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A newsletter to help our members and partners stay current with the business of law ♦ Spring 2009

THERE'S MORE THAN ONE WAY TO KEEP FROM BEING SKINNED

Top 20 strategies in a slowdown

by Michael J. Anderson
President, Innovative Consulting

As pragmatists, we prefer to talk about solutions rather than the causes of the current recession. Everyone knows what is happening: bankruptcies, tight credit, foreclosures, industry consolidation, the collapse of major financial markets, fewer deals of any kind, more litigation and bankruptcy work, far fewer real-estate transactions—both personal and commercial, US bank failures, and so on. The questions are not, “What went wrong?” and “Who can we blame?” Rather, “What are we going to do about it?”

Law firms tend to be a lagging indicator of the general economic picture,

so we are just at the point now that many other businesses encountered a year ago. Accordingly, we will take

longer to bounce back when the shift finally happens, so many firms have not

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Michael J. Anderson

New BCLMA Board, elected at AGM, begins organizing upcoming events and projects

More than 20 Representatives and Affiliates attended the BCLMA Annual General Meeting on Thursday, April 2 at Fasken Martineau in Vancouver.

Highlights included an oral report of the past year's accomplishments from President Stephanie Marsh, a review of the financial statements by Doug Ausman, who was filling in for Angela Zarowny, and a motion to keep Executive Board Director positions limited to seven, to ensure maximum proficiency and controlled costs.

A seven-director board includes three presidential roles – President-Elect, President and Past-President –

and four general Director roles, in addition to two Officers: Secretary and Treasurer. The motion was passed.

The 2008/09 Executive Board Members stepped down as required and the new 2009/10 Executive Board was voted in, with the Past President position vacant.

The new Executive Board's first meeting on April 11 immediately began discussing plans and events for the upcoming year.

Some of those include the Canadianization of the Certified Legal Management Program, joint webinars with

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Wise whys and wherefores of Generation Y

by Mike Bowerbank

With Generation Y workers slowly but steadily filling the ranks of our organizations, it is important to understand what makes them tick.

It's easy to just let them be, as they generally work hard and seem content, but if you work on that assumption, you will later wonder why these workers don't stick around, and why the turnover rates are higher than you think they should be.

For clarification, Generation Y is generally considered to be people born between 1978 and 2000. According to

Canadian statistics, there are 5.3 million people in Canada who fit into this age group, making them three times more populous than Generation X.

People who are part of Generation Y are generally less cynical about social issues, but are also much more influenced by brands and peers than previous generations. At home, according to *Business Week*, three out of four have two working parents, and one in four live in single-parent households.

People in Generation Y always feel crunched for time, they prefer directness to beating around the bush, action

over inaction, and – more than anything else – they value what's cool.

The latter part of the generation seems like it's always had the Internet and cell phones, and today are texting abbreviated language (“c u l8r”) while plugged into their iPods. But they're actually a crossover generation from analogue. The Internet began in the mid-'90s, the iPods in 2002. Their old-



Mike Bowerbank

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yet had the meaningful discussions that need to occur if we are to develop a strategy to deal with this downturn.

The following 20 strategies are offered for your consideration. Some of them will be helpful for you, and some will not, but, if you give them all some thought and implement those that will work for your firm, the net effect will be the development of a strategy that will help you survive the current economic crisis.

1 SLASH AND BURN Often, the knee-jerk reaction of many firms is to lay off associates and staff to drastically reduce expenses. Sometimes, it is even the right strategy.

Most often, however, it only serves to impair the firm's future performance, and may take many years to overcome. Layoffs must be related to underperformance, or lack of current and potential work. Layoffs should also not be limited to associates and staff; you may have

partners who are underperforming, and showing no signs of changing the way they practice.

Every firm has expenses that they could eliminate but we would suggest that firms be selective. Do not weaken the strategies that will get the firm back on track. An example might be some of the marketing expenses. Some of those expenses can be eliminated, but to just stop all spending on marketing could be catastrophic.

2 FREEZE SALARIES Rather than lay off associates or staff, first consider whether you might be able to get by through freezing current salary levels. If you choose this course of action, you should be prepared to undertake to all employees that the partners will not increase their own income until the freeze can be lifted for everyone.

3 WORK SHARE Associates might well be interested in sharing the reduced

work levels as an alternative to layoffs. They would need to agree to work fewer hours, and accept less remuneration until the work levels pick up.

In this scenario, three associates might share two full-time positions. As for staff, some of them might actually embrace a three- or four-day work week.

4 ASSOCIATE COMPENSATION Consider changing associate increases from a lock-step system to one based on merit. This encourages your best young people to excel.

5 PARTNER COMPENSATION Consider reviewing your partner-compensation criteria to put more emphasis on those areas that are most critical in a recession.

For example, you may wish to put more emphasis on client-generation successes or receipts, and less emphasis on hours recorded or fees billed.

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6 FOCUSED PRACTICE AREAS Firms must constantly review those practice areas in which they are best suited. Even in boom times, there are practice areas that a prosperous firm may well wish they didn't have. This may be due to profitability, manpower available to do good work, client demand, or commoditization of the work. In tough times, it may well be mandatory to eliminate those underperforming practice areas. Partners, associates and staff in these areas can be re-trained and re-assigned to another area, or offered the opportunity to seek other employment.

7 RE-TRAINING & RE-ASSIGNING Are there partners, associates or staff who could still be used if they were prepared to re-train in another, but perhaps related, practice area at least on a part-time basis, so that they are more fully employed?

For example, could a real estate associate, partner or paralegal be used to help in the busier foreclosure practice? Finding ways to keep people will pay benefits for years to come.

8 RECEIVABLES Credit will be difficult to obtain for both the firm and its clients. By focusing on your receivables, you lessen your need to borrow, and you will more quickly identify, and hopefully remedy, client situations that will be a problem.

Reducing your WIP through billings may be just as important as collections.

9 FEES PLUS Yes, there are firms out there who do not charge enough for their work. Be sure that your rates are competitive from a below-the-market perspective. If you are \$20 per hour below your market, you may be able to raise your rates, and have a positive impact on profits.

10 FEES MINUS Freeze or reduce your hourly rates, and let your clients know that you are sharing their pain.

This is a marketing strategy that most

often meets with a loyalty that will last long beyond the current downturn.

11 MARKETING 1 Use your newly-found free time to do more marketing or receive marketing training.

12 MARKETING 2 Now, more than ever, get out of the office and visit

with your clients.

