



FOR SOME, IT WAS NO 'TAFING' MATTER!

Dust settling after TAF controversy hits

**BY BONNIE KIRK
LAWSON LUNDELL LLP**

March 1, 2005 finally arrived and firms throughout British Columbia were busy putting the finishing touches on their trust administration fee (TAF) implementation project. All that was left to do was sit back and watch the dollars grow.

For some, the dollars were minimal because their firm did not handle many trust files. For others, it was like watching a ticker tape clicking away—at \$10 increments.

Yes, the promise of a TAF has become reality. All lawyers handling

trust funds, save for the purpose of paying fees and disbursements, were required to capture and remit \$10 per “distinct client matter” to the Law Society of British Columbia (LSBC).

Needless to say, those few words caused a flurry of activity throughout the month of February, as it was unclear to the legal community what a “distinct client matter” exactly meant. The reason many were in a state of confusion was due to the manner in which their firm handled trust funds for a client.

For example, some firms had only one matter opened to capture funds involving the sale of multiple strata units on behalf of a vendor, whereas

other firms opened a separate trust matter for each strata unit involved.

Some firms also used only one matter repeatedly for small transactions to avoid the matter-opening charge deployed by their firm. Other firms opened a separate trust matter because they considered the funds to be mutually exclusive of each other.

These types of situations complicated how TAF was captured and reported. They also caused administrators to pause and evaluate the circumstance each time funds were deposited into a trust account, preventing the process from being automated. Additionally, firms with

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SHOULD YOU LET PROFESSIONAL STYLE TAKE A BACK SEAT TO FASHION?

When you dress for the office, what kind of image should your firm portray?

**BY KERRI PEARCE,
ALEXANDER HOLBURN
BEAUDIN & LANG**

It's that time of year again: the summer months and warm weather will be upon us shortly. It is time to address the ongoing challenge of what is considered to be appropriate office attire.

Dress codes greatly vary for male and female staff, especially in the summer months, as dress tends to deteriorate a little bit.

The weather's hot, people are more laid back, and they're in vacation mode. Women's skirt lengths get a tad shorter as nylons are not usually mandatory, the look slightly shifts from a more polished, professional

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high levels of activity were further concerned because they realized that there could be a significant cost involved with maintaining a manual process, and that it would have to be monitored closely for its cost-efficiency.

Now that the capture of TAF has

begun taking place, and firms have seen the cumulative amount, the interest level among the profession on how the LSBC plans to use the funds has increased.

The LSBC intension is to use the proceeds of the trust administration fee to fund various Law Society trust administration programs, such as these and others:

- ✓ An audit and investigations program;
- ✓ A custodianship program; and
- ✓ A new program of trust reports to replace the *Form 47* accountant's report.

Of the three initiatives, the new online trust report was implemented and used in the first quarter of 2005. Unfortunately, the timing of its use coincided with the implementation of the new TAF requirements and, as a result, heightened the stress level at most firms.

In addition, the new report had a few kinks, as are associated with all new programs. So much so, that the LSBC extended the December 31 deadline *Online Trust Report* to April 15 without penalty.

Now that the changes are taking place, it will be interesting to see how these initiatives improve trust-fund governance.

For instance, if you assume that the underlying objective is to deter the misappropriation of trust funds, and if you also assumed that a negative cashflow was a possible reason for the

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EVEN THE CLARIFICATIONS NEEDED CLARIFICATION

To assist firms in understanding what attracted TAF, the LSBC issued a circular giving examples on when TAF applied.

Overall, the circular answered many questions posed by law firms. The only area that was still misinterpreted surrounded the conveyance of units in a strata property on behalf of a developer client.

The example in the circular stated:

The vendor's lawyer (lawyer B) will have numerous distinct matters. The conveyance of each individual strata unit is a distinct and separate client matter. Lawyer B will deposit into

his/her trust account the proceeds of each sale transaction. Each TAF will be incurred when the first deposit is made to trust for each sale.

It is important to realize that in this example, the LSBC assumed one purchaser per one strata unit. If one purchaser bought, say, five units they would only pay \$10, not \$50. The relationship is between the developer and the purchaser, not the developer and the strata unit.

There's a copy of the Law Society's TAF circular in the Publication & Forms section at:

<<http://www.LawSociety.BC.ca>>



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PROFILE: KNOWLEDGE MANAGEMENT'S GILLIAN CRABTREE

Gillian's the VALA member we all know cover to cover

BY STEPHANIE CORNELL
STIKEMAN ELLIOTT

You must know Gillian. Edwards, Kenny & Bray's Law Library Manager is also the Chair of VALA's recently created Knowledge Management sub-section. Together with Steve Mathews, she co-authored the article introducing the sub-section which was featured in the Fall issue of *Topics*. She is a Founding Member and Past President of the Vancouver Association of Law Libraries, and has held various positions on its executive since 1989.

Gillian has been an instructor of Professional Legal Training Courses at CLE, and she is the original editor of the *BC Legislative Digest*, a weekly publication that provides a summary of current events in the BC Legislature. Her career in Vancouver law libraries has spanned more than 30 years.



GILLIAN
CRABTREE

She is a volunteer, a fund raiser, a wife, a mother... we could write a book about her!

Gillian's career in the legal industry began quickly after college. She completed the library-management program at Douglas College, and later graduated from Capilano College in Legal Studies. Gillian was hired by the federal government's Department of Justice as she completed the Cap studies, and was given the task of establishing its library. Shown a roomful of boxes stacked on more boxes, Gillian had her work cut out for her.

One year and a full card-catalogue later, Gillian was offered a position at the BC Courthouse Library Society. For eight years, she organized and controlled all the legislative material and general-reference services for lawyers, judges, articling students and the public. It was here she edited the *BC Legislative Digest*. While doing all

this, she also found time to enroll and graduate from the Legal Studies Program at Capilano College.

Making a few stops at several local law firms as a freelance law librarian and consultant, in 1983 Gillian settled at Fraser Hyndman, which later became Ferguson Gifford (FG). Her experience at the Justice Department proved worthy as she facilitated the move of FG's library, including its design, from a Bentall tower to the newly constructed Park Place.

When FG closed its doors in 1999, Gillian moved to Edwards, Kenny & Bray (EKB). It was a bit of a culture shock for her. Having been at FG for 16



Stephanie
Cornell

years, Gillian was used to being the one everyone came to for the answers. Gillian knew and understood a lot about the history of the firm, and her co-workers recognized that quality in her.

At EKB, she was the new kid on the block. Everyone there, though, proved to be welcoming; she felt that she was automatically trusted in her role and she enjoyed plenty of independence.

