TOPICS

SPRING 2020

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BC Legal Management Association

Informed Opinions on Legal Management

How to Get Along with People You Don't Like P1

Choosing Sources of Information Carefully is Critical to COVID-19 Mental Well-Being P6

Building a Successful Law Firm P13

Underperforming Employees: How to address them P20

How to Get Along with People you Don't Like

by Robin Turnill, Founder, Pivot HR Services

Did you know that the average adult spends more than one-third of their life at work? For many of us, this means we spend more time with our co-workers than we do with our own family and friends. And just like with families, we don't always get along.

Today's workplace is diverse – in some organizations people in their teens are working with people in their 70's, and people are working with others from all over the world - resulting in different languages, cultures, beliefs and values. Even without this diversity, the reality is that personalities will clash, opinions will differ, and work styles won't always mesh. There may be times where you find yourself wishing that some of your co-workers would find another job or disappear into the abyss, but that doesn't exactly solve your problem. Like it or not, you can't choose the people that you work with, and so it is important to learn how to get along.

IS IT THEM...OR IS IT ME?

The first question you may ask is: How do I get along with someone I find difficult to be around? Now, before you go pointing any fingers, take a moment to pause and reflect on what may be causing the conflict in the first place. What has been your role in creating the tension? How are you responding to it? Remember that we all have our faults and due to our own attribution bias we often have the tendency to blame our own mistakes on external factors and other people.

But what happens when you become convinced that it's not you, and really is the other person? Working with someone who irritates you can have a negative effect on your emotions, not to mention your work.

The first step is to recognize what pushes your buttons. Co-workers can drive you crazy, but only when you let them. What is it about your co-worker that you dislike? Do you hate it when people interrupt you during meetings or when they forget to follow up on emails? Reflect on what triggers your emotions and consider letting the other person know what's on your mind. There is a lot to be said for making people aware of our preferences, as often people are not bclma

BC Legal Management Association

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Knowing that you are in it together to achieve shared goals for the betterment of your organization, how do you work alongside someone you find difficult to be around?

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Who We Are

The BCLMA, founded in 1972, is a non-profit organization with 180 Members and 550 Firm Representatives and 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.

Newsletter Services

Topics is a public newsletter. Contact the Editorial Committee to provide comments on articles, to offer suggestions for articles in future issues, or to augment the circulation list. We welcome your feedback! Please send comments to membership@bclma.org.

Submissions

If you have an article or story idea you would like to submit, please email Heather Orchison at general@bclma.org. Please note that our prescribed article length is 1000 words. All submissions will be subject to review by the editorial board.

aware that they are pushing your buttons and are not doing it intentionally. When you decide to initiate the conversation, choose a private place to have the discussion, and remember to concentrate on the issue, not the person. Stay away from "you" statements, such as: "You never respond to my emails." Instead, try the golden "I" word, like so: "I really appreciate hearing back after I send emails as sometimes my work gets bottlenecked if I don't get an answer".

TAKE A BREAK

If you need space when things get heated, take it. In stressful situations our prefrontal cortex, the part of our brain used for decision-making, logic and emotional response, starts to shut down. During this time, we can lose any and all sense of rationale, as our emotions take over. In times like this, it is important to remember that it's OK to disconnect from the other person emotionally and separate yourself from the situation. A step outside may be all it takes to keep you from overreaction. In times where leaving the situation is not possible, take some deep breaths to relax your body. If it's a situation you will want to address with the other person, time is a great healer, so if you can wait 24 hours before responding, that is best.

BITE THE BULLET EARLY

Whenever possible, do your best to bite the bullet early. Early intervention can help to ensure that workplace tension doesn't intensify and worsen. Often, suppressing emotions will only lead to an explosion; dealing with the issue when it is minor is best.

FIND A COMMON INTEREST OR TWO

People have the tendency to like others who are similar to them, so try to connect on a personal level and find commonalities between the two of you. Maybe you both like the Canucks, or you both have kids around the same age. When we are able to find commonalities between one another, this often leads to increased liking and understanding of each other. That can be the path towards changing our mindset about issues that bother us about colleagues at work.

SET BOUNDARIES

As Robert Frost once said, "good fences make good neighbours", so set boundaries early on. If you are someone

WELCOME & KUDOS

New Member Firms and their Representative

Kristina Di Tomaso, **Beck Robinson & Company**, Vancouver
Dustin Marnell, **Horne Coupar LLP**, Victoria
Bettina Ng, **Kolb Law Corporation**, Vancouver
Mimi Kuhl, **Kuhl Law Corporation**, Burnaby
Terry Ford, **Sabatino Law Corporation**, Surrey

New Representatives for Existing Member Firms

Christina Barszczewski, **Brawn Karras & Sanderson**, Surrey
Nour Salman, **Cameron IP**, Vancouver
Fadi Yachoua, **Embarkation Law Corporation**, Vancouver
Kevin O'Connell, **Engineers and Geoscientists BC**, Burnaby
Jon Harding, **Harper Grey LLP**, Vancouver
Debra Peters, **KazLaw Personal Injury Lawyers**, Vancouver
Derrick Li, **Lawson Lundell LLP**, Vancouver
Lisa Sanders, **Magellan Law Corporation**, Langley
Thomas McLachlan, **Reed Pope Law Corporation**, Victoria
Christopher Coe, **Virgin Hickman**, Vancouver

