subset of the executive team known as the People Committee.

## RECESS



At last he had found the Regulatory Guidelines.

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Establishing a people-development process takes time and effort, but it is so worth it. Imagine if, when a senior position needed to be filled, the hiring manager had several qualified candidates to choose from among their own internal team of employees. Imagine if promotion criteria were consistent across the whole organization. Imagine that these promotion criteria focused on soft skills such as taking accountability for results and requesting and acting on feedback. This is how things work in world class organizations.



*Michael Timms is a leadership development consultant who helps organizations create a culture of people development. He is the author of the book Succession Planning That Works.*

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**GREG HOLUBOWICZ**

**When did you join BCLMA?**

On and off since 2005.

**Where do you work?**

Kornfeld LLP.

**Where did you vacation last?**

Europe.

**Where were you raised?**

Poland.

**Have you lived abroad?**

I spent a couple of years studying in Sweden.

**Favourite wine under \$20?**

Cabernet Sauvignon - J Lohr Seven Oaks 2016.

**Favourite lunch spot?**

A roller blade around Stanley park that includes a stop at a hotdog vendor.

**Favourite restaurant?**

Black+Blue.

**Favourite or most recent movie?**

*Hunt for the Wilderpeople.*

**What's a must-read book?**

*The Drifter* / Nick Petrie.

**Best thing about working in the legal industry?**

The people.

**Something surprising about you?**

I've been in the tech industry for nearly 25 years.

**How do spend your spare time?**

Breaking a sweat, especially by bicycle.

**Favourite BC day trip?**

Garibaldi Lake.

**What movie describes your life?**

*Office Space.*



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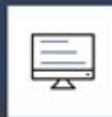
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## Fixed-term Employment Contracts: Are They a Good Idea?

By Nicole Howell, Partner at HHBG Lawyers Employment Justice

Why have a fixed-term contract? Employers often want a fixed-term contract because:

- A) They cannot afford to hire a permanent employee;
- B) The work is for a specific project or a set time period (e.g. a maternity leave replacement);
- C) They want to avoid any severance obligations.

Employees may want a fixed-term contract because they believe it gives them job security for a guaranteed term of employment.

### PITFALLS

The reality is that fixed-term contracts are misunderstood.

For employers: Absent an (enforceable) early termination clause, employers are liable to pay out the balance of the fixed-term contract. Moreover, these amounts are payable even if the employee finds another job right away (unless the employee's duty to mitigate is specifically stated).

Often, the project for which the fixed-term employee was hired runs for longer than anticipated or the maternity leave coverage is extended. If the fixed-term contract expires and the employee continues working without a new contract, they automatically revert back to their common law entitlement to reasonable

notice. This ranges from one to 24 months, based on an employee's age, position, length of service, and chances of re-employment.

When employers implement a series of successive, fixed-terms contracts over a period of time for an employee, a court will likely conclude the employee is under a contract of indefinite hire (and therefore entitled to reasonable notice) regardless of the language of the agreement.

For employees: The news isn't much better for employees. The job security the employee envisioned with a fixed-term contract is false; employers can terminate their employment at any time. If the fixed-term contract contains an (enforceable) early termination clause, then an employee's entitlement to severance will be limited to the provisions of the early termination clause. The only way an employee benefits from a fixed-term contract is where there is no early termination clause or where the employer relies on an early termination clause that turns out to be unenforceable.

### A CASE LAW EXAMPLE

In *Howard v. Benson* 2016 ONCA 256, John Howard, a 57-year-old sales development manager at an automotive service centre, had a five-year fixed term contract with an

early termination provision. The termination clause provided as follows:

Employment may be terminated at any time by the Employer and any amounts paid to the Employee shall be in accordance with the Employment Standards Act of Ontario.

Two years into the five-year term, the employer terminated the contract without cause and sought to rely on its early termination clause. There were two problems with the termination clause:

- A) It was not clear whether the term "any" in "any amounts paid" meant that the payments could be discretionary;
- B) It was not clear whether "amounts paid" included commission, bonus, and benefits or just base salary.

As a result, the court found that the termination clause was unenforceable. There was no duty to mitigate stipulated in the contract and so the employee was paid out the balance of his five-year contract which was three years. *Howard v. Benson* has been cited and followed in several recent B.C. Supreme Court decisions.