The firm is also service-oriented, and that really appeals to Gillian. Particularly, she enjoyed developing the firm's intranet alongside IT manager, Brenda Johnson.

Gillian now teaches lawyers, students and legal support staff to use on-line information services, she manages the co-ordination and integration of new technologies and information-delivery systems, and she develops and manages the firm's library.

In the midst of all this, Gillian agreed to help develop a new sub-section for VALA. Wayne Scott, EKB's Administrator and VALA's newly-elected President, approached her and asked if she was willing to join a small

Continued on page 16 →



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Customer-relationship management software needs to be thoughtfully integrated into your operation

BY LISA SCOTT
BLAKE, CASSELS & GRAYDON

If you were to ask any successful lawyer, "What is the most valuable asset of your practice?" chances are many of them would agree that the answer would be, "Clients."

Client relationships, whether you are building or maintaining them, are key to the success of any firm. Lawyers have been managing their client relationships for a long time. So what's all the buzz about customer-relationship management (CRM), like it's the new kid on the block?

First, let's define what CRM actually is.

We know it is more expensive to acquire and develop relationships with new clients than it is to retain and maintain relationships with existing clients. At the same time, it's important not to let new leads slip through the cracks.

Lawyers have always been good at the relationship side of the equation; it's the *management* of the relationship with which they usually need help. This is where CRM comes in.

CRM typically refers to the technology or software used to automate relationship-management processes. However, CRM is more than just software; it's about adopting client-focused business strategies, and entails development of new business processes and changing of cultures within a

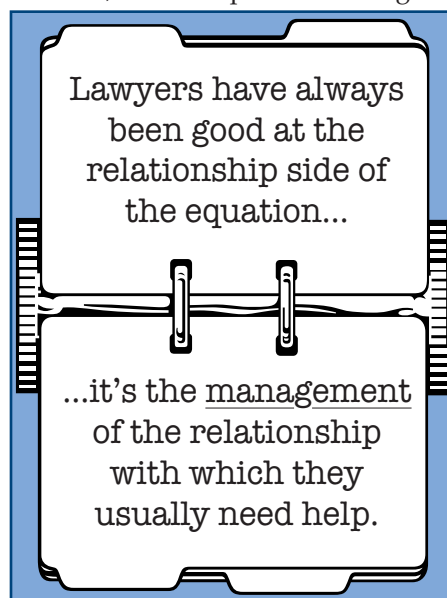
firm. *Maximizer*, a CRM solution provider, defines CRM as "the process of managing relationships with your clients, through marketing, sales and client service in order to generate leads, gain new clients and retain clients for long-term business."



Lisa Scott

WHAT DOES CRM DO FOR YOU?

Carina Bittel, Marketing Director at Clark Wilson LLP, participated a few years ago in the implementation of *Interaction*, a CRM platform designed



primarily for law firms. While she described the implementation process as "frustrating and expensive," she now wonders how the firm ever did without *Interaction*.

At a basic level, she says that they use the CRM package to manage events and seminars; for such things as invitation lists, RSVPs and payments, nametags, receipts and follow-up letters.

At a strategic level, she also appreciates having all contact information in one shared database, so that she can help lawyers warm up cold calls by uncovering existing relationships that facilitate introductions. Getting a complete picture of interactions with prospects and clients, whether they are existing relationships or simply connections through newsletters or seminar attendance, is also helpful.

Specifically, depending on the package that you select and the modules that you implement, CRM offers a myriad of capabilities and benefits such as:

- ✓ Increasing collective knowledge about clients and prospects;
- ✓ Improving data integrity and reliability;
- ✓ Facilitating knowledge-sharing for cross-selling;
- ✓ Providing information you need to ensure client satisfaction;
- ✓ Increasing and forecasting revenue and profitability;
- ✓ Centralizing client data in one location;
- ✓ Managing, measuring and tracking business-development campaigns;
- ✓ Managing opportunities to develop new clients as well as current clients; and
- ✓ Automating processes.

HOW TO MAKE CRM SUCCESSFUL

1 You need the right team and support from all levels.

You will be most successful if you have the right team of people in place for planning and implement-

→ 'Tafing Matter: Continued from page 2

misappropriation, then wouldn't the remittance of TAF just compound the issue?

On the other hand, a lapse in TAF payments should alert the LSBC of a possible cashflow problem. Well, only time will answer the question, but it is worth pondering.

Regardless of how firms feel about the proposed benefits that may or may not arise in the future,

reportedly each firm across the province complied with the LSBC requirements and successfully completed the implementation of TAF. The next flurry of activity will not occur now until July 31, when firms must cut a cheque and pay what is due.

Only then will many firms be scurrying around double-checking the accuracy of their recordkeeping. And only then will some firms realize—it was no 'TAFing' matter! ♣

ing the project. Representatives from marketing and IT are essential; marketing will likely be the power user of a CRM program, and IT is responsible for the infrastructure. If your CRM is going to integrate with your firm's accounting system, then the controller is a critical team member. Another component of the team is a senior partner to play the role of executive sponsor and champion for the project.

The partner's function on the team is to impart insight on how to communicate objectives of the project, obtain buy-in from the leadership team, manage executive expectations and be the person with political power to implement changes in processes.

2 Client-focussed strategy: Remember CRM implementations are not just a software rollout. You need to have client-focussed strategy and culture to back it up, as well as the willingness of the management to adjust business processes around that culture. This means using the CRM software to improve processes so that the client receives higher-quality service, and feels more valued by the company.

Creating a client-focussed strategy entails concentrating the whole company around client satisfaction and retention. Everyone, from your receptionist to your managing partner needs to share the common goal of providing extraordinary client service.

3 Plan in advance: Set clear, realistic goals for what you want to accomplish, and get the plan down in writing. Discuss and document current and future processes, roles for the implementation team, political barriers, change resistance, communications plans, training schedules, milestones and timelines. Map out your budget in detail, considering software, staffing, consultants, training, communication and potential software or server upgrades.

Define the functional requirements that you will require from your CRM package. Do you want your CRM to tie into other programs (Word, Outlook, accounting)? What types of information do you want to collect (in-

MEMBERS URGED TO WATCH FOR AND PARTICIPATE IN VALA ECONOMIC SURVEYS COMING UP THIS YEAR

BY JOHN HAWKE
HARPER GREY



John Hawke

VALA members will be seeing the following surveys coming up in the Spring. VALA strongly recommends that you make every effort to get your firm involved, as more survey participants will result in a more accurate picture of the marketplace.