New Individual Members

Sarah Kuchka, **Alexander Holburn Beaudin + Lang LLP**, Vancouver
Neall Ireland, **Alexander Holburn Beaudin + Lang LLP**, Vancouver
Annette Leung, **Alexander Holburn Beaudin + Lang LLP**, Vancouver
Michelle Huesmann, **Bennett Jones LLP**, Vancouver
Nancy Kao, **Bennett Jones LLP**, Vancouver
Jennifer Farrell, **Borden Ladner Gervais LLP**, Vancouver
Stephanie Lintunen, **BTM Lawyers LLP**, Port Moody
Jennifer Clinton, **Cassels Brock Blackwell LLP**, Toronto
Stephanie Ye, **Dentons Canada LLP**, Vancouver
Lynda Wendland, **Dentons Canada LLP**, Vancouver
Kathleen Cummins, **Dentons Canada LLP**, Vancouver
Levan Khoupenia, **DLA Piper (Canada) LLP**, Vancouver
Veronica Liu, **DuMoulin Black LLP**, Vancouver
David Naples, **Farris LLP**, Vancouver
Amber Walker, **Fasken**, Vancouver
Maria Baracaldo, **JFK Law Corporation**, Vancouver
Aryanna Hartley, **JFK Law Corporation**, Vancouver
Simone Songer, **Koffman Kalef LLP**, Vancouver
Jeff Kuhl, **Kuhl Law Corporation**, Burnaby
Lynn Maitland, **LeBeau Law Corporation**, Coquitlam
Lisa Mather, **Lindsay Kenney LLP**, Vancouver
Arlene Walker, **Mair Jensen Blair LLP**, Kamloops
Katy Davis, **McCarthy Tètrault LLP**, Vancouver
Jennifer Thompson, **McCarthy Tètrault LLP**, Vancouver
Elizabeth Young, **Miller Titerle Law Corporation**, Vancouver
Sowgol Torani, **Miller Titerle Law Corporation**, Vancouver
Rachel Rabey, **Nathanson Schachter Thompson LLP**, Vancouver
Kalynda Hampshire, **Nixon Wenger LLP**, Vernon
Malavika Thomas, **Osler Hoskin & Harcourt LLP**, Vancouver
Michelle McCloskey, **Osler Hoskin & Harcourt LLP**, Vancouver
Shaunna Quigley, **Osler Hoskin & Harcourt LLP**, Vancouver
Jath Jao, **Paine Edmonds**, Vancouver
Laverne Hamilton, **Ratcliff & Company LLP**, North Vancouver
Ivy Su, **Roper Greyell LLP**, Vancouver
Marnie Hambleton, **Singleton Urquhart Reynolds Vogel LLP**, Vancouver
Meghan Denslow, **Slater Vecchio LLP**, Vancouver

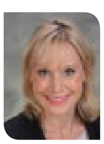
who doesn't like being interrupted when you are in the middle of something, or prefers not to socialize outside the workplace, let others around you know. Setting clear boundaries and respecting the boundaries of others is a great way to build healthy working relationships.

SEEK HELP

If you've tried the trusty methods for working effectively with someone you don't particularly like and you keep running into challenges, it may be time get some outside perspective and assistance. Consult your HR Department if you have one, seek the advice of a mentor or trusted advisor, or see if your organization would support you in speaking with an external coach or HR professional. An external professional may be able to facilitate a much-needed discussion between you and your colleague(s).

KEEP THE BIG PICTURE IN MIND

No matter what issue you may be facing with people in your organization, it can help to keep the big picture top of mind. You are there for a common purpose – for example, providing services and helping clients. Knowing that you are in it together to achieve shared goals for the betterment of your organization may help keep those annoyances at bay. And who knows? A new lunch buddy may just be found.



Robin has over 20 years of executive, management and consulting experience in both the public and private sectors. She is the founder of Pivot HR Services, a firm that provides strategic HR services to many large local clients in the health, education, legal, utilities, financial, and transportation industries. Robin has a Masters Degree in Human Resources Management from York University, a Bachelor of Arts Degree in Psychology from the University of British Columbia, a Post-Diploma in Human Resources Management from BCIT, and holds her designation as Chartered Professional in Human Resources (CPHR).

WELCOME & KUDOS

Nicole Felser, **Stikeman Elliott LLP**, Vancouver
Robyn LaPlante, **Stikeman Elliott LLP**, Vancouver
Erin Taylor, **Thorsteinssons LLP**, Vancouver

Retired

Jennifer Leong, **Grossman & Stanley**, Business Lawyers, Vancouver
Maureen O'Leary, **Jeffery & Calder Trial Lawyers**, Vancouver,
Luke Pathyil, **Lawson Lundell LLP**, Vancouver
Sheila Noftall, **Mair Jensen Blair LLP**, Kamloops

Ernie Gauvreau, Gowling WLG

Ernie Gauvreau has been in Legal Administration for 38 years. He started his career in Edmonton and Calgary and then moved to Vancouver in 1992 to join Ratcliff & Company. He moved onto Richards, Buell Sutton in 1999. Ernie was recruited in 2005 to join Gowling WLG from where he will retire after 15 years.

Ernie has been a long-term supporter of BCLMA (formerly VALA) and a member for 28 years. He served as a director on the BCLMA board for a number of years and was president in 2006-2007 and again in 2011-2012. While at the helm Ernie proposed to the board that they hire someone to help with the increasing administration. The association was growing, and volunteers had trouble keeping up. An administrative assistant was hired part-time which quickly grew to full-time as the number of firm members climbed.

On behalf of the members and the Board of Directors we would like to thank Ernie for his years of dedication, support and commitment to the BCLMA.

Choosing Sources of Information Carefully is Critical to COVID-19 Mental Well-Being Says Mental Health Commission of Canada

Reprinted with permission from The Mental Health Commission of Canada

In the midst of COVID-19, it is increasingly difficult to avoid the bleak headlines and bright-red news banners. Staying informed is, after all, one way many of us try to win back a semblance of control. But while it's natural to seek information about this unfolding public health crisis, we must also take steps to protect our mental health.

With guidance from Dr. Keith Dobson, clinical psychologist and professor at the University of Calgary, the Mental Health Commission of Canada has compiled the following tips to help Canadians protect their mental health as they strive to safeguard their physical well-being and that of their loved ones.

1. UNDERSTAND THE FIGHT-OR-FLIGHT RESPONSE

It's normal to feel anxious in the face of a threat. Our body's fight-or-flight response is designed to keep us safe by heightening our response to perceived danger. Part of that response is the release of stress hormones, which increase heart rate, blood pressure, and overall alertness.