Almost all great rainmakers will tell you that this is the best marketing you can do.

13 MARKETING 3 Develop the song sheet. Make sure that everybody is on the same page. Make sure they are

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promoting the same concepts:

- ✓ Things are not terrible; they are challenging.
- ✓ We are not under-employed; we now have greater capabilities to help our clients.
- ✓ We are not making less money; we are providing even greater value to our clients.

14 UPGRADE Often, a downturn can be an opportunity. If your firm is in better shape than some of your competitors, this might be an ideal time to add the best of their people to your roster, and upgrade your practice teams. It is a time when landlords are more open to re-negotiating your lease if they are feeling the pressure to keep the premises at full capacity. It may also be a perfect time to negotiate new premises.

15 LATERALS This may be the opportunity to grab that lateral hire you need for one of your practice groups, or that lawyer with a book of business that would have natural synergies with your firm.

16 CONTRACT LAWYERS Seek available talent to fill in temporary needs that your firm may have, at a fraction of the cost of hiring a new lawyer.

17 ACQUISITIONS This may be an ideal time to acquire another firm that is not handling the downturn as well as you are. Perhaps it is time to acquire that practice team that you have always wanted.


18 TRAINING Lawyers can use their increased available time to get the training that they have always wanted, whether it is practice specific, marketing specific or leadership enhancement.

19 THE PLAN It is time for the firm's leadership to make the tough decisions. Assess your talent pool, your practice areas and your marketing efforts, and develop the necessary strategies that will best suit your firm going forward.

Create a realistic, valid and well-communicated plan to motivate the members of your firm, and to maximize the results.

Keep the staff and lawyers up to date as the plan evolves.

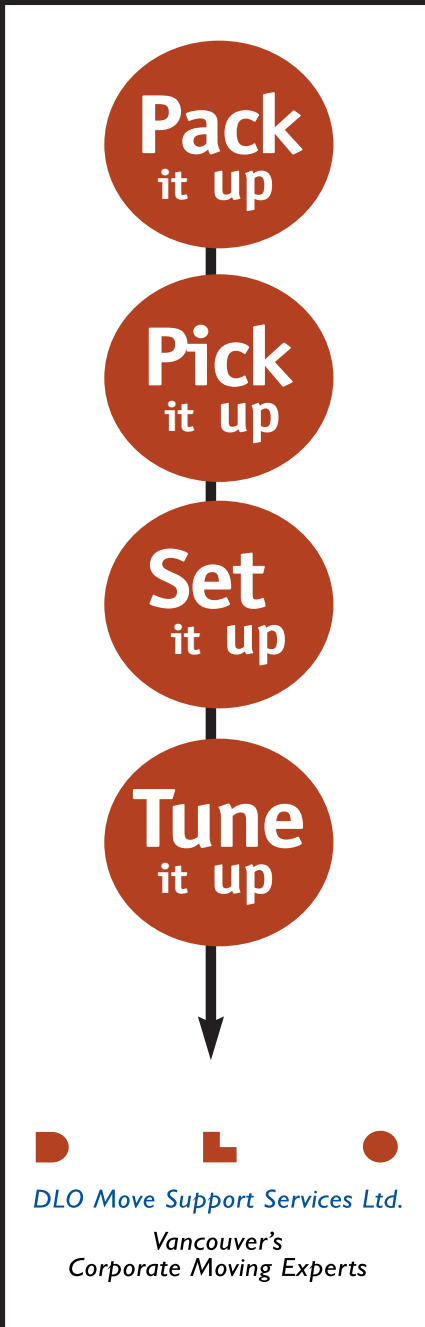
20 DO NOTHING Unfortunately, this will be the strategy for some firms. We wish them luck as other firms swoop in and eat their lunch. Their best people will flee and only the underperformers will be left behind.

We hope that you have found this helpful and thought-provoking and we wish you the very best in coping with the stresses of being a leader in times of economic recession. 

Michael J. Anderson is a principal in Innovative Consulting, with more than 30 years of experience working with professional firms throughout North America, 15 years as an Executive Director of law firms and, since 1987, as a consultant to the professional services industry.

Michael is based in Vancouver, and can be reached at 604.272.4222 or at anderson@innovativeconsulting.ca

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Wise whys of Gen Y → from Page 1

er music is on CD, even cassette tapes, and their newer stuff lives on their computers. They chat and text to people all over the world, and are constantly plugged in to social networks online. The darkly ironic part, however, is that despite their online social ease, this generation tends to struggle with face-to-face communication, and they have relatively poor interpersonal skills.

GEN Y IN THE WORKPLACE

Generation Y is sometimes called The Trophy Generation because they were the first kids brought up in a school system that rewarded everyone equally. Everyone got a blue ribbon, few failed a grade, and you got a gold star just for showing up and changing oxygen to carbon dioxide.

As such, some employers are worried that this age group has unrealistic expectations from their jobs and don't know how to accept the failures that come along in the real world.

The fear is that Generation Y employees want to shape and adapt their jobs to fit their lives instead of the other way around.

In February, Ipsos-Reid published a poll which showed that the fears expressed were well-founded. The poll discovered that workers in the Generation Y age-range were more likely to be disappointed with their work experience than older workers. Gen Y is looking for a good fit, more so than any previous generation, and to the point where they will jump from job to job until they find it.

Y SO SERIOUS?

According to a comprehensive study done by Rhode Island's Bryant University, people in Generation Y crave recognition and respect.

Their job history is marked with hard work and technological expertise but they change jobs frequently. Their strengths, the study noted, were tenacity and a natural ability for multitasking; their weaknesses included a lack of experience, poor people skills and a need for supervision.

With the Baby Boomers nearing retirement, there are enough workers in Generations X and Y combined to fill those roles vacated, but there will also be

a lack of experience and expertise. Companies with a clear sense of how all three generations work and what they value will be the ones who find the transition from one to the other easier. Learning how to retain Gen Y is critical.

SO HOW DO YOU RETAIN GEN Y?


The Ipsos-Reid study concluded that

Gen Y workers put great importance on feeling like a human being and not a "resource input."

They want to work with organizations that understand them, who are modern, ethical and have some edge to them.

They want "fair compensation" but that

Wise whys of Gen Y → to Page 7



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Wise whys of Gen Y → from Page 6

may be different from what you think that term means.