Associates' Salary Annual Survey: The documentation for this survey will be emailed to all members on Monday, May 16, and completed forms should be sent to John Hawke at Harper Grey LLP <JHawke@HarperGrey.com> no later than Friday, June 3.

The survey results will be emailed to all participants during the week of June 13. In 2004, 30 firms participated in the survey, which produced results from a good cross-section of the marketplace.

This survey gives firms an opportunity to assess market trends with respect to student and associate salaries, and it also provides valuable information about bonuses, additional benefits and perks paid to lawyers, as well as assigned-billing targets.

Annual Law Firm Economic Survey: The documentation for this

survey was e-mailed to members April 8 by Gordon Van Horn of Borden Ladner Gervais, and the deadline for sending the completed documentation to John Smiley at Wolrige Mahon is Friday, May 6.

If you have any questions concerning the survey or the documentation issued in early April, please contact Sandy Delayen at Bull, Houser & Tupper.

Last year, 20 law firms participated in the survey and we hope to significantly increase this number, particularly in the segment of firms that have less than 40 lawyers.

In addition to providing valuable data about each firm's financial performance in comparison to the marketplace, participants are given information concerning: the composition of professional staff, billable hours worked by major timekeeper category, office space used per lawyer, as well as information about business structure, tax planning, risk management and profit-sharing methods.

Last year's participants felt that Wolrige Mahon did an excellent job in expanding the benefits provided by this process, and looked forward to their continuing involvement with this survey.

dustry data, referral sources)? Defining fields that you wish to use for future reports and searches is crucial.

4 Data Integrity: In planning your implementation, allow some time in the early stages of your project to cleanse your current data before conversion.

Make every effort to ensure that the data you import from other sources is consistent.

For example, you should check for duplicate entries, spelling mistakes, address and contact information discrepancies. Inconsistencies such as using St. instead of Street, BC instead of B.C. or Suite 301 instead of #301 can cause problems in data transfer.

Your software provider should give you guidelines for cleaning up the data before the conversion.

Set clear, realistic goals for what you want to accomplish, and get the plan down in writing...

...Define the functional requirements that you will require from your CRM package.

→ CRM Success: Continued from page 5

5 Cultural Change: It is important to the success of the project that your executive sponsor has gained buy-in from the management team so that the appropriate cultural and procedural changes around the client-focussed strategy can be implemented.

Ensure that your plan includes a component to manage change that's focussed on informing and educating users how, exactly, the CRM will help to improve their bottom line as well as the firm's. Introduce your CRM program as an opportunity to create more business for everyone, and publicize instances where shared information can benefit the firm.

Regular communications to stakeholders involved in the program are helpful in ensuring the buy-in and success of the project.

6 Training: This is absolutely key to a successful CRM program. Ensure that you do some pre-training so people understand the goals of the project and what you hope to accomplish by the implementation.

Identify different levels of users to better plan and target your training. Give basic users only the information they require, and delve deeper for intermediate and advanced users. Train the users on both the software and the process changes. Investing the appropriate resources, personnel and time into training is where a great deal of the success of the project lies.

Training time is an opportunity for managing change. Learn success stories from your vendors, and share applicable anecdotes that illustrate the success of the CRM when used correctly. This is a great opportunity to get buy-in at all levels by demonstrating the value of the product through business cases with which the trainees relate.

7 CRM Caretakers: It is always a good idea to have one person who continues to be responsible for future training, support services, answering questions and data integrity in the CRM system.

This does not necessarily mean that one person is responsible for all

data entry—the success of many CRM programs depends on everyone in the firm being involved—but that there is a champion on hand to promote the benefits of the program, and to help people through the learning process.

8 Consider using a phased approach: Plan for the whole project but consider implementing in stages.

Some vendors caution against a "boil the ocean" approach. Implementing a massive system creates enormous change and new procedures which can lead to a backlash.

Lawyers are precedent-driven and often don't want to try something until it's tried, tested and true. If you implement in stages, they won't be overwhelmed with the new technology and processes, and can take the time to learn and understand each phase as you go.

Consider rolling out first to a pilot group that includes an array of users including potential power users and some users that aren't as technically savvy. Also consider including both solicitors and litigators as they may use the system differently.

WHAT ARE CRM'S BOTTOM-LINE BENEFITS? That will depend entirely on the manner in which you implement CRM, and the level of implementation. In other words, how well you thought out the implementation, including the initial strategy, and the functional use of the fully imple-

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- c) Lie down and hope it all goes away.
- d) Call Arlyn Reid because they'll find the right fit with no fuss.

When you have a conflict on your hands between major players in the company, what do you do?

- a) Try to sort out the parties involved or try to move them to different floors.
- b) Threaten public floggings and other disciplinary action.
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- d) Call Arlyn Reid and ask if they have a different career path for me.

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Business strategy should be clear and sharp; fuzzy just doesn't cut it

**BY RICHARD STOCK,
CATALYST CONSULTING, TORONTO**

mented program, will determine the effect (or not) on your bottom line.

The data that you can compile by properly using a CRM is an asset that uncovers the complex connections between people, companies, relationships, experience and expertise, empowering you to leverage who and what you know, to reveal revenue opportunities and to enhance client service.

Companies large and small can realize a range of benefits from lower sales costs and greater efficiencies, on a tactical level, to new clients and better revenue opportunities with current clients on a strategic level.

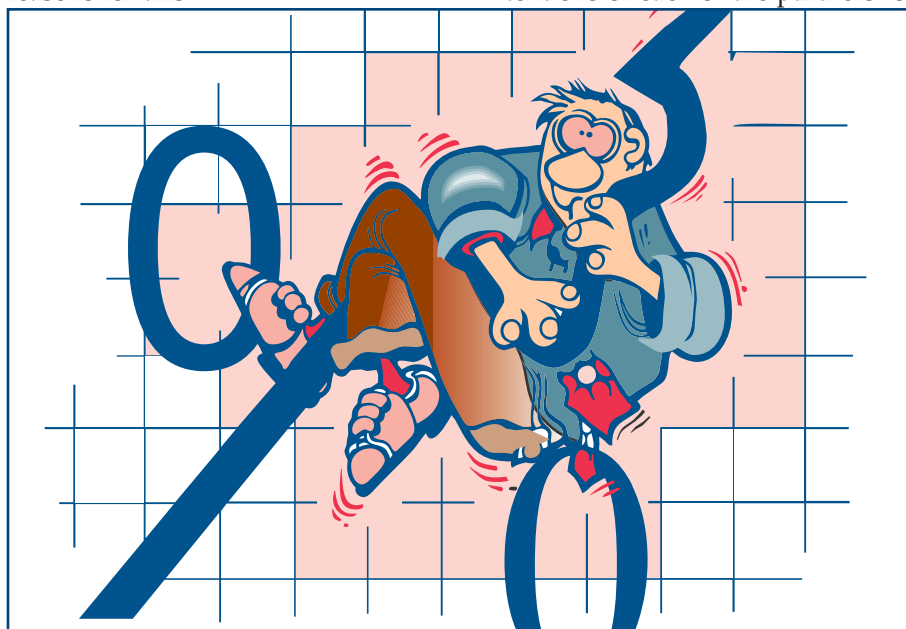
In short: implementing a CRM program is not easy, but the long-term gain can far outweigh the short-term pain for any law firm trying to compete in today's marketplace. ♣

The leadership of many Canadian law firms does not spend enough time developing, communicating and implementing business strategy.