The brain is continuously seeking new informational cues to re-assess the threat level. Unfortunately, if we bombard ourselves with COVID-19 details, headlines, and images, we reinforce the threat signal and perpetuate the stress response. Remember, the information we allow in will affect how we feel - and we should monitor that intake with care.

Because of the impact stress has on our body's immune system, managing it during a pandemic is critical to the success of strategies designed to reduce contagion or the severity of the illness.

2. BE SELECTIVE ABOUT NEWS SOURCES

Where we seek information matters! Credible sources, such as the Public Health Agency of Canada and the World Health Organization give us plain facts to counteract the sensationalism and fear-provoking imagery found in the news media. Updates from neighbours or other kinds of hearsay are more likely to include selective attention to fearful cases and stories.

Carefully choosing our sources is the best way to ensure accuracy. While there is plenty of fact-based content on social media, because of the way it works it is also much more likely to turn hearsay into misinformation. The facts - as fluid as they may be - are essential to facing the situation appropriately.

3. CONSIDER THE PRACTICAL VALUE OF THE INFORMATION

Not all information is created equal. When we see images of workers in hazmat suits, empty streets, and armed guards, our brains detect a threat and react accordingly. Unfortunately, these images don't have a lot of value, as they convey very little meaningful or useful information. Where possible, focus on the facts in the story, not the extraneous details or peripheral images.

4. DON'T DISCOUNT THE POWER OF LANGUAGE

When the media reports that rates of infection are "skyrocketing," for example, it can trigger more anxious feelings than if they'd said "increasing." Although it may be difficult, it's important to see through the sensationalistic language and focus on the message and the practical takeaways. If a particular news source uses a lot of alarmist language, consider avoiding that outlet altogether.

5. SET BOUNDARIES ON NEWS CONSUMPTION

With such a rapidly evolving situation, it can feel like even a few hours without an update will leave us in the dark. But while the information about COVID-19 is constant, it is also highly repetitive. The more often we receive information, the more it will play on our minds, and the more difficult it will be to disengage.

So try limiting your updates to between one and three designated times per day. In the interim, make a concentrated effort to place your attention elsewhere. When it's time to re-engage, it won't take long to catch up.

For more detailed information and general precautions regarding COVID-19, please visit:

Law Society of British Columbia

British Columbia Center for Disease Control

Worksafe BC

World Health Organization

RECESS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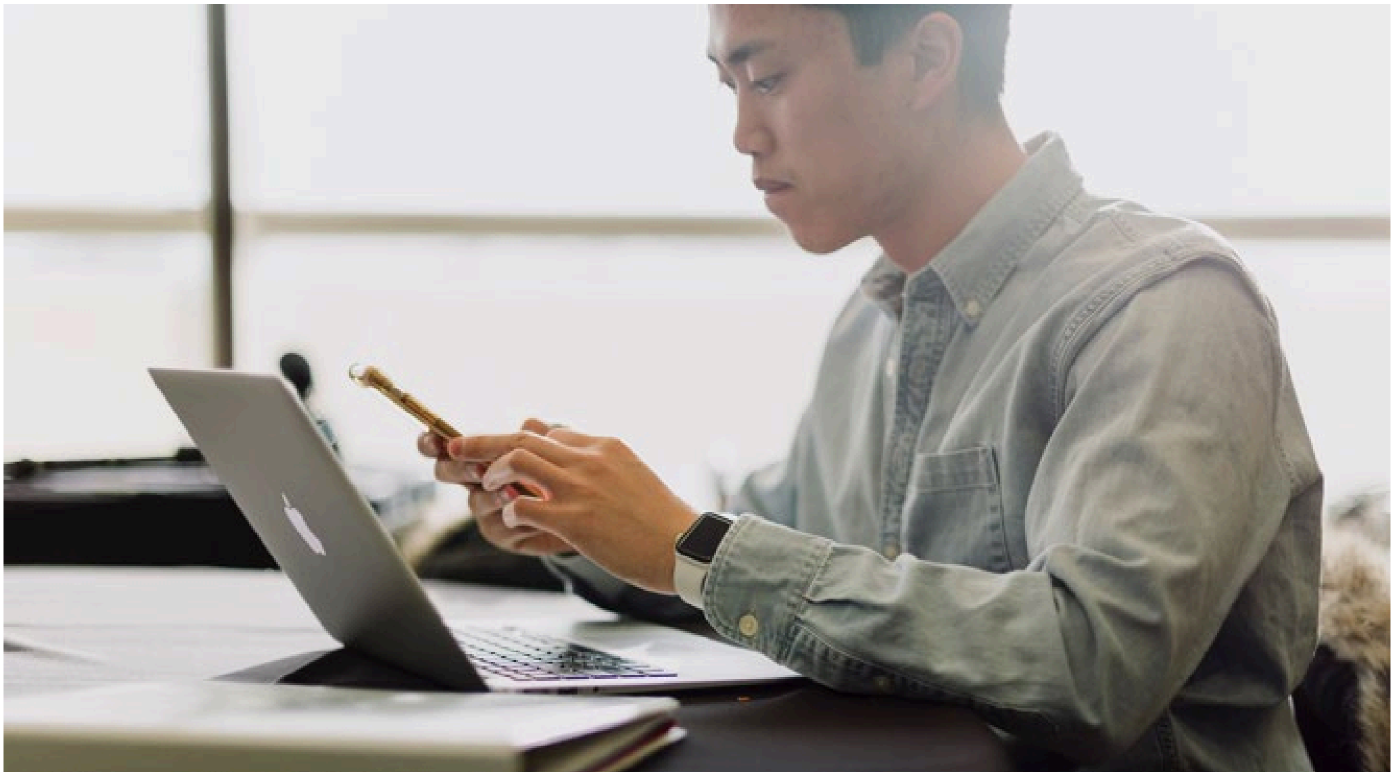


Law Firm Regulation – Update

By Pelar Davidson CPA (CGA)

Will your law firm be selected by the Law Society of BC to self-assess in 2021? If not, your firm will be required to complete its self-assessment in 2022 or 2023. That is, so long as your firm is not exempted by Rule 12-12.1(2), and the Law Society of BC follows the timeline laid out by its law firm regulation task force.