They don't want to wait for their job to have meaning and purpose, nor do they want to wait for new challenges or to be promoted; they want it all immediately.

How you sell their job to them, and how you set up their work environment and tasks will be very important.

Don't be afraid to bend the rules and to break the traditional definitions of their job descriptions. If they want more responsibility then give it to them along with the accountability it demands.

Maintaining high morale and productivity from these workers requires a supervisory style that gives them some extra freedoms and leeway in exchange for a higher level of work done.

The hierarchy that exists may have to change if you want to retain these workers – they need to feel like they are your equal.


Getting high work output from Generation Y workers is easy when you understand how they think and the times they grew up in. They're highly motivated workers to begin with. Keeping them interested is the difficult part.



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GENERATION Y

THEY NEED TO FEEL LIKE THEY ARE YOUR EQUAL

Remember to be flexible, communicate with them regularly, and constantly allow their job descriptions to evolve and you'll greatly improve your odds of getting the most from Generation Y. 

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New Board → from Page 1

ALA and TLOMA, and sponsorship of the 2009 PLMW with associated regional awareness events.

As each initiative is developed, the execution of each will be shared with the Association.

One thing was clear: the BCLMA is not hosting a 2009 annual conference.

Officers Jane Kennedy, the BCLMA's Administrator & Membership Services; and Angela Zarowny, the organization's Treasurer, are continuing in their current capacities for this term.

As always, you are encouraged to contact any members of the Executive to share your ideas, recommendations, feedback, or to pledge your support and volunteer spirit. We look forward to a successful term.

Here are snapshot biographies of this year's Board members:

PRESIDENT: STEPHANIE MARSH

Stephanie works with the Marketing Group at Fasken Martineau. A BCLMA member since 1996, Stephanie has been involved at various levels, and remains on the *Topics* Editorial Board.

As the association has always been a ready resource and supportive network for her, Stephanie seeks to continue to as-

sist the BCLMA and its individuals in the same regard.

Stephanie's 2009/10 agenda highlights include Executive Board succession planning; enhanced survey process and participation; and streamlined operations with increased consistencies, such as invitation and event announcement templates.

PRESIDENT-ELECT: JAN WHYTE

Jan Whyte is Office Manager at Murphy Battista, a downtown Vancouver litigation firm. Teamwork, collaboration and getting to solutions are her personal and professional focuses.

Jan is ready to give back to the organization that is obviously a great support to the managers and lawyers she has met over her 26 years in Vancouver litigation.

Jan is also a Professional Development Coach, and seeks to bring a structured Leadership forum to the BCLMA this year.

DIRECTOR: GARY CARTER

Gary Carter has been a member of BCLMA, formerly VALA, for more than 20 years.

He has worked as a Paralegal and has been a law firm Administrator since 1987. Gary joined Paine Edmonds LLP

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**New to the BCLMA?**

Learn more about our thriving association at this casual gathering of new BCLMA registrants, Subsection Chairs and Executive Board Members.

Thursday, June 4

7:30a.m. – 8:30a.m.

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Dryden, Trainers and Technology, Murphy Battista... and **Gwen Steffan**, Controller, Harper Grey LLP.

WELCOME, NEW REPRESENTATIVES!

Kim Baylis, Office Manager, Aaron Gordon Daykin, Vancouver... **Tina Alberga**, Office Manager, Anfield Surjir Kennedy & Durno, Vancouver... **Jennifer Funk**, Office Manager, Kornfield Mackoff Silber LLP, Vancouver... **Carol Moser**, Accountant, Kornfield Mackoff Silber LLP, Vancouver... **Edmund Reid** (TLOMA's President), IT Manager, Aylesworth LLP, Toronto... **Aimee Kunzli**, Accountant, Slater Vecchio LLP, Vancouver... and **Lavinia Tom**, Controller, Sangra Moller LLP, Vancouver

*In accordance with our bylaws, firms are the BCLMA's **Members**. **Representatives** were formerly known as Full Members. **Affiliates** were formerly known as Subsection Members. The list of the Affiliate Chairs and Co-Chairs as of the date of publication is always on the last page of each TOPICS. You can also go to our website for the latest list.*

in 1991, where he is responsible for the day-to-day management and administration of the firm, Human Resources as well as Information & Technology Systems.

Gary has been a Director on the BCLMA executive for the past two years. While serving as a Director, Gary has been involved in the mentoring program, played an active role on the website development committee and has taken on various other projects such as the new and improved PDF Enrollment Form.

Giving back is an important part of Gary's continued participation in BCLMA.

DIRECTOR: BARB MARSHALL

Barb Marshall is the IT Services Manager at Fasken Martineau. She has been a BCLMA member since 2000 and joined the Board of Directors last year.

The BCLMA has always been a source of valuable information and networking opportunities for Barb.

Joining the Board of Directors last year provided a further opportunity to assist the BCLMA with some of the new and exciting changes taking place.

She looks forward to continuing working with the other Board Members on the various initiatives and projects being planned for this term.

DIRECTOR: EVENNA LIU

Evenna works at Oyen Wiggs Green & Mutala LLP as Office Services & Facilities Administrator. She is a newer member to the BCLMA since joining the association in 2007. Evenna has served on the Board of Directors this past year. As a newer face to the BCLMA, Evenna has seen the benefits that such an association offers to its legal

community and is looking forward to assisting the BCLMA in coming years.

Evenna is eager to work on the agenda for this coming year and continuing to learn about the Association.

DIRECTOR: CINDY HILDEBRANDT

Cindy has been in the Vancouver legal community since 1993 and is a long-standing BCLMA member. Currently, she is the Manager of Human Resources at Richards Buell Sutton.

BCLMA has been a huge resource for her and a very supportive legal network. Cindy is looking to give back to the organization that has been so supportive of her.

Cindy will work with the Executive to attain its goals, create new ones, support existing members and programs and reach out to new Member Firms and individuals.



BCLMA SPRING / SUMMER SOCIAL

Save The Date!

Thursday, June 11
Stanley Park

Pitch 'n' Putt • 4 p.m.
Dinner at the
Fish House • 6 p.m.

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THERE'S INFORMATION TO HAND AT THE STORE TO HELP

Tips on buying wine you actually like

By John Clerides

There is a dizzying array of wines available in your local liquor store or wine shop. I thought I had a grasp of most of the wines in the BC marketplace – and I'm an expert. But even I shake my head at the vast selection of wines.