Even less time is spent assessing how business initiatives fit the firm's priorities and then adjusting the business strategy. One wonders about the reasons for this.

reigns among the captive participants, primarily over the prospect that anything important will ever change. It is amazing to see how little information the firm offers for consideration about:

- ✓ The business plans of the firm's top 25, 50 and 100 clients, and their legal-service requirements;
- ✓ The profitability of the firm, its practice areas (or offices);
- ✓ The personal and professional intentions of each of the partners for



QUESTIONS A MEDIUM-TO-SMALL FIRM SHOULD ASK CRM PUBLISHERS

CRM software tends to focus on large firms, but competition is causing publishers to push their products into the fresh new and much larger markets of medium-sized and smaller firms.

Our intrepid Tim Wurtz of Baker Newby in Chilliwack offers several questions such firms should ask of the publisher:

- ✗ Is there a certain size of firm (number of staff/lawyers) where CRM becomes a requirement?
- ✗ What is the size of a marketing department where CRM is used?
- ✗ How, really, is it going to help the bottom line?
- ✗ What have been the main obstacles in implementation?
- ✗ Does it generate excess paper records, or is everything required reported in the software?
- ✗ Is it possible that some people in the firm can use it, and others don't? Can they coexist?

Most partners think that it is someone else's job—usually an Executive Committee or a Special Committee or even the Managing Partner—to decide what strategy is and what the firm should do about it.

It comes as no surprise to find most partners think that it is someone else's job—usually an Executive Committee or a Special Committee or even the Managing Partner—to decide what strategy is and what the firm should do about it. Partners would rather do almost anything else than strategic planning.

Often planning is triggered by events in the market or in the firm—occasions such as the loss of a few important clients or partners, poor profitability, mergers of other local firms, or the aging of the partnership.

Smaller firms hold a retreat, provide background papers and readings, or engage a facilitator. But skepticism

- the next five years;
- ✓ Viable alternatives to the hourly-based business model; or
- ✓ How to cope with the disappearance of key clients and markets.

Firms of all sizes must shift their focus on thinking about strategic planning as a process that consumes vast amounts of time and some money to creating a business strategy focussed on results and effectiveness.

A couple of years ago, I heard management consultant David Maister say that two law firms in the same market would likely study the same data and trends, and then reach similar conclusions about what their strategies

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→ *Not fuzzy: Continued from page 7*

should be. What would differentiate one from the other is the ability to develop and execute an actionable plan.

Every law firm must make a minimum number of basic choices. The stakes are high. The answers to the following questions should be good for five years:

- ✓ Who do we want our clients to be, especially our top 25 clients?
- ✓ What proportion of our business should those clients represent?
- ✓ If it's true that clients are more likely to hire lawyers than firms, how can we position ourselves to do all the legal work for our anchor clients?
- ✓ What must we do to retain and recruit the talent we need at every level?
- ✓ Is it time to fundamentally change the business model—hours, rates, leverage—and relieve the pressure for continuous growth?

Many smaller and medium-sized law firms have little appetite to develop and debate the questions and then make the choices suggested by opportunities and resources, because of a

well-entrenched culture of individuality, autonomy and self-sufficiency. Even when some do choose, they still fail.

They fail to implement because they do not have a strategy or culture of execution. Their focus is on process rather than results. Failure to produce results has little short-term impact on a firm, or on key individuals charged with its business strategy.

Business strategy is not fuzzy, if it is any good. It asks all the right questions, gets the partners to choose—and to act on their choices. It does all this in an environment that favors teams, accountability and results, rather than process, in an overwhelming orientation to key clients.

GETTING RESULTS

Much can be done to improve the odds of getting results:

1 *Make sure that all the questions are asked, and that answers are provided.* Do not skip over the hard stuff.

2 *The devil is in the details.* Decide who will do what, by when, and give them the time and money to do it. Ensure that there is alignment for

every aspect of the action plan.

3 *Performance must be measured.* Business strategy comes off the drawing-board and takes flight when the indicators for success—the measurements, aka metrics—are set out in advance, when targets for reporting are set, and when the partnership is kept informed of success and failures.

4 *The pace and speed of execution is often too little, too late.* There is rarely a sense of urgency unless the firm is in a crisis mode. This is a real challenge in firms that require partners to invest non-billable time that competes with their usual production. There are few instances when partners can scrape together more than 50 hours in less than a year to act on strategic business decisions.

5 *Firms do not leverage the partner and associate compensation systems sufficiently to secure the results they need.*

Too often, there is only a peripheral acknowledgement of a partner's contribution to the business strategy outside of that partner's usual economic and business development activity. v

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→ After a fashion — From page 1

image. Men, unlike women, seem to dress the same way in the summer as they do most of the year. When the weather is warmer, women's wardrobes tend to focus more on beach or nightclub clothing, which is not acceptable to wear to the office.

Business attire will vary from firm to firm depending on the size and culture. Would the term "business casual" in the workplace mean the same thing for management as it would to the support staff? In most cases, probably not. What one employee deems to be acceptable fashion may be unacceptable to another.

In our rapidly changing workforce, where technology has made the common task easier and quicker to complete, it seems increasingly difficult on deciding what to wear to the office when standing in front of your closet on a Monday morning. Although the industry trends on office attire have become much more lenient and relaxed over recent years, law firms still

have a reputation to uphold and build. Outward appearance is crucial, no matter what position you hold in the company; whether it is managing partner or receptionist. Staff members at all levels represent the firm, whether they have face-to-face contact with the clients, or not. Our industry is professional services to clients, and how our clients perceive us is critical.

It is imperative to have a dress-code policy in place in order to avoid any confusion with the overall corporate culture and objectives, and so staff can avoid falling into a bottomless pit of poor fashion choices. Having a general guideline to follow when an uncertain situation arises makes an uncomfortable position easier to handle. Human-resources managers typically address a staff member on the spot regarding inappropriate attire on a particular day. Such a situa-



Kerri Pearce

tion could quickly become personal and offensive, and allowing the manager to refer to dress-code policy supports the company's objectives, and makes for a more comfortable situation.