At this point, you might ask "what is meant by self-assessment?" Self-assessment is the requirement that each law firm in BC complete the Law Society of BC Self-Assessment Report. Self-assessment is the second phase of law firm regulation (the first phase having been law firm registration and the nomination of representatives by each BC law firm). The process of completing this report is intended to ensure that each firm reviews its practice management systems in light of existing rules and regulations (such as those found in the Legal Profession Act, the Code of Professional Conduct for British Columbia, and the Law Society of BC Rules).

While this latest phase of law firm regulation began in 2018, with the selection of BC law firms to participate in a pilot project, law firm regulation has been years in the making. Well before the 2012 amendments made to the Legal Profession Act, which gave the Law Society the authority to regulate law firms, the Law Society was considering law firm regulation as a means to address deficiencies in law firm policies and procedures. The notion was that if law firms were operating with internal processes and policies that were compliant with existing rules, some of the complaints brought to the Law Society's attention might be eliminated. At its core, law firm regulation represents a shift from reactive to proactive regulation.

In order to ensure that the goal of proactive regulation is met, the Law Society prepared an online self-assessment "tool," made up of the Self-Assessment Report and a Workbook, which was tested by the pilot project. As part of the pilot project, completion of the Self-Assessment Report was mandatory and use of the Workbook was optional.

The Self-Assessment Report used in the pilot project had eight parts, referred to as "elements", that focused on the following core areas: management, client relations, confidentiality, conflicts of interest, records management, fees and disbursements, financial management, and diversity. For example, Element 7, Ensuring Responsible Financial Management had as its objective: "Establish mechanisms to minimize the risk of fraud and procedures that ensure compliance with Law Society accounting rules". The remaining elements had equally descriptive titles and objectives.

Each element was broken down into "indicators," defined by the Law Society as "key aspects of firm practice which support the objective". Each of these indicators were written in the form of a question, which was to be answered using the following four-point scale:

1. Policies and processes have not yet been developed

2. Policies and processes are under development but not all are functional

3. Policies and processes are in place and are functional

4. Policies and processes are fully functional and regularly assessed and updated.

One of the indicator questions, Indicator 1 of Element 7, was: "Are policies and processes in place that ensure that client funds received in, and withdrawn from, trust accounts are properly handled?"

The Workbook, consisting of a list of "considerations" and "resources" tailored to each indicator question, was included to assist law firms with answering these questions. The "considerations" were defined in the Guidelines as a "more detailed list of the types of policies, procedures, processes, methods, steps and systems that a prudent law firm might employ", while the "resources" were defined as links to relevant materials that could assist a firm "establish or improve their policies and processes".

After the completion of the pilot project, the Law Society's law firm regulation task force drafted recommendations, all of which were adopted by the Benchers at their October 2019 meeting. This paved the way for Recommendation 1, the "profession-wide implementation of the self-assessment process".

Acceptance of these recommendations also set the timeline. In 2020 the self-assessment report will "undergo... modifications to improve its format, functionality and content, including revising the rating scale, adding a goal setting component... and requiring firms to review the material contained in the Considerations and Resources sections". While 2020 will be the year that the self-assessment tool is reviewed and revised, it will also be the year that the Law Society's resources are updated so that in 2021 when the first third of BC law firms is required to self-assess, they will have comprehensive resources to refer to.

When law firms complete their Self-Assessment Report, they can rest assured that the completion of this report is for educational purposes and that their answers will not be used in the disciplinary process. Specifically, Recommendation 2 states that self-assessment is “educational in nature,” so information gathered through the self-assessment process “will not be used as evidence in, or to inform the outcome of, a disciplinary action or proceeding”. This position is reaffirmed by the Law Society in its post on law firm regulation: “information provided to the Law Society by firms in their self-assessment report will not be used in the disciplinary context.” Further, Recommendation 7 stipulates that materials prepared by the Law Society to assist lawyers with preparing policies and procedures, will not be “prescribed.” Instead, the Law Society may develop “sample policies and procedures as part of the expanded set of practice resources that will be made available to all firms”.

In 2027, after two self-assessment cycles are complete, the Law Society will spend the year evaluating the self-assessment process and, on the basis of that evaluation, will “make evidence-based recommendations to the Benchers about future phases of law firm regulation”.

2027 is a few years off, but 2021 is just around the corner. Even though the self-assessment package used in the upcoming self-assessment cycle will differ from that used in the pilot project, BC law firms could use 2020 to assess their internal policies and processes against the pilot project self-assessment tool (which is available on the Law Society’s website).

However, with the unknown consequences of the COVID-19 pandemic, the Law Society could decide to delay implementation of this phase of law firm regulation.

Pelar Davidson, CPA (CGA), is the financial controller at Oyen Wiggs Green & Mutala LLP, a boutique intellectual property law firm in downtown Vancouver. She is an active member of BCLMA, enjoys writing for the BCLMA TOPICS newsletter and for her blog, www.bclfa.com.

MEMBER SNAPSHOTS

ROB SMITH

How long have you been a member of BCLMA?
5+ years

Where do you work?
Gowling WLG

Where did you vacation last?
New York

Where were you born and where did you grow up?
Small town in Manitoba - Neepawa

Have you ever lived abroad?
Yes in Sydney, Australia for 8 years

Favourite BC day trip location
South Okanagan

What are you currently reading or what would you recommend as a must read?
Princes of Ireland

In my spare time, I like...
Outdoor Recreation

Best thing about working in legal?
Never a dull moment!

`

Delicious One Pot Lasagna

Ingredients
(Makes about 4 servings):

8 whole wheat lasagna sheets
1 large onion
6 garlic cloves
1 large carrot
1 red bell pepper
1 celery stalk
2 spring onions
1 cup portobello mushrooms
1/2 tbsp olive oil
1 cup textured vegetable protein*
1 32 oz (1L) container vegetable broth
2 tbsp tomato paste
1 large can of organic crushed tomatoes (fire roasted)
1 tbsp balsamic vinegar
1/2 tbsp date syrup (or other sweetener of choice)
1/2 tbsp dried oregano, basil and thyme each
Salt and pepper to taste
Fresh basil to garnish
Cashew parmesan

*You can substitute this with lentils, tofu or other meatless crumbles.