Some buyers look at the colour of the label, the letter size, or even the shape of the bottle. Of course, this is not the most precise way to ensure you will have purchased a wine that you will like. So how does one go about selecting just the right wine for a Tuesday night gathering or that special weekend dinner?

There are a few tricks of the trade that will save you time and money and give you a better chance at ensuring your money is well spent.

RATE SCALE

Most wines are rated on a 100-point scale. Usually, the higher the score, the better the wine. Accordingly, the higher the score, the higher the price. The key is finding a wine with a good score (usually 87-89 points) and a reasonable price (usually just under \$20 a bottle).

Does it mean that an 88-point wine at \$20 is better than an 86 point wine at \$18? Not necessarily. We all have different tastes—even wine writers can't agree. This is where you have to read between the lines of a wine writer.

LEARNING THE LINGO

If you purchase a wine based on a wine writer's recommendation, and the wine is not to your liking, go back and re-read the review. Wine writers have a way of making qualities you may not like sound attractive. *Herbal* to a wine writer may be green to you. *Firm tannins* may taste sour or bitter; *Juicy* may be that the wine is like a fruit drink; *Forest Floor* may actually taste musty.

Personally, I am an acid aficionado, which means I like wine with a good amount of acidity. Imagine the taste of lemon-aide with less sugar, or, as another wine writer calls it, "nervous or spiny acidi-

ty." The words *briny* or *mineral* can be used in describing the wines from Chablis. This may not be a word you find appealing but those of you who have had fresh oysters with a great Chablis know this wine and food-pairing is nothing less than magical.

SHELF TALKERS

Shelf talkers are little cards on shelves that provide useful information about the wine placed above it.

They look simple, but they are highly-



DIEGO CERVO

regulated and costly. Government liquor stores have strict rules about the use of shelf talkers: what wine writer they are to quote, size of the shelf talker and its colour.

There is also a cost to the importer to print the shelf talkers, and a fee paid to the liquor board to be permitted to use them. The small importer who brings in less well-known and-in most cases-quality

wines, but who has a limited budget and small sales force may not be able to afford the cost of installing shelf talkers.

When you see a shelf talker, it is usually reserved for the big-brand labels that have the budget to promote their product. A shelf talker is helpful, but it may not always be the best way to determine if a particular wine is right for you.

GET TO KNOW THE STAFF

Develop a relationship with your liquor store or wine shop staff. They have a wealth of information.

They are easy to spot in a wine shop—they are the ones with an almost child-like enthusiasm when asked to share their latest discovery with you.

The staff often get invited to wine tastings, so they are usually the first to taste and know about new arrivals.

This is a great way to find out about new wines before they are widely discovered. Some will even call to tell you what has just arrived. These people are like a good hairstylist or mechanic, keep in touch with them as they rarely steer you in the wrong direction.

Seek out the most knowledgeable staff by shopping on the weekend. The weekend is often the busiest time of the week for wine stores, this is when you'll probably find the 'A-Team' working.

WINE TASTINGS

Attend wine tastings or festivals. This is a fun and social way to learn about wine. The best way to learn about the countless events that occur in the city is to check out Plan Vancouver <<http://www.PlanItBC.com>>. This website lists most of the public events in the Lower Mainland, who is organizing them and the cost to attend.

RESEARCH, RESEARCH, RESEARCH

There are several local websites that are a great source of information for local and imported wines. There are also a number of US and European-based web-



John Clerides

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More wine, Madeira? → from Page 10

sites that are pay-for-use sites.

They offer a wealth of information. The most well-known wine journalist in the world is Robert Parker. Parker's opinion can make or break a wine. Stephen Tanzer, Allen Meadows (Burgundy only), the *Wine Spectator*, James Halliday and Huen Hook, two respected

Pop that cork!

Consult these websites for local and Canadian wine reviews:

'Wine Diva' Daena van Mulligan is a sommelier who tastes and travels extensively:
<http://www.winediva.ca>

Anthony Gismondy has been writing on wine since 1983 and has been the weekly wine columnist for the *Vancouver Sun* since 1989:
<http://www.gismondionwine.com/>

Wine & Dine includes suggestions for wine pairing, local wine tasting events and links to cellars and chocolates:
<http://www.wineanddinebcnews.ca>

Vancouver Info highlights events, wine stores in the city and book reviews:
<http://www.vancouverwineinfo.com>

Australian-based wine writers, also have websites.

There are also two wine and food-oriented magazines, *City Food* and *EAT* that are excellent resources.

CHEERS

Now armed with a lexicon of words and your shopping list of wines, you can decipher the endless array of shelf talkers and wines adorning liquor store and private wine-store shelves, and make an informed choice. I hope this helps. *Salute.*

John Clerides is the owner and President of Marquis Wine Cellars. John travels extensively through the wine regions of Italy, France, California, Washington State, Oregon and Australia. Visit his shop at 1034 Davie Street, Vancouver, or his website <<http://www.Marquis-Wines.com>>

YES, THERE'S A DIFFERENCE

Marketing coach or consultant? Make the decision according to your business needs

By Robert Ciccone

I am both a marketing consultant and marketing coach.

For many of my clients, I do more than just consult with them on marketing plans, strategies and tactics. I help them develop and execute entire marketing programs. Some of my contracts are long term – a year or more. During them I may hand-hold; I may mentor; I sometimes act as their de facto marketing VP and, yes, I often end up being their marketing coach.

I hear you saying, "What's the difference between a coach and a consultant?"

From my perspective, there isn't – or shouldn't be – any difference. But in the real world, there is often a great gulf between coaches and consultants. You see, some coaches know almost nothing about the topic they are coaching on. This may not be a bad thing because, as coaches, they are trained and skilled in the techniques of guiding clients to discover their own ways of approaching and solving problems.

Coaches can help you pursue your objectives by giving you an impartial point of view, and helping to eliminate self-imposed, negative or disempowering behaviors that may be limiting your success.

So, if you're well-versed in the theory and the practice of whatever it is you need help with (marketing, for example), but just can't seem to make it happen for your company, you may benefit by hiring a talented coach. But if your marketing sucks because you don't really know what to do, then you need a consultant.

Typically, a consultant will have expertise, bottom-line experience and well-honed skills in their particular area or discipline. You can expect a marketing consultant to bring skills and knowledge in strategy, consumer insights, advertising, demographics and databases, offers and promotions. They should also be able to take on a productive, hands-on

role in your company.