To simply say "dress appropriately" only serves to confuse employees; the word "appropriately" may be interpreted differently from person to person. Most firms' policies adhere to "business casual" attire, which is a neat, tailored, professional look, but does not necessarily mean a business suit. Depending on the firm, business-casual attire could consist, for women, of pantsuits, khakis, sweaters, blouses, dress shirts and dress shoes. For men, a collared shirt is required whereas, a tie and jacket could be optional. The look is more casual from the traditional dress code, however, the policy is not as relaxed as casual daytime outfits. Dressing in a business-casual fashion should be common sense for most staff. One common thread, which would apply to all staff members, is to be sure that clothing is always clean and pressed, and that shoes are polished, or clean if suede.

It may be tricky to put a dress code into writing, as attire can be subjective. The policy does not necessarily have to be particular as to what is acceptable; however, stating what is not acceptable is imperative. The following are some helpful hints to convey to your employees what they should refrain from wearing in your firm:

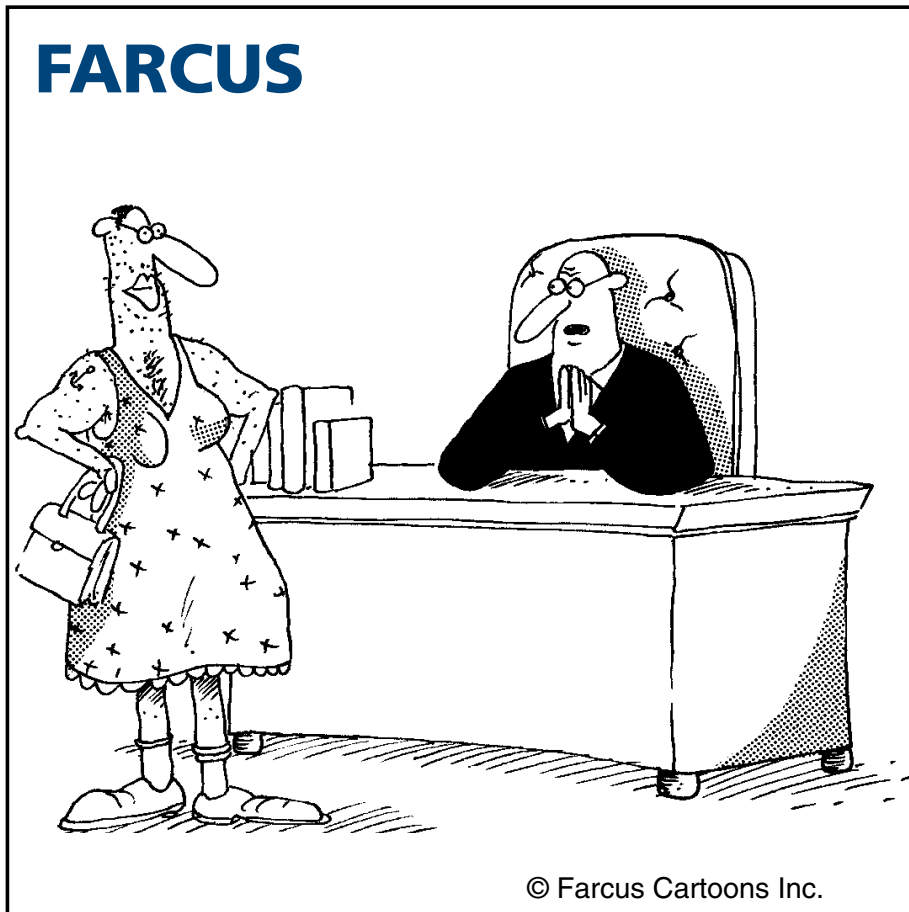
Unacceptable business casual attire:

- ✘ Jeans or capri pants
- ✘ T-shirts and tank tops
- ✘ Shorts and sports wear
- ✘ Sandals and flip-flops

Another topic to consider adding to the dress code policy is personal hygiene and grooming. Again, this should be common sense however, it may be worth mentioning. There are a variety of scents that circulate the office, which will affect everyone differently. People have various levels of sensitivity, and some may have allergies to heavy perfumes or hand lotions. In the workplace, sometimes less is more!

Based on my own personal preference, I find that I work more efficiently,

Continued on page 10 →



"Henderson, I think you've misunderstood our dress code."

and tend to be more motivated, when I am dressed up as opposed to wearing casual clothing. On the flip side to that, I have heard many staff members say

Lawyers do not typically approve of casual or jeans days.

that they would prefer to wear jeans to work every day. In my experience, the lawyers, especially senior partners, do not typically approve of casual days or jeans days.

However, a more-casual dress code policy tends to enhance overall morale and can create a better work environment, as it does not seem to differentiate the professional staff from the support staff. If you can look at yourself in the mirror, not question what you are wearing and feel good about your choice of clothing, it is probably an acceptable wardrobe choice. ♣

Writing a winning proposal is key to the success of any law firm

BY SUSAN VAN DYKE
VAN DYKE MARKETING
& COMMUNICATIONS

A true story: Standing in the secretary's cubicle looking over her shoulder at her computer monitor we are waiting for a document.

At this vantage point, I can also see into the office of my client, a partner. We've been counting down each minute for the past 10 towards a deadline for a Request for Proposal submission. We are waiting for the proposal response to be PDF'd (per the RFP requirements) by an IT person on another floor.

This partner's practice depends on the success of this proposal on which we have worked intensively for a few weeks and, in classic solici-



Susan
Van Dyke

tor style, the partner redrafted right up until the last hour. But first, we must meet the deadline—"...*FIVE minutes*"—or we're dead in the water. "*FOUR minutes*... where's that document?!"

When a significant client sends an RFP, even if it's scheduled, it concerns the most seasoned lawyer. Let's face it: you risk losing the work, leaving a gaping hole in your practice.

Proposals that win work are usually extraordinary for one reason or another. They are not run - of - the - mill or mediocre propositions.

By their nature, they stand out from the others by addressing the unique needs of the client/prospect, or they offer something new and different, demonstrating your creative approach to challenges. At minimum, your proposal must have substance—but in a competitive environment, it also has to dazzle your audience.

Successful proposals require law firms to do something many loathe. Stand out from the crowd, and take a measured risk. The managing editor of this newsletter said it best: "They want to stand out inside the crowd."