Instructions
First step is to prepare your veggies!
Very finely dice onion, carrot, bell pepper, garlic, mushroom, celery and spring onions.

Then heat up 1/2 tbsp of olive oil in a large pot. Add onion and sauté for about 5 minutes until fragrant and starting to brown. Add red pepper, carrot and celery and keep cooking for another few minutes. Then add mushrooms and garlic and keep sautéing until all moisture is cooked out and veggie mix is fragrant and slightly caramelized. Do not rush this step as it brings a lot of flavor to the dish! Next stir in tomato paste and balsamic vinegar, followed by crushed tomatoes, textured vegetable protein, date syrup, vegetable broth and herbs. Break lasagna sheets into large pieces and add them to the sauce. Continue cooking everything for 20 minutes, stirring occasionally to ensure even cooking. Season with salt and pepper to taste and serve with some fresh basil and cashew parmesan.

From plantbased.traveler on Instagram

Building a Successful Law Firm
Part 2: Administrative Management

by Law Firm Leadership Alliance (LFLA): Gary Mitchell, Lisa Dawson, and Mayur Gadhia have come together to collaborate on behalf of law firm leaders and law firms across Canada.

Leaders expect employees to follow the rules, follow the policies and share the ethics and the visions of the firm. In exchange, the employee can stay and will be paid. How can a law firm achieve this intentionally? The first step is to answer the following questions:

1. Who does what?
2. How do they do it (and do it better)?
3. What sets and guides desired behaviors and performance?
4. Where do 3rd parties fit in your operations network?
5. When does leadership really count?

By taking your answers to the five questions above, and aligning them with your strategically designed goals, you can ensure a sustainable organizational structure.

1. WHO DOES WHAT?

Many small firms of 30 or fewer employees will talk about how their organization is like a family, looking out for one another. In any organization, individuals are drawn to groups, groups become working groups, working groups become advanced working groups, and advanced working group become an evolved team.

2. HOW DO THEY DO IT AND DO IT BETTER?

The evolution of an organization is designed to build skills and be productive. As an organization evolves it becomes more selective and exclusive as the group knows what works and who fits. Sure, members of the firm leave and new ones join, but the key is to have the right people, doing the right kinds of work, in the right way, to be successful. Paraphrasing Jim Collins from his book ‘Good to Great’, “get the right people on the bus and get them in the right seats”.

3. WHAT SETS AND GUIDES DESIRED BEHAVIORS AND PERFORMANCE?

Once the right people are doing the right work, don’t lose sight of creating a culture of learning for ongoing improvement. Ensure the organization has thoughtful policies beyond those legislated, and procedures for fair application and constant review.

4. WHERE DO 3RD PARTIES FIT IN YOUR OPERATIONS NETWORK?

As a firm leader, ask yourself, "how are our relationships with 3rd parties; (accountant, law society, bank, IT guys, landlord etc.)?” All support the administrative and operations of the firm. A strong relationship with each of your 3rd parties will result in attention to issues whereas a poor relationship will cause frustration.

5. WHEN DOES LEADERSHIP REALLY COUNT?

Most importantly, it is leadership which really counts towards success in the organizational structure. It is the glue that cements all the elements of human interaction together. In startups and when firms merge, strong leadership is required to bring people together. Actively listening, ditching silos, and fostering a team approach are the preferred leadership skills. In a growing firm, a leader’s skills to recruit, hire, onboard, evaluate, and provide ongoing feedback are key to retaining and influencing valued employees and growing teams.

It is often said that “Managers are people who do things right, while leaders are people who do the right thing”. What then are some characteristics of a successful leadership style?

Leaders choose to lead. They are the person others choose to follow. To follow, people must feel confidence in the direction in which the leader is headed. Successful leaders provide vision for the future. Sharing that vision with others in a way that compels them to act is the secret to a successful leadership style. In this way, successful leaders provide inspiration. The inspirational leader feels passionately about the vision and mission of the organization. Communicating the big picture regularly helps reinforce the reason the law firm exists.

Law Firm leaders must find ways to make their team feel important and appreciated. Simple common courtesies are one easy way to start. Say good morning. Ask people how their weekend turned out. Listen to what coworkers, peers and staff members have to say. Of course, living your values, behaving ethically, and leading by example will go a long way towards earning and keeping the respect and performance of your people at the highest level.

Establishing an environment of continuous improvement where the firm and its people, are provided opportunities for growth, is essential for successful Administrative Management. That means investing in the success and growth of your people. Identify with them the specific areas they need to grow in. Once you have agreement on that, then focus on finding the right method and provider to give them exactly what they need.

It's all about the team. This can be tricky when you are dealing with generational differences, egos, job titles and hierarchy. One way to cut through all of that is to encourage your team to all focus on one goal. That is, providing the very best service to your clients. Each member of your time is vital in this approach and should all be respected and recognized for their contribution, from your receptionist, right up to your most senior and coveted partner.

La Jolie Vie

Why not celebrate this beautiful life with La Jolie Vie as a pre-dinner drink or for a weekend brunch? Here is what you need:

Ingredients
1 oz of pear nectar
1 oz Amaretto
splash of apple juice
dash of aromatic bitters
dry champagne (like brut)

Instructions
Pour the first 4 ingredients in a champagne glass and top with the brut. Enjoy life as you should!

In review, administration is ALL about people management which requires strong leadership as the main skill. Administration is the overseeing of the firm's operations, legal and government compliance, financial status, and people associated with getting everything done. As a sole proprietor, managing partner, office manager, practice team member, or receptionist, there are administrative tasks. They should all feed into a positive client experience and profitability of the firm. Administrative Management is about "running" the office or "operations" and that (circling back to the owners) requires strong leadership.