DO YOU NEED HELP?

How do you feel about your marketing. Are you a \$10-million company that is only doing \$4 million a year? Does your marketing team resist change? Is your marketing VP out of ideas? Are you spending 80, 90, 100 hours a week at your business, and still not making the progress you feel you deserve?



Robert Ciccone

Entrepreneurs, especially, tend to get bogged down by the minutiae of running their businesses. After all, running everything is how they started. And, when you're doing everything yourself, it's easy to feel daunted by the job of creating and executing a marketing plan.

No wonder some business owners feel like they'd rather sell hats and t-shirts on the beach in Costa Rica. If you feel like that, you need a bit of help.

FINDING THE RIGHT HELP

If you're looking for a coach, a consultant, or – even better – someone who does both and who can help with your marketing program, there are a few things you need to find out about them.

Coaches should have:

1. *Coached in similar situations* While it's not essential to have specific industry experience to coach, it can greatly reduce the learning curve and speed up results.
2. *A record of results* It's one thing to increase learning for clients; it's quite another to translate it into action and results. Ask for examples of past results.
3. *Walked their talk* Coaching isn't telling. It arises out of a coach's ability to inspire and empower. This comes from doing the work in their own lives.

Coaching or consultant? → to Page 12

HI! MY NAME IS...

Seven tips for remembering the name of the guy you hope will do business

By Bill Lampton, Ph.D.

You mutter to yourself: “My gosh... here comes that lady I met at the reception last week. Now I have to introduce her to the three people with me. But I can’t remember her name.”

Sound familiar? Sure enough, it comes to pass, and you feel awkward and embarrassed.

This name lapse happens too frequently. Yet the ability to recall names instantly remains vitally important for sales, marketing, public relations, management, politics, customer service, patient relations, volunteer work – and every other professional function.

Use these seven basic tips, and you’ll start remembering names with remarkable accuracy.

CATCH THE NAME TO BEGIN WITH

Why don’t we catch the name? Usually there is a fairly obvious reason. Instead of listening to a person’s name when we are introduced, we are thinking about the brilliant opening comment we are going to make next. So the name, though clearly stated, slips right by us.

Note: Nothing you could say for your opening sentence would be as impressive as demonstrating that you captured the person’s name accurately.

ASK FOR THE SPELLING IF NECESSARY

An uncommon name startles us. We tend to give up on learning it. Now think, though, would it be rude to ask the person to spell her name?

Not at all. In fact, your new acquaintance will be pleased that you are that interested in her. She will spell it more than once if the first go-round doesn’t work.

VISUALIZE THE NAME

Suppose you meet a guy named Hardy. Right away, picture a Hardee’s restaurant. See the man’s name in lights, with this slightly different spelling. Envision yourself eating a burger with him. You’ll be amazed at how quickly your imagination imprints the name in your memory.

ASSOCIATE THE NAME

Let’s say you meet a woman named Alice. Certainly you have met other Alices. Associate the familiar Alice with the new Alice.

You can even associate with famous people you don’t know. For example, when you meet a Michelle, associate her



Bill Lampton... Lamps, tons, tons of lamps.. Lamps are bright... bright ideas... tons of bright ideas from... Bill Lampton!

with Michelle Obama. Or in meeting a Robert, associate him with Robert Redford.

USE THE PERSON’S NAME IN YOUR FIRST RESPONSE.

Immediately after being introduced to George, say “It’s so good to meet you, George.” Even that initial use of the name lets him know that you got his name accurately.

Once or twice more during you conversation, inject his name:

“George, where did you say you are from originally?”

“Tell me, George, do you live on the street behind the shopping centre?”

Every time you include his name in the conversation, you are giving yourself an additional reinforcement of his name, even as you demonstrate your knack with names.

GET THE NAME IN WRITING

Here again, you are not insulting your new acquaintance, you are flattering her. Alice likes this indication that you want to keep her name, and preserve it accurately.

Or if you are in a setting where Alice is likely to have a business card with her, offer to exchange cards. This request provides you with a written copy of the name.

LOOK AT THE NAMES LIST BEFORE YOU ARRIVE AT A FUNCTION

So, you are going to attend the Kiwanis Club’s annual dinner meeting. You want to brush up on the names of likely

Remembering names → to Page 15

Coach or Consultant? → from Page 11

Marketing consultants should have:

1. *Experience in person-to-person selling* Marketing is about salesmanship. They ought to know how to size-up and engage prospects, zero-in on benefits, overcome objections, and know when, as well as how, to ask for the sale. All these are skills that translate readily from in-person encounters to all forms of advertising.
2. *A record of measurable success in direct marketing* It is easy to create image ad-

vertising, but only someone versed in direct response can present offers and information in ways so compelling that you buy what they are selling, right now.

3. *Experience in your type of business* Do they have experience in business-to-business, or business-to-consumer marketing (depending on who you market to).

Be sure to check references and seek recommendations. Working with professional coaches and consultants can spell the difference between success and fail-

ure for your business.



Robert Ciccone is the president and founder of Success Unlimited Sales and Marketing Group (www.susmg.com).

He is also the creator of the Marketing for Profit Program, a three-part results program that provides the marketing systems, tools and ongoing support to help participants immediately and more effectively build, manage and operate a profitable business:

<<http://www.susmg.com/marketingforprofit>> Rob can be reached at 604.535.2111 or by e-mail: rob@susmg.com.

WHEN TIMES GET TOUGH, EMPLOYMENT ATTITUDES CHANGE

How to manage HR in an economic downturn: Simple; stay the course

By Raf Sansalone
Borden Ladner Gervais LLP

In October, the BCLMA's Editorial Committee Chair, Bob Waterman, asked me to consider an article for *Topics* newsletter on recruitment and retention, and what firms were doing to attract and retain top talent. I suggested that we should be looking this year at the matter from a perspective: the employer's.

In the last five years or so, we have been focused on how to make our firms the best place to work for employees, but we seem to have lost sight of what we should be asking from employees in return for salary, benefits and perks. I keep thinking of the John F. Kennedy quotation, "Ask not what your country can do for you, but what you can do for your country."

There was a time when job applicants, during their interviews, focused on what they brought to the table rather than the now common, "What's in it for me?" mentality.