Consider the approach of a national firm's Ontario office. In response to an RFP from an American company entering the Canadian market, they offered to send free samples of their delectable product to all their (thousands of) clients in Ontario. Was this firm demonstrating a clear understanding of the prospect's business? You betcha. Did it work? Absolutely.

On receipt of an RFP, review it to see that you can meet the minimum requirements. Then, of course, ensure the work is profitable or that it fits with your firm's goals—not all do, so qualify each opportunity for its individual merits.

Now start turning over stones. Collect as much relevant information

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Managing a software conversion in your firm means that first you must manage the impact on the staff

BY TIM WURTZ,
BAKER NEWBY, CHILLIWACK

It is human nature to resist change. Change at a law firm comes in many forms, with one large change being a software conversion.

In addition to the selection process, initial expenditure, new equipment, and implementation, it is important to remember the people who are being plunged into a brand new world.

Here are a few things to keep in mind so you can successfully ease staff emotionally through a software conversion.

Common conversions in law firms include corporate packages, accounting conversions, and word-processing packages. Each poses unique challenges, according to conversion consultants in each of these areas.

Clive Bellian, our Regional Director at Dye & Durham, had some insights on managing a corporate-package conversion.

He has found there are three distinct groups of people: some who welcome change, some who don't want to budge, and the biggest group—people who can be swung depending on their observations.

The trick is to have this swing group see the successes of the new system to get them fully on board with the conversion. Throughout the conversion process, identify who is on board, who is resistant, and who you can swing to create the critical mass needed to embrace the conversion.

Clive has also found that your adversaries, those resistant to the change, may actually end up helping you implement the new software more effectively.

While looking for ways to discredit the new software, they are actually identifying potential problems that can be addressed early for a more seamless transition. Try not to convey a "My way or the highway" attitude, he suggests. If you are sincere and excited, the staff will see this and do their best.

Stan Harder, a technical support specialist from Thomson Elite, recent-

ly helped our firm through an accounting conversion.

He found that secretaries typically expect to do less work, and are then often surprised to find out they are now responsible for more work, and, as well, an entirely different sets of tasks.

This depends on the complexity of the operations, but once they are over the initial shock, once they see the light at the end of the tunnel, they can't believe there was ever any other way to do things. They realize they will have far more control at the end of the process.

Stan advises that you not compare the new system to the old system—in fact, drop the words "old system" from your vocabulary entirely. It is not a good approach to say "Our old system did this," or "We used to do it this way." Try to find alternatives, rather than dwell on the past.

The conversion period is a great time to rethink how you do things, and to examine why you do things a certain way. During an accounting conversion at Lawson Lundell, Bonnie Kirk noted that while it is easy to physically change

the software, you should not forget to change the processes through which work gets done. The whole accounting function, be it requisitioning or billing, should be reviewed and refined from the ground up to best use the features of the new software.

Valerie Barry of Tech Niche Computer Applications is intimately familiar with *WordPerfect-to-Microsoft*



Tim Wurtz

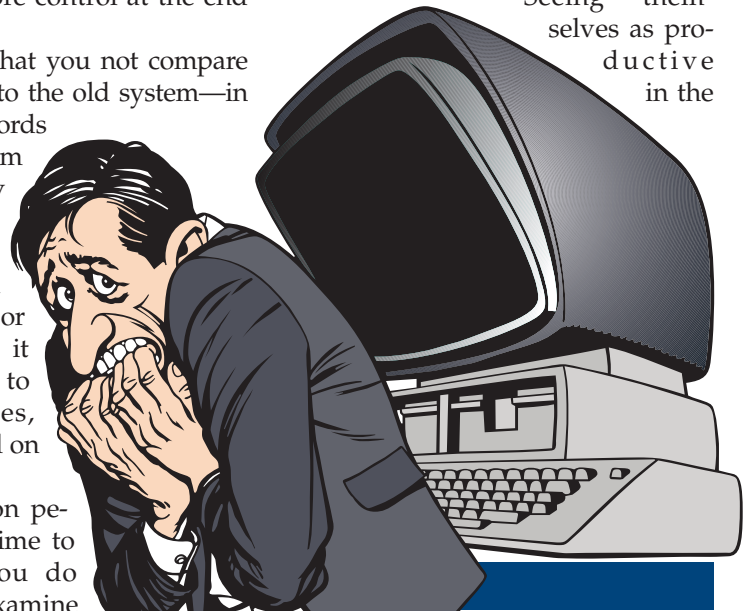
Word conversions.

She has one word for smooth transitions—training. She recalls a time, however, when law firms were reluctant to spend a lot of money on training, and secretaries were often left to figure out things on their own.

This created an environment of specialized skills, specifically in the *WordPerfect* environment, where every user became their own little expert.

For secretaries who survived—particularly those who excelled—during this era, moving to *Word* was disconcerting. They lost all their expertise and become as vulnerable as the most junior secretaries having just learned their craft.

Seeing themselves as productive in the



There are three distinct groups of people: some who welcome change, some who don't want to budge, and the biggest group—people who can be swung depending on their observations.

past, they may feel jeopardized to the point of competing with other secretaries to win back the trust of their principal.

To minimize the anxiety of secretaries who have been raised on *WordPerfect*, Valerie notes that *Word* can be manipulated to closely emulate the look and feel of *WordPerfect*. She

Continued on page 12 →

→ Convert!—Continued from page 11

suggests that if you can show them something new, to make their services more efficient and valuable, they will quickly warm to the new program. A few other items to consider:

- ✓ *Not all features of new software can be used in the first one-week training period.* Other problems and situations will present themselves over time. Have in place a three-month and a six-month follow-up session to support users and let them know so that staff will not feel as though they have been left to fend for themselves.
- ✓ *When scheduling a conversion, try to foresee business cycles that may impact how well the change is received.* Do not do an accounting conversion near year-end—I had to say it!—and, by the same token, save a word-processing conversion for a slower, but steady, time of year.
- ✓ *Staff may be inclined to not ask for help.* That has implications for office efficiency (and for training). Rather than learn the proper way to accomplish tasks, staff may develop their own work-arounds. The actual problem never gets solved properly, and the application is not being used properly. Be receptive to pleas for help, and ensure that your response never makes the person feel inferior or inadequate.
- ✓ *A support network, like our own VALA, is crucial.* Find out which other law firms are using similar software, and exchange solutions and experiences. A fellow member who has already weathered a similar conversion may have found unique ways to deal with specific personality traits you may encounter.
- ✓ *Know what you want.* Perhaps an upgrade is all that is required. Upgrades are easier, cheaper, and few, if any, features are lost or changed. No feathers are ruffled because it is basically business as usual.