The purpose of LFLA is to provide smaller firm leaders and owners the same level of professional leadership support enjoyed by Canada's largest firms. Collectively we bring over 60 years of knowledge and experience in Administration, Business Development, Financial, HR, Leadership and Operations. We work with smaller firm leaders and owners at three main stages: start-up, growth, and succession. www.lfla.ca

SAVE THE DATE

BCLMA Annual Summer Social Reception

CANCELLED
Thursday, June 11, 2020

BCLMA Educational Presentation

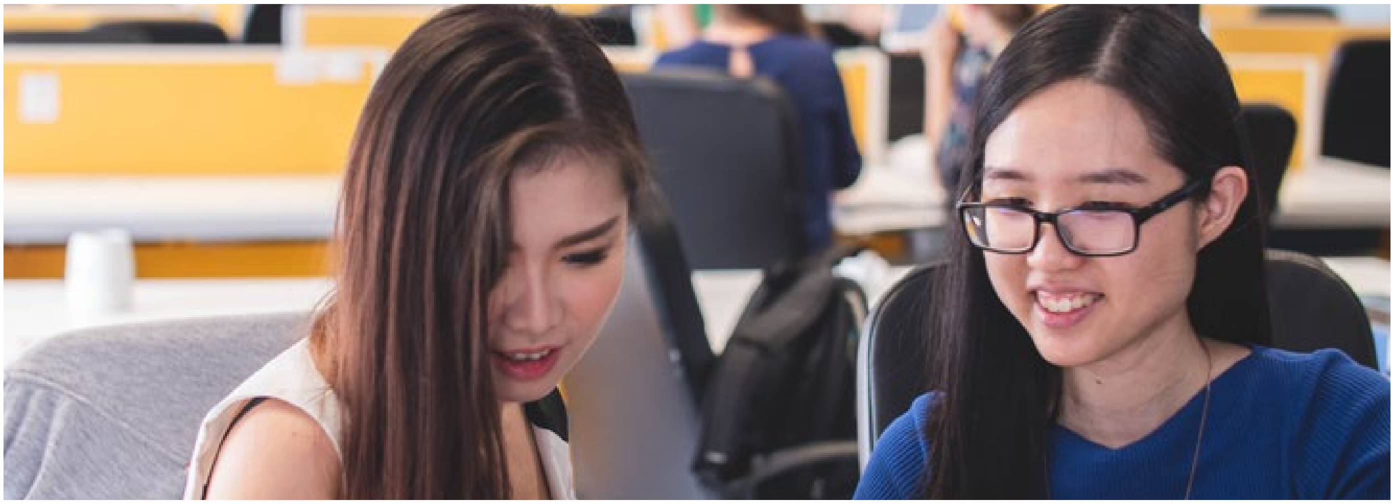
Leadership, Crisis, Stress, Neurology, Decision-Making, & Presence
Guest Speaker: Cynthia Mills, The Leaders Haven
Date October 1, 2020
Time 11:45 am – 1:30 pm
Location Terminal City Club

For more information and to register visit www.bclma.org

Call for Submissions

Do you have an idea for an article that you think would benefit BCLMA members? Are you itching to write, or do you have an article that you have written that you'd like to share? We are looking for submissions!

Please email Heather Orchison March at general@bclma.org. Please note that our prescribed article length is 1000 words. All submissions will be subject to review by the editorial board.



5 Law Office Design Strategies to Maximize Millennial Employee Retention

by Aura Office Environments

Millennials now significantly outnumber Baby Boomers in the workplace. The inevitable growth of the millennial workforce has generated some novel concerns for the modern employer that are important to address – especially when it comes to employee retention.

Millennials aren't satisfied with the traditional "9-to-5" and businesses that perpetuate these models of work. Instead, they value careers that will provide them with self-fulfillment, opportunities for personal growth, and work-life balance. These new motivations also have important implications for modern office design.

Research suggests that millennials would rather take a pay cut than work in an office environment that doesn't meet their expectations. Tech companies were ahead of the curve in adapting to these expectations, but these tech office designs won't necessarily work for law offices. Still, there are numerous ways that law firms can adapt to meet the needs of the modern millennial workforce while still retaining a sense of traditional professionalism. Here are five proven law office design strategies that will help you remain competitive and maximize millennial employee retention.

BALANCE

Attracting top talent requires balance – something that can be easily incorporated in a law office. Many firms have found that millennial employees favour modern workspaces that are accessible and allow for impromptu social meetings through their open design. Unlike most of the millennial population, young law talents aren't as averse to brick and mortar private offices. In fact, these private offices may be a reward for the position. With this in mind, we can safely assume that young legal talent requires balance – not an abrupt change to all office traditions. Rather than ushering in a culture of remote lawyers, firms can achieve balance through thoughtful space reduction. Legal libraries can be digitized to create smaller, more compact office spaces to facilitate collaboration and socialization. Other firms are experimenting with "we" spaces to promote a sense of community in the office, as well as investing in more open-concept law office spaces.

THE "THIRD SPACE"

Most Millennial talent appreciates the Third Space, an open area where employees can gather in an informal setting. These spaces provide a platform for casual interaction and collaborative meetings — and they're particularly important for firms looking to boost retention. When the office is viewed by employees as a place to get together with people they enjoy, they usually stay longer. Third Spaces offer a change of scenery for employees to liven up their routine, thus improving employee satisfaction and engagement.

The concept of Third Spaces is well-executed within the realm of law offices as a café-type setting. An interview with Doug Zucker, a leader of Gensler's Professional Service Firm Practice Area, suggests law firm cafés are a space to connect: "Some law firms have designed their lunchroom café to be the largest meeting space in their facility able to hold 'all hands' meetings", says Zucker. Every generation has its own culture – millennial culture involves enjoying their workspace as part of embedding meaning in their lives.

ERGONOMICS & ENVIRONMENT

Millennial employees appreciate ergonomic furnishings like standing desks, swivel-chairs with memory foam, and even exercise balls instead of traditional seating. Ergonomics may not be a recent invention, but its popularity and inclusion in modern workspaces are essential to millennial inclusion. Aside from comfortable chairs, ergonomics also includes lighting, air quality, and soundproofing.