We have adjusted our workplaces to accommodate a new generation of employees. In order to stay competitive and attract and retain top talent, we have retooled our business practices. Everyone wants to work for an organization that values employees, especially one that takes strides to ensure that the work environment is a healthy and respectful environment. So then what should the employer reasonably expect in return?

"Accountability" and "responsibility" come to mind. Let's not lose sight

of the employee's obligation to fulfil their part of the employment contract.

Since that October conversation with Bob, the job environment has certainly changed, and I've read the Kennedy quotation in several human-resources articles, and recently heard it on a morning talk show.

An article from last November's issue of *Canadian HR Reporter* noted, "...There will be less job-hopping in the next two to three years. The 'arrogance of employees' will also go down." So I'm not so far off centre after all!

Let's talk about flex arrangements. These are a must-have perk under employer-of-choice. In the mid-to-late 1990s, we received the first of numerous requests for a reduced workweek, job sharing and other forms of flex ar-

rangements. Although there was the initial resistance from lawyers, I personally supported this before it became a popular concept, and encouraged our lawyers to consider it.

The requests were coming from staff returning from maternity leave.

"It will work just fine," I told our lawyers. "It is a temporary arrangement for a few years at the most. We'll get our staff back full-time around Year 4 or 5, once their children are in school. We will have happier, less-stressed employees who will have a better work/life balance. They will take less time off since they can make their personal appointments on their week days off," I added.

Fast-forward 15 years, and a variety of flex arrangements, including working from home, are now entrenched in our office. Employees did not return to full time work after four, five, six, or even 10 years, as the work/life balance issues became increasingly complex.

For the most part, similar stresses exist if working three, four or five days. On the employer's side, part-time employees still get sick, have accidents, get vacation time – and there is no end in sight to the accommodations needed to juggle it all.

The head-count increases to get the job done because now we have two people filling one position, and that adds to the administrative and management side of the equation. While this is a good arrangement for the employee, it's often a challenging balancing act for the employer.

Since starting my HR career in the early 1970s, the workplace has changed tremendously, and I've seen my share of swings between an employee job market and one favouring

HR in a down economy → to Page 15



Raf Sansalone



LISA YOUNG, PHOTOGRAPHER

YOU BE THE JUDGE

By Paula Butler, Lawyer

Here's the case we posed to you last issue, followed by a response from within the BCLMA. On the right is a new scenario for you to judge, and, below it, are instructions on how to let us know what you would do in that situation.

Bonus! A respondent will be randomly chosen to receive a \$25 gift certificate to Chevron. Note that your response remains 100% anonymous unless you attach your E-Business Signature with your text. Even if you identify yourself to us to be entered into the draw, your participation will remain anonymous to our readers. We won't publish your name, neither as a respondent nor as a winner.

Paula Butler is a sole practitioner who specializes in labour and employment law from her office in West Vancouver.

The case of Luigi, Bill and Todd

Luigi and Associates is a law firm that has grown quickly from eight people to 24.

Along with that growth has come a variety of recruiting, retention and morale issues that has led to some unhappy staff. Susan Luigi decides that she is going to raise firm morale by encouraging social interaction. She implements Friday-evening drinks and



pizza, starting at 4:30 p.m. in the firm's boardroom.

The first few Friday nights are fun, and everyone deems the social nights a success. Last Friday, two of the associates, Bill and Todd, had a few glasses of wine at the firm, and then went out to a bar around the corner from the firm and had four or five more drinks. Bill then decided to drive Todd home, believing himself to be sober enough to make it home safely. On the way home, Bill ran into the side of the Burrard Street Bridge, instantly killing Todd.

Does the firm have any liability for Todd's death?

RESPONSE: *If drinking went on for a significant period of time and the associates were already inebriated when they left, the firm could be*

Luigi, Bill and Todd → to Page 15

**OUR NEW SCENARIO –
TELL US WHAT YOU'D DO IN:**

THE CASE OF THE PREGNANT RECEPTIONIST

Mary-Jane is one of the two receptionists at Smith & Frankinson, and she works 7 a.m. to 3 p.m., five days per week. The second receptionist works 12:30 p.m. to 6 p.m.

Mary-Jane becomes pregnant and takes a year off on pregnancy and parental leave. Before Mary-Jane returns to work, she requests a meeting with you, the Human Resources Manager at the firm.

At the meeting, she tells you that she has hired a nanny, and has told the nanny to bring the baby to the office at three-hour intervals, starting at 9 each morning, so that Mary-Jane can breastfeed the baby while she is at work.

You explain to her this won't work because there is no coverage for reception at 9 or at noon, and that it would be inappropriate for her to breastfeed the baby while she is sitting at reception. She leaves your office and immediately retains a lawyer.

Does Mary-Jane have any legal recourse resulting from your decision?

HOW TO BE OUR JUDGE

TO RESPOND: WWW.BCLMA.ORG

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

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

HR in a down economy → from Page 13

employers. Often from one extreme to the other and back again.


As I write this, we are in an employer-favoured era; it won't last forever. As the months pass, the economy weakens and the job losses pile up, there is an ever-slight shift in attitude. Even employees in law firms are rethinking expectations.

Generally, you don't hear much about job losses in the legal profession, but it's happening now, and I expect it will continue for a while longer.

Do we need to make huge changes in the way we operate our business? Heck, no. Staying the course is the best survival technique. Continue to maintain best practices in both business- and people-management aspects of the organization. Continue to treat people well. Continue to service clients well.

It may be necessary to cut back on some of the frills, but employees and clients will accept that and even appreciate the efforts being made. This is a good time to pay attention, to put resources in areas and projects that sit still during boom times.

One project that has sat on my back burner for a while is updating position descriptions for our support staff. This will lead to a better understanding of individual roles and responsibility.

With better understanding and clarification, we can focus on accountability and meeting expectations; even, dare I say it, getting back to basics: a good day's work for a good day's pay. 

Raf Sansalone is the Human Resources Director at Borden Ladner Gervais in Vancouver, and has been involved with BCLMA, and VALA before it, for years.

Luigi, Bill and Todd → from Page 14

responsible. To help reduce the problem the firm must restrict the amount of alcohol available and the length of time the alcohol is available. There also should be a posting to everybody that attends that they are responsible for their actions. You could offer taxi chits but I would be cautious about that as this may just encourage more drinking

Hi, this is Paula.