A conversion is done to reduce costs or increase billings. If the justification is more the former, staff salaries may well be part of the cost-saving equation. Staff may figure out that a new system will require less staff. They may feel threatened wondering if the functionality of this new



Rather than learn the proper way, staff may develop their own work-arounds.

software will cost them their job.

While staff reduction may in fact be the intention, be careful to consider all the employment ramifications that will result from the conversion—and the discussion of it.

A last word: Conversions affect the whole firm. Go into them with an open mind, committed to their success, and your enthusiasm will help others cope with the broad spectrum of emotions they may feel.

Annie Ronen says "Thanks!" to all as presidential term ends

The President of VALA for the past year, Annie Ronen, saw her term in office end with the Annual General Meeting elections, in which she became the organization's newest Past President. Here are some of her thoughts as she did so.



Annie Ronen

As my term as President comes to an end, I reflect on how anxious I was, when I began this journey, to continue the history of excellence established by my predecessors.

I believe that the success this Association enjoys today is a result of the hard work and efforts of countless Board members, past and present. I hope I have lived up to the standards they set.

My year as President has been enormously rewarding to me in many respects. Professionally, I have enjoyed working closely with my colleagues on the Board, and I have formed lasting friendships with many of them. I will miss our almost daily conversations, and will cherish the laughs that saw us through what sometimes seemed like endless meetings. You are all amazing people!

On a personal level, I learned how to redefine the art of prioritizing, and thank my firm, Ogilvy Renault LLP, for its full support of my involvement with VALA this past year.

I also thank the membership at large for entrusting me with leading the association in changing times, and for so willingly participating in the shaping of our future.

My thanks also to all the vendors who are so supportive of the association and who continue to work with the Board to find ways to add value to the membership.

Finally, I wish our new Board, led by Allison Milroy of Lang Michener LLP, every success in meeting the future challenges of the Association.

New Board of Directors elected as AGM held at Met

BY STEPHANIE CORNELL
STIKEMAN ELLIOTT

More than 20 full members attended VALA's AGM on April 5 at the Metropolitan Hotel. President Annie Ronen of Ogilvy Renault presided over the meeting.

There were some highlights to the meeting, particularly involving the Executive Board. Annie stepped down as President to become Past-President, and she passed the gavel to President-Elect Allison Milroy of Lang Michener. Ernie Gauvreau of Gowlings moved up to President-Elect, and Wayne Scott of Edwards Kenny & Bray completed his four-year term with the Board.

Ann Main of Mackenzie Fujisawa was elected to the Board as a Director. She joins fellow Directors Gauvreau and Milroy. Stephanie Cornell of Stikeman Elliott remained on the Board as Secretary.

The Board also proposed a new name and logo for VALA. Having disassociated from ALA at the end of 2004, the Board began the process of re-defining Vancouver's organization, starting with the name. British Columbia Legal Managers Association (BCLMA) was approved. One of the goals for 2005 is to improve the organization's relationships with its inter-provincial members. The new BCLMA embraces that concept. The name, reserved with the BC Registrar of Companies pending association approval, is now being confirmed.

It will be an interesting year. Board members are excited about reshaping the association after significant changes in 2004, including the withdrawal from ALA and the reconstitution of relationships with strategic partners. The Board plans to move forward cautiously yet optimistically. The Board looks forward to sharing news and developments as they occur throughout the year.

The new Board of Executives will gather for its first meeting of the 2005 term on May 5.



Above: The new president, Allison Milroy (left) talks about the AGM with treasurer Angela Zarowny; Below left: Wayne Scott takes his leave after four years on the Board. Below Right: Annie Ronen (left), with Nancy Jang, HR Manager at Blakes; Bottom: New Past President Ronen (right) received a bouquet from the new President Milroy in appreciation for her year of VALA work.



Training in law firms: How long (or short) should new-hire training be?

**BARBARA BLOUIN
TRAINING CO-ORDINATOR,
IT DEPARTMENT
LAWSON LUNDELL LLP**

Is one way better than the other? Are those who are offering longer training sessions really getting as much bang for their buck out of their trainees? Are those who offer short sessions actually shorting their employees of training that they may need for their job? Here's a look at training duration in law firms, and the pros and cons of each.

One of the considerations for determining training length is the position of the new trainee. Some downtown Vancouver law firms offer training that averages two or more days, depending on the competency of the new hire. Depending on the position, others offer no training, or training in much shorter time frames in order, perhaps, to get the new employee to work in an expedited fashion.

In a poll of nine, large, downtown law firms on training duration, the average results are shown in the table:

AVERAGE TRAINING DURATION (IN DAYS)					
SECRETARIES	LAWYERS	TEMP STAFF	STUDENTS	ADMINISTRATIVE OR OTHER	MULTIPLE MANDATORY FOLLOW-UP TRAINING SESSIONS?
2.1	1.4	1.5	1.4	1	8 = NO 1 = YES

LONGER TRAINING: PROS & CONS

First, let's look at the shortcomings of conducting longer training sessions.

There are many reasons a law firm may not wish to enforce long training sessions for new employees. Time can be a huge factor when training them. Perhaps an employee's position needs to be filled immediately and there isn't anyone to cover the position or take the file in the meantime. Or perhaps the new hire

is a lawyer for whom others are anxiously awaiting the minute the new trainee is available. The result: a new employee is pushed quickly through the orientation process, to get the machine rolling.

A firm may also consider that the cost of multi-day training sessions is not worthwhile for various reasons. When temporary staff come through the office to fill a vacation or leave, the time spent training the temporary employee can be too long.

Longer sessions can also be difficult when there are multiple trainees, particularly with varying skill levels. A trainer who teaches for more than one day may have the option of speeding up if a user catches on quickly or has a lot of prior experience, but they may not have that option if there is another user in the same class who does not have the same abilities.

One of the most significant downsides of longer training sessions is the potential inability for the student to retain all of the information coming at them. If not put into immediate use, does the training become useless?

Longer training sessions can also be cumbersome when being done remotely. Many firms have satellite offices in other provinces where it is not cost-effective for the firm to employ a full-time trainer. Training, in this case, becomes more challenging.

Additionally, when the training is conducted over the phone or by remote computer, which, in itself, is an adequate training tool, the length of time training when not sitting with a person, face-to-face, has drawbacks.

A trainer must be able to sense, without seeing the person's face, when a user has tuned out, otherwise the session becomes a wasted effort.

In contrast, there are a lot of benefits to firms allotting more training time. A long-term training session may demonstrate to the employee that the firm is committed to their success. Not everyone has a natural affinity for using computers, and their skills are learned through practice rather than an innate ability.