### TAKEAWAYS

Avoid fixed-term contracts. The *Howard v. Benson* case is a cautionary tale for employers because the employer in that case did

have an early termination clause, but it turned out to be unenforceable.

Employers are often trying to manage or minimize risk. The use of fixed-term contracts simply creates more risk in our fluid work environment. Employers should always ask themselves, "Why do we want a fixed-term contract?" In most cases, you simply don't need one.

#### IF YOU DO NEED A FIXED-TERM CONTRACT:

- A) Ensure you have an enforceable early termination clause;
- B) Consider the need for a clear statement of the employee's duty to mitigate; and
- C) If the contract needs to be extended, address this in writing before the fixed-term expires.

#### IF NOT FIXED-TERM CONTRACTS, THEN WHAT?

Employers are better off using a contract of indefinite hire with a clearly worded termination clause that effectively contracts out of the employee's common law right to notice.



Nicole Howell is one of the founding partners of HHBG Lawyers - Employment Justice. <https://hhbg.ca/team/nicole-howell/>

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## BCLMA Upcoming Survey Schedule

*Associates Salary Survey*

Distribution: March 4, 2019 - Publication: April 3, 2019

*Law Firm Economic Survey*

Distribution: April 3, 2019 - Publication: June 10 - 14, 2019

*Staff Ratio Survey*

Distribution: May 1, 2019 - Publication: May 31, 2019

To view the complete BCLMA survey schedule

Log on [www.bclma.org](http://www.bclma.org) and click on the Resources tab.

## Veggie Quiche with Swiss Chard

A super simple dish, with lots of veggies. Serve it for dinner with a salad and have leftovers for lunch the next day. It's definitely worth a try!

Serves 6-8

### Crust:

- 1/2 cup whole wheat flour
- 1 cup grated Cheddar cheese
- 1/2 teaspoon dry mustard
- 1/4 cup butter
- Pinch of salt

### Filling:

- 1 tablespoon olive oil
- 1 cup onion, finely chopped
- 1 clove garlic, minced
- 2 cups broccoli florets, cut into 1 inch pieces
- 1 carrot, diced small
- 1 cup red bell pepper, diced small
- 1 bunch Swiss chard, stems removed, coarsely chopped, about 4 cups
- 5 large eggs
- 1 cup milk

- 1/2 cup cottage cheese
- 1/4 teaspoon salt
- 1/4 teaspoon ground pepper
- 1 cup feta cheese
- 1/2 cup parmesan cheese
- Pinch of cayenne pepper (optional)

Preheat oven to 350 degrees F.

Crust: In a bowl combine flour, cheese, salt, and mustard together. With fingertips rub in butter. Press into a quiche pan or 10" pie pan.

Filling: Heat oil in a skillet over medium-high heat. Sauté onions and garlic until soft, about 5 minutes. Add broccoli, carrot, red bell pepper, and sauté about 5 more minutes until tender crisp. Add Swiss chard and cook, tossing often until



just wilted, about 2 minutes. Cool slightly.

In a bowl whisk together eggs, milk, cottage cheese, salt, pepper and cayenne. Add cheeses, and then onion mixture. Pour into crust and bake 50-60 minutes or until the eggs are set.

*Barb Kemp is a food educator and passionate home cook who believes food is the foundation of good health. She writes a blog, a Newsletter and offers online courses for the everyday home cook. Visit the Recipes To The Rescue Website for more information.*



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## The Era of Law Firm Regulation

By Pelar Davidson, CPA (CGA) Financial Controller at Oyen Wiggs Green & Mutala LLP

A new era for lawyers and the Law Society of BC began in May: law firm regulation. Six years after amendments were made to the Legal Profession Act to pave the way for law firm regulation and a month after the Benchers adopted new rules and rule amendments, law firm regulation came into being.

Protection of the public is the primary mandate of the Law Society. In the past, this meant protecting the public from lawyers who were incompetent or “guilty of professional misconduct, conduct unbecoming the profession or a breach of [the]... Act or rules.”<sup>1</sup> Now, this protection applies to law firms as well. How such a scenario will play out has yet to be determined.