Poor air quality can negatively affect workplace productivity — researchers have found that air quality can impact efficiency by as much as 3-5%. The problem in office buildings is usually caused by an excess of particulate matter, but this can be addressed by installing systems that control indoor climates.

It's also important to consider the positive impact of natural light on the level of perceived happiness within the office. Law firms should increase the amount of natural light in the office to promote workplace wellbeing and increase employee productivity.

SUSTAINABILITY

Millennials are generally socially conscious and care about their impact on the world. This trend was reflected in Deloitte's 2016 Millennial survey which showed millennials want businesses to focus more on people and sustainability and less on profits.

There are several ways that businesses can demonstrate their firm's commitment to sustainability. For one, using and sourcing sustainable materials, such as recycled or upcycled wood and building materials, can give your space character. Likewise, designing your law firm to have a low environmental impact by installing solar panels can offset and reduce the costs associated with electricity.

COLOUR

Interior designers know very well the effects of colour on human psychology. The use of colour theory can be used to overhaul the visual aesthetic of your office design but also to motivate employee behaviour.

Yellow is known as the shade of optimism because it prompts energy and freshness – it can inspire ideas, therefore making it an ideal colour for collaborative areas, like Third Spaces. Comparatively, red is a high-wavelength colour said to increase blood flow and heart rate, helping fast-paced offices meet deadlines and maintain a level of urgency.

BIOPHILIC DESIGN

According to a study from the Human Spaces Report, employees who work in office spaces that feature views of greenery or nature report 13% higher levels of wellbeing and are 8% more productive. The NCBI reports a significant correlation between nature contact and general

SOUNDING BOARD

YOUR BCLMA. YOUR NEWS.

Well, these are certainly difficult, stressful and frustrating times. We are being challenged in so many ways, but we are resilient and getting through it day by day, together.

The Board held a virtual meeting on April 7th. This was my first virtual Zoom meeting, and I loved it. There was Rob Walls with a tropical backdrop and Margaret Cividino with a background of our last Summer event from the patio at Bridges. At the end of the meeting, we realized we shaved off 30 minutes from our usual meeting time. Maybe virtual meetings are the way to go in the future.

We got down to business and made some tough decisions, including canceling our 2020 Summer Social. We were going to try a new venue, the outdoor patio at the Douglas Hotel, and look forward to revisiting that possibility when the time is right to gather again.

As you know, last month we postponed the biennial conference to September 10 and 11, 2020. We are hopeful we can still host this popular event and not disappoint the 122 participants currently registered. If not, we will explore offering virtual sessions in September with some of the scheduled conference speakers. We are grateful to our new and returning conference sponsors for their flexibility, understanding and support as we respond to important health directives during COVID-19. Special thanks to the Conference Committee, spearheaded by Shakti Jeyachandran, for the great job they're doing to navigate the changing landscape and bring you this favourite shared experience, either on screen or in person.

Our AGM is also postponed until September. Depending on the state of the COVID-19 situation, it will either take place at the Conference or be held virtually.

Due to COVID-19 pandemic, many firms have had to make adjustments with their business and because of this, BCLMA will be postponing the Associate Salary and the Staff Ratio Survey until the Fall. The Business Services Compensation and Charge-Out Rates surveys will continue as scheduled for September. The consensus was these surveys would be more meaningful in the Fall as we approach budget season and firms would have time to re-adjust.

Recently our subsection events have been canceled and we're working with our subsection chairs to arrange virtual events. BCLMA offered two programs in April and will continue presenting on-line programs for our members. We've lined up some fantastic speakers for our educational and Managing Partners events in October and November – stay tuned for more details.

Our new website is an important part of our strategic plan and is coming along nicely thanks to the outstanding work and dedication of our project manager, Lisa Dawson, Director, Rob Walls and Administrator, Jane Kennedy. I'm pleased to report we will introduce credit card payment for all events, career posts and membership enrollments. There will be improved discussion board and search capabilities. Training will be available for subsection and committee chairs and we look forward to a launch party in the near future.

We have adopted new terminology to describe our membership. These new categories have been incorporated into our Policies and health complaints in modern office spaces; as workday nature contact increased, perceived stress and well-being complaints gradually decreased. The report suggests that incorporating nature into your law office design strategy is a healthy workplace exposure and offers a “simple population-based approach to enhance workplace health promotion efforts”. Firms should consider a biophilic office design that incorporates more plants and green space into the office, or windows to showcase views of nature.

If you’re hoping to attract more millennial talent, adapt your law office design strategy to embrace the ideals of sustainability, flexibility, ergonomics, and community!

Aura Office Environments is a complete turnkey solution provider, offering a wide range of services including workspace planning, location advisory, interior office design and construction management. At our core lies the Aura Integrated Experience, our unique approach to delivering a seamless execution of your design-build project. Our process is founded on holistic thinking and empathy because, as a family run business, we understand that people are the lifeblood of every office. https://www.auraoffice.ca/

Procedures and can be found on our website. Watch for them in the coming weeks and months as they roll out in our print and online materials.

From	To
Member	Member Firm
Member Firm Representative	Representative Member
Affiliates	Individual Member
Interim Member	No change
Honourary Members	No change

In closing, I've been extremely pleased with the extensive use of our Forums on the website. I see lots of exchanging of thoughts, especially with the challenges of COVID-19. One post entitled 'Well-being' that particularly caught my eye was from Pav Shroff at MTC Law who wanted to say hi and check in with everyone. She said: “Sending you lots of love and positive energy during this time and looking forward to enjoying a cup of coffee in person once we get passed this. For now, I send you virtual coffees, beers, wine and hugs as per your preference.”

Food for Thought:
"It doesn't matter who you are, where you come from, the ability to triumph begins with you, always." -Oprah Winfrey

Lorraine Burchynsky

BCLMA President

MEMBER SNAPSHOTS

EMMA GREEN

How long have you been a member of BCLMA?
1 year 3 months

Where do you work?
Borden Ladner Gervais LLP

Where did you vacation last?
Seattle, WA

Where were you born and where did you grow up?
Born and raised in Belfast, Northern Ireland

Have you ever lived abroad?
I'm currently living abroad. I moved to Canada in 2018 on a 2 year working holiday visa.