Sometimes, longer training sessions are mandatory simply due to the size of the firm, and the number of people in it, particularly where a lot of document streamlining is necessary. If the software is customized or speciality software is used, having standard, strong, word-processing skills may not be enough to meet speed expectations.

A new employee needs to learn how the firm has customized the software in order to work at the most efficient level, or at least the level that their working colleagues expect. This becomes especially difficult when temporary staff fill in. Time spent training on customized software at a new office can be invaluable, especially when there is collaboration involved.

It also can take a lot of pressure off new staff. When they arrive, they

have the ability to settle in and absorb things at their own pace, rather than going straight from the pan into the fire. This can be especially so when trainees are new to the field of law itself.

Summarizing this aspect: when it comes to retaining information, longer training can potentially offer more practice time and assist the new employee to be more comfortable with the new tools being taught.

Continued on page 15 →

→ *Training: Continued from page 14*

SHORTER SESSIONS: PROS & CONS

Let's consider now the advantages of shorter sessions.

Before doing so, there are factors which must be considered in order for shorter sessions to be successful. A competent trainer is important, as well as the ability to be a great people skills. These attributes are crucial in order to gauge whether the student is absorbing the information.

When a new hire demonstrates excellent technical ability and adaptability, shorter training sessions accommodate both the trainee and the firm, as they can get that person to their desk quickly in order to start churning out work sooner.

That being said, there are pitfalls to short training sessions. Certainly, a student with less time in training will not know all the details, and may not be as efficient, as one with more training. Yet in some firms with less streamlining in the application of their software, or follow up training, this is not an issue.

Shorter training sessions will almost certainly increase the support needs of the new hire. Particular departments may feel the increased traffic as IT (computer help), human resources and word-processing departments, or even other staff members, may be affected by trainees who haven't had enough training.

Another concern from shortened

training sessions is how it may affect documents created by the trainee; in particular, precedents that are created to be used by others in the firm.

If documents and precedents are not created properly, and lack of word

not have strong computer skills to start.

Some firms have opted to mix training and the job within the new hire's first weeks of working. Breaking up the training over a number of days so that new employees can grow accustomed to their desks and other surroundings at the same time as learning the computer system can help to break up the training into what may be more manageable pieces.

The drawback to this sort of training is this: once in a while it may be difficult to get that trainee back into training due to an unavoidable work schedule or other commitments.

While making attendance mandatory works for some, others complain that new hires, in particular, lawyers, are difficult to get back to the classroom once they have left.

There are some hires that, without official training, can muddle their way through a system and discover the details on their own or by asking their neighbours; however, these people tend to be rare.

Summarizing this aspect: If a firm keeps a lot of its software standardized and hires highly skilled, self-motivated people, less time for training seems adequate.

However, firms that have a lot of specialty software or have fine-tuned their word-processing so that everyone does the same thing, more training,

Continued on page 16 →



A student with less time in training will not know all the details, and may not be as efficient as one with more training.

processing skills is obvious, it can affect many others.

A shorter training session also makes for limited practice time, and may be ineffective if the student does

→ *Training—Continued from page 15*

rather than less, becomes a necessity.

CONCLUSION

How a firm decides to train its people is an important indicator of how a firm likes to run. If people aren't trained thoroughly and at some length, they may not work as effectively or efficiently because they don't

know all there is to know to start. However, over-training can occur—resulting in loss of time, money and knowledge retention—which isn't a good use of firm resources.

In conclusion, a trainer needs to be

flexible enough to adjust the training duration and material to reflect the new hire's needs. The question invariably becomes whether the time allotted to the trainer to clearly convey the knowledge to the student is enough.

Ultimately, it is the trainer who decides how long a training program runs, especially since they generally assist the firm by assessing the skills of new trainees. v

A trainer needs to be flexible enough to adjust the training duration and material to reflect the new hire's needs.

→ *Gillian: Continued from page 3*

team of administrators and librarians that would work together to create the group. Gillian signed on right away. It was an opportunity to bring law firm's librarians together while educating legal administrators that a law librarian's role is more far-reaching than just organizing books on the shelf.

The roles of law librarians, or Information Services Managers as they have also come to be known, have expanded over the years.

It's not just about managing content, but about providing information and managing needs in multiple areas of expertise.

Naming the new sub-section was a job all on its own. The team was care-

ful to keep it from being exclusive to law librarians, so the title had to be more encompassing; many departments in any one firm manage information in any number of ways.

In the four meetings that have been conducted since September of 2004, attendees have included law librarians, IT specialists and corporate clerks. Feedback has been positive, and each meeting has been well-attended, with 15 to 20 people per gathering.

In an effort to reach out to more people, one meeting per year will be a joint meeting with Vancouver Association of Law Libraries. The first such meeting will occur this spring.

Gillian's professional memberships and activities are many. She is the Western Canadian Representative of the Education Committee for the Ca-

nadian Association of Law Libraries, she belonged to the Western Canadian chapter of the Special Libraries Association, and she has been a guest speaker and lecturer for such organizations as the Justice Institute of British Columbia, the Vancouver Online User's Group and CCH Canadian Ltd.

In addition to all this, Gillian and her husband have raised two sons. Over the years, they have traveled in Europe with them as they performed in the British Columbia Boys Choir. And, yes, Gillian was also a fund raiser for the Choir—and manager of her sons' soccer team.

Chances are, if you haven't met Gillian already, you will. Many chapters in her busy life have already been written, with many more to come. v

→ *Proposals—Continued from page 10*

on the company as possible. Conduct a corporate search, send an e-mail around the firm, read their annual reports and engage a media-monitoring company for news clippings or transcripts from the past year or two.

What are the client's (or prospect's) challenges, goals and weaknesses?

Do you have unique skills or experience? How can we help, aside from legal services?

Will an influential client provide a reference you can include in your proposal?

Some RFPs spell out precisely

how we are to respond and in what order. If not, include an executive summary and put the firm's biographies and historical information in the appendices or towards the back. Place the most relevant information first.

Identify a central message that will resonate with your prospect. This is not your firm's tagline, but a unique statement specific to the proposal. Take cues from the RFP or the findings of your research.

A prospect seeking a firm who can dependably close deals without damaging relationships might respond to "Effective negotiators; relationship preservers." Consider this theme throughout your response,

and it will become one of your principal statements.

Now back to our true story: at the four-minute-mark, the partner had an e-mail drafted and awaiting the PDF file.

At three minutes to the deadline, the PDF file arrived in the partner's e-mail box and was quickly submitted to the client with a resounding sigh of relief.

Several weeks later... they were awarded the work. v

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