Employers can be held liable for an employee's actions after the employee has consumed alcohol at a firm event, even if some of the alcohol was consumed at a bar after the firm function. Courts have found that employers have a duty to protect employees from harm. That duty has been extended to ensure that employees do not become intoxicated while in the course of employment, and subsequently, the drive home.

In *Jacobsen v. Nike*, a Nike supervisor provided beer to employees who were working all day setting up for a trade show. Mr. Jacobsen, 19, went to two pubs after work, and subsequently fell asleep at the wheel on his way home. His spinal cord fractured, and Nike was held to be 75% responsible.

You are correct that employers can help reduce the risk by restricting the amount of alcohol available, and the length of time the alcohol is available. Taxi chits may help as well. However, there is case law that considerably extends employers' liability in this regard. In *Hunt v. Sutton Group*, Ms. Hunt became intoxicated at a work-related

wine-and-cheese party. At one point in the event, her boss told her that he would call her husband if she continued drinking, and he offered to pay for a taxi for all employees. Another employee who had




Paula Butler

not been drinking offered rides to employees who had been. Ms. Hunt rejected these offers, and went to a pub after the work event. She subsequently got in an accident on her way home. In this case, the employer and the pub were found to be 25% responsible, despite the fact that the employer had taken a number of steps to ensure Ms. Hunt's safety. This case was appealed and a new trial was ordered by the Court of Appeal, but the parties settled the case before it went to trial again.

In short, employers must exercise caution when providing alcohol to employees at work-related functions. All reasonable precautions should be put in place to ensure that employees are not leaving events intoxicated and then driving.

If you see someone at a firm event who is clearly intoxicated, it is important to ensure that the employee does not get in their car, even if the person insists that they are fine.

Don't forget to have a look at our *You be the Judge* case on page 14 for next issue, 'The case of the pregnant receptionist,' and let us know your response about how you'd handle it. 

Remembering names → from Page 12


attendees before you get there. Simple, just pull out the membership list and review the names. Soon you'll be thinking, "Oh yes, Dorsey is the tallest guy in the group" or "Eileen has the reddest hair I have ever seen."

You can forget details about new acquaintances, and they will pardon

your lack of total recall. However, when you forget names, you will have a hard time maintaining credibility and friendship.

Remember to catch the name accurately by spelling, visualizing, associating, using the name, writing it down, and reviewing your name list.

Be assured of this: When you remember

names, the people you meet will remember you, gratefully and permanently. 

Bill Lampton, Ph.D., "The Complete Communicator," gave the keynote speech and directed a seminar at BCLMA's 2008 conference. Visit his website, and sign up for his complimentary online newsletter: <<http://www.championshipcommunication.com>>

OLYMPICS LOGISTICS OF HIGH INTEREST TO BCLMA ATTENDEES

BCLMA attendees keenly interested in how Olympic operations affects their firms

The complexities of the arrangements being made by the Vancouver Organizing Committee for the 2010 Olympic and Paralympic Winter Games (VANOC) and all of its government and corporate sponsors to host the activities of the Games in the downtown Vancouver business core became readily apparent during a BCLMA February 11 open meeting and lunch.

It also became apparent that day just how thirsty BCLMA attendees, representing law firms from throughout the city whose operations were likely to be affected by the Games' activities, security arrangements and traffic closures, were for early insight into what arrangements they will need to make in order to staff their operations and address client needs in the manner they are accustomed.

Peter Morgan, the publisher and editor of Morgan:News:2010, a daily intelligence news service of Morgan:News-letters that reports on the business side of the 2010 Games, pledged to simply do his best to answer questions from BCLMA members and – as an initial expectation of about 20 people turned into more than 100 by the date of the luncheon, that he did in spades for about an hour.

Morgan is not affiliated with VANOC nor any of its supporters, so he was able to provide a neutral and bird's eye view of the downtown core with satellite maps and the City of Vancouver's initial transportation planning map to methodically discuss how each of the major venues, of VANOC and the City as well as some of the corporate and government sponsors, were being assembled and why they would have such an impact on the flow of traffic near them – and near the offices of many law firms.

He spoke about the dates and times when security closures – known as lockdown in the parlance of the Vancouver 2010 Integrated Security Unit, the RCMP-led agency in charge of the

Games security – would take effect (about January 23) and what streets that program would affect around BC Place, GM Place, Larwill Park (next to the Queen Elizabeth Theatre), David Lam Park (in Yaletown), Robson Square, parts of Robson Street, Hamilton Street, Mainland Street, Canada Place and the new Vancouver Convention Centre.

He also spoke about all the hotels that would be occupied by various Olympic-related activities, such as the Bayshore, Pinnacle and Harbourside, which are being used exclusively by the International Olympic Committee, as well as the Vancouver Club, along with the Listel Hotel, to be used by Petro-Canada to host the immediately families of Team Canada's athletes, and the Blue Horizon, will be largely used by the V2010 ISU.

Even the Four Seasons Hotel, which we want to thank for providing such an excellent repast, has rooms that are being rented to the American TV network with the rights to broadcast the Games: NBC.

The BCLMA will continue to provide updates and forums to discuss 2010 Games news and developments to assist with business planning.

Court case between VANOC and women ski-jumpers has multiple dimensions

by Peter Morgan

The summary-judgement trial about whether VANOC's inability to hold women's ski jumping is a violation of the equality provisions in the *Canadian Charter of Rights & Freedoms* because women are involved began April 20 before Justice Lauri Ann Fenlon in BC Supreme Court in Vancouver. Five days later, she re-



served judgement.

The courtroom was packed with essentially two groups of people – reporters, and supporters of the 15 ski

jumpers who want to take part in the 2010 Winter Olympics. One of the supporters was Deedee Corradini, who was mayor of Salt Lake City when the 2002 Winter Olympics were held there, and was on the Salt Lake organizing committee's Board of Directors. Corradini, now senior vice-president for Prudential Utah Real Estate, is also the President of Women's Ski Jumping USA.

But what also makes the case all the more intriguing is that VANOC for several years has been supporting – and continues to support – the skiers suing them, and their compatriots in other countries as well.

Renée Smith-Valade, VANOC's vice-president of Communications, said that



Renée Smith-Valade

support has been financial, logistical and moral, including hundreds of hours of time by VANOC personnel, to help the women get ready for potential competition in the 2014 Winter Olympics in Sochi, Russia.