However, it is the Law Society’s hope and expectation that law firm regulation will reduce the number of complaints being made against lawyers and law firms. This reduction would result from law firms adopting policies and procedures that ensure “compliance with regulatory requirements.”<sup>2</sup> In this way, problematic practices can be dealt with proactively instead of after-the-fact, as is now the case with the regulation of lawyers.<sup>3</sup>

The Law Society rule changes map out the process that will be used to regulate law firms. For instance, Rule 2-12.2 requires that all law firms register. Registration started in May and is now complete for existing law firms. As part of that registration process, law firms were required to nominate a practicing lawyer at

the firm to be its “designated representative,” per Rule 2-12.5. That representative’s responsibilities include the requirement to “respond, promptly and completely, to any communication from the Society.”<sup>4</sup>

While Rule 2-12.3 requires law firms to complete self-assessment reports, as directed by the Executive Director, only the group chosen to take part in the law firm regulation pilot project has been required to complete the Law Society’s self-assessment tool<sup>5</sup>. That pilot project is designed to help the Law Society “evaluate the functionality and accessibility” of the Law Society’s self-assessment tool, which itself is designed to help “firms to evaluate their practice management systems and firm culture.”<sup>6</sup> At the conclusion of the pilot project, Law Society findings will be reviewed by the Benchers, who will then determine next steps.

Until those next steps are determined, BC law firms can get a head start on law firm regulation by reviewing current practices to ensure compliance with Law Society rules and other regulatory requirements. Law firm regulation will focus on “advertising, client relations,

accounting, conflicts of interest, and file and records management,”<sup>7</sup> so these would be good areas to focus on.

Ultimately, the Law Society plans to develop educational resources designed to assist law firms with developing practices, policies, and procedures that will comply with regulatory requirements, such as the Law Society rules. In the meantime, under the Support and Resources for Lawyers section of the Law Society’s website, there is a robust list of resources. Under the Act Rules and Code section there are links to the Legal Profession Act, the Rules, and the Code of Professional Conduct. Forms, such as the new Requisition form, can be found under the Member Services section. Documents geared toward setting up a law firm can be found under the Law Office Administration section.

Now would also be the time to start educating staff about the Law Society’s rules and other regulatory requirements.

Law firm regulation is here to stay. It started with registration and the designation of a law firm representative. In the future, it will mean completing the self-evaluation tool, which could lead its designated representative to question some of the firm’s current practices. Before that time comes, it would be a good idea to review law firm policies and procedures to ensure that they are in compliance

with all necessary rules and regulations. It's a big job, but it's necessary. Hopefully, when all law firms have engaged in this process, it will result in a reduction in errors that lead some lawyers on the disciplinary path.

#### Footnotes

- <sup>1</sup> Legal Profession Act, subsection 26(1)(a).
- <sup>2</sup> "LSBC: Law Firm Regulation: Consultation with the Profession," *Law Society of BC*, 2016, page 11, (accessed 20 August 2018).
- <sup>3</sup> "LSBC: Law Firm Regulation," page 5.
- <sup>4</sup> Law Society Rule 2-12.5(4).
- <sup>5</sup> "Spring 2018 Benchers' Bulletin," *Law Society of BC*, 2018, page 5.
- <sup>6</sup> "Spring 2018 Benchers' Bulletin," page 8.
- <sup>7</sup> "Spring 2018 Benchers' Bulletin," page 5.



*Pelar Davidson, CPA(CGA), financial controller at Oyen Wiggs Green & Mutala LLP, a firm devoted to intellectual property law, has over thirty years' accounting experience in the legal industry. As a founding*

*PCLaw Users' Group member and an active BCLMA member, Pelar appreciates the educational role that both organizations play in the industry.*

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**CHRISTINE DRAG**

**When did you join BCLMA?**

Three years ago.

**Where do you work?**

Kahn Zack Ehrlich Lithwick LLP.

**Where did you vacation last?**

Cinque Terre, Italy.

**Where were you raised?**

Born in New Westminster, and grew up in Port Coquitlam, BC.

**Favourite wine under \$20?**

Santa Margherita Prosecco (Best part about visiting Italy!)

**Favourite restaurant?**

El Santo (New Westminster, BC).

**Favourite or most recent movie?**

*A Star is Born* (Be prepared for a few tears).

**How do spend your spare time?**

Run half & full marathons - most beautiful one being in Maui!

**Favourite BC day trip?**

Wedgemount Lake, Whistler (beautiful for a day trip or overnight hike).



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