Favourite wine under $20?
Yellow Tail, Pinot Grigio

Favourite BC day trip location
Kelowna

Favourite work-week lunch spot?
Meat and Bread

Favourite restaurant
Rodney's Oyster Bar

Favourite or most recent movie you've seen
I Am Legend – very fitting right now!

What are you currently reading or what would you recommend as a must read?
I found you by Lisa Jewell. Murder mystery, highly recommend!

Best thing about working in legal?
I love the camaraderie!

Underperforming Employees: How to address them

by **Preston Parsons, Associate at Overholt Law**

As we embark on a new decade ahead, it is an ideal time for law firms to evaluate the state of their business and the path forward to a successful new year. This may include a candid look at the contributions made by staff to the success of the business—or, in the case of some employees, the absence thereof.

Whether a new employee is struggling to keep pace with others in the office, or the work of a veteran staff member has taken a noticeable nosedive, managing underperforming employees is a difficult project. While firms must consider justifiable explanations for lagging performance and their resulting legal obligations—for example, where a medical issue is affecting the employee's ability to perform their duties—sometimes there is no such explanation.

Underperformance Isn't Necessarily Just Cause for Dismissal

Some employers jump prematurely to the conclusion that they have just cause to terminate the employment of an employee deemed to not be pulling their weight.

While courts have certainly accepted incompetence or insubordination as bases for just cause termination, the threshold to establish those is high.

A single instance of either must be extremely serious to justify just cause. Where employees consistently fail to meet standards or there are several smaller performance incidents cumulatively leading to just cause, the courts have held that the following must apply for an employer to justify termination for just cause:

- The employer established reasonable objective standards of performance;
- The employee failed to meet the standards;
- The employee was warned of their failure to meet the standards and that their position was in jeopardy if their failure to meet them continued; and
- A reasonable time was afforded to correct the situation.

Emphasis is added to the requirements of bullet #3 as this is often the step employers gloss over or miss. This mistake typically occurs when no one in the office wants to be the one who has the performance management discussion with the employee. If no one has the hard conversation, then the employee is not told that what they are doing (or failing to do) is incorrect or inappropriate, and may be unaware of the risk they face by continuing it, or failing to address it. In the best-case scenario, waiting for the "right" moment merely postpones a tough discussion. In the worst-case scenario, silence suggests that the employer does not intend to enforce the established standards, that there will be no consequences for poor performance, and that the employer condones the employee's actions or lack thereof.

When considering the immediate dismissal of underperforming employees, it is important to honestly assess first whether the above requirements for just cause have been met. If not, termination with notice or pay in lieu of notice may be more appropriate in the circumstances.

Addressing Performance Concerns

How can an employer address performance concerns in a manner that is consistent with the employer's obligations? Effective performance management begins at hiring and continues over the entire lifespan of the employment relationship.

When onboarding a new employee, it is vital that employers clearly set out their expectations, whether in an individual contract or by way of policies clearly drawn to the employee's attention. All policy changes should be circulated to employees in a timely manner, and an opportunity given to employees to review and ask questions. Ensure they understand they must follow the policies. Document their understanding if possible.

Written workplace policies and procedures that are regularly updated will assist in warding off performance problems arising from a new or existing employee's lack of knowledge. Where a long-term employee demonstrates lagging performance, there may have been a failure to maintain or update the employee's knowledge base as to workplace policies, standards, and technology.

When approaching an employee to discuss poor performance, try to do so from a calm, focused place. It is never ideal to meet when angry and advisable to approach any meeting with an open-mind in case there are unknown issues – like human rights issues – that arise when meeting with the employee.

Any direct warning about poor performance should be clear, unequivocal and specifically reference the areas of concern. Warnings should also be clear as to the consequences of continued poor performance, such as that the employee's job may be in jeopardy unless the concerns are satisfied.

Larger employers often use a Performance Improvement Plan mechanism to clearly set out expectations and concerns for an employee and set out any necessary training or development they must complete. These can be valuable ways to bring clarity to performance expectations, to document issues, and to help show improvement in performance, but be warned that a generic, vague, or notional Performance Improvement Plan is about as helpful as not having one at all. Employers must follow through with these forms of performance management in good faith for them to have any beneficial effect.

For many smaller or fast-growing employers, a formal performance improvement mechanism may not be practical, but mechanisms for informal check-ins should still be implemented to nip any issues in the bud early, before they grow. Implementing calendar reminders for employee performance reviews can assist employers in holding regular check-ins, which may create space for addressing underperformance in a timely and consistent manner.

No matter the size of the employer, cautious and proactive measures can help to turn around an underperforming employee—or at least set the groundwork for efficient, effective performance management. The earlier issues are addressed, the better chance you can continue to grow the investment you have made in each employee.

Preston Parsons is an associate lawyer at Overholt Law, practicing in the areas of employment and labour relations, human rights and privacy law. Overholt Law is a boutique employment and labour relations firm located in downtown Vancouver, British Columbia. For more information regarding Overholt Law, please visit www.overholtlawyers.com

MEMBER SNAPSHOTS

MARIA GARRONE

How long have you been a member of BCLMA?
Approximately 2 years

Where do you work?
Gudmundseth Mickelson LLP

Where did you vacation last?
Okanagan Valley

Where were you born and where did you grow up?
I was born and raised in north Italy.

Favourite wine under $20?
Apothic red

Favourite work-week lunch spot?
During the summer, my favourite place to have lunch is the beach.
In winter: Cactus Club, Herbs and Spices, Joey's

Favourite restaurant
It depends on what kind of food I feel like. Baci (Italian food), Marcello (pizza), Old Bavaria Haus (German), Saffron (Indian), Hon's (Chinese), and the list goes on and on...

What are you currently reading or what would you recommend as a must read?
I just finished reading *The Book of Joy* by Dalai Lama and Desmond Tutu.

In my spare time, I like to...
I like to read, walk, crochet, do crossword puzzles, cook/bake and bike ride.

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