She said VANOC, with the full support of VANOC's executive vice-president of Sport, Kathy Priestner, who worked with Corradini on the 2002 organizing committee and is friends with her, began helping the women once it learned from the IOC that female ski-jumping "was a real possibility for them" in 2014.

She said that while VANOC was not obliged to do so, "We offered them free access to the training jumps in Whistler, we've staged two national and one international competitions [for them], we've assisted them with their expenses, includ-

VANOC dimensions → to Page 17

VANOC dimensions → from Page 16

ing accommodation and transportation, and we've offered a number of introductory ski-jumping courses to get more women involved in the sport."

The support was not limited to Canadian women, she says, but to all female ski-jumpers internationally who decided to come to use VANOC's jumps.

The legal side of the case opened with Ross Clark, QC, of Davis LLP outlining the plaintiffs' case for the ski-jumpers, captured in a 123-page overview.

Witnesses were not called, but there were several metres of affidavits and other exhibits, all in rows of neat binders, compiled by the two parties and spread across tables in the courtroom.

Clark's argument is focused on his belief that VANOC is actually a creature of the Canadian government – which VANOC denies, but which is a point necessary for Clark's case if the *Charter* provisions are to be invoked. "It is VANOC, not the IOC, that is planning, organizing, financing and staging the 2010 Games," and VANOC's claim that only the International Olympic Committee can determine what events are held at its Games is "untenable" in Canada if discrimination is attached. And, VANOC is thus contravening section 15 (1) of the *Charter*.

"VANOC's constitutional obligations," maintained Clark, "cannot be weakened, much less eliminated, by the IOC." He also noted that part of the affidavit provided by VANOC CEO John Furlong during depositions and document exchanges that preceded the case showed that in the bid for the 2010 Games, "the Government of Canada submitted a covenant to the IOC."

The covenant provided numerous guarantees of actions that it would take in ensuring that the 2010 Games were staged in Vancouver if it were awarded the bid. "Significantly," Clark told Justice Fenlon, "it also said this, 'Should Van-

cover be chosen... to host the Games, it is understood that... the laws and sovereignty of Canada shall prevail on all matters related to the conduct of the Games in Canada.'"

Clark adds that, "At a minimum... the

their sex.

"It supported the inclusion of women's ski jumping," and the IOC has a number of special rules and programs to increase the participation of women in sport, according to the VANOC brief.

"While the IOC considered the gender issue raised by the women's ski-jumping application [to the IOC's programming commission] to be a strong factor in favour of its inclusion, ultimately the IOC determined that the sport was insufficiently competitive internationally."

That rejection came, along with refusals of several other applications for inclusions of other

sports in the 2010 Games, in November 2006.


VANOC also points out via Furlong's affidavit that the IOC's contract with VANOC has a specific clause, number 68, "The contract is governed by Swiss law."

Macintosh's brief also notes that the IOC has a wide range of control over VANOC's activities, and mentions the IOC's 2010 Commission, which visits Vancouver frequently to get briefings "and provide instructions" to VANOC, but that there is also a Master Schedule to track issues, "a detailed planning tool that co-ordinates the core activities that VANOC must carry out as part of the planning, organizing, financing and staging of the Games."

VANOC, he notes, regularly sends the IOC updates "and obtains its approval for changes to the Master Schedule."

Any rights given to governments – who Macintosh maintains are not partners in the legal sense, but in the "colloquial sense" – are the kinds given to "investors or lenders" according to Furlong's affidavit.

A simple analogy to explain VANOC's relationship to the IOC is that VANOC is akin to a franchisee of the IOC," according to Macintosh. "In Mr. Furlong's experience, no government exercises anything close to regular, routine, day-to-day control over VANOC."

Justice Fenlon is expected to make her ruling this summer on the case, which she described as "complex." 



George Macintosh



Ross Clark



John Furlong

events put on as part of the 2010 Games reflect the Canadian understanding of discrimination. This is a constitutional requirement. It cannot be outsourced to a foreign authority...."

George Macintosh, QC, of Farris Vaughn Wills & Murphy LLP, the lead lawyer for VANOC in the case, argued in his 126-page brief, that the case against VANOC is "fundamentally misconceived."

"Only the IOC can include an event in the Olympic Games," he says. "VANOC has no right to do so, further it has no *power* to do so."

Staging an Olympic event, according to the brief, necessarily requires the participation of other entities within the Olympic movement; specifically, international federations and national Olympic committees which, like VANOC, are under the authority of the IOC. VANOC cannot compel them to act contrary to the IOC's directions, he says, and it cannot stage an event at the Olympics without them.

Moreover, any event held without the IOC's endorsement would not be regarded as Olympic. "It is solely the IOC that determines what is, and what is not, Olympic. The fact is that VANOC cannot provide what the plaintiffs seek."

VANOC flatly rejected the concept that the *Charter* can even be invoked since VANOC is not a government body providing a benefit that is being withheld from the women on the basis of

THEY CALL IT A 'FIRM UNIVERSITY'

Expanding training to upgrade your staff should be organized for best results

By Tim Wurtz, Baker Newby LLP

We need to improve our training.” When these seemingly harmless words left my managing partner’s lips, the mission seemed straightforward enough.

Putting lasting training programs in place, however, with defined incentives, consistency, and measurable results is much more easily said than done.

Having done my best over the last few years, and achieving some definite successes, evidenced by employee retention and positive verbal feedback, I felt I still needed to broaden the scope of my understanding of the many faces of training.

To this end, I chose to attend the 2008 BCLMA conference breakout session entitled, *Firm University - Building Core Competencies*, presented by Char LeMaire and Brie Stampe of Travelling Coaches <www.travellingcoaches.com>.

The resulting article summarizes some key points of their presentation, plus some of my own personal observations with respect to establishing an effective Firm University.

I will focus primarily on Char and Brie’s six-step approach to building such an institution, and some of my own efforts that may be applied to small- and medium-sized firms. I will also often refer to national firm programs, as their examples can provide smaller firms with tremendous insight into the many facets of an effective firm university.

The idea of building a firm university begins with a Strategy 101 lesson, when you ask yourself, “How can education help my firm achieve its business goals?” You need to know what your business goals are before determining how education and training can help you achieve them.

It is not difficult to list some general

benefits of ongoing training: labour savings, productivity increases, better return on technology investment, improved skill sets; among other things.



Furthermore, the prevailing mentality during this economic slowdown is that employers should take extra efforts to improve the quality and quantity of their training programs to protect key personnel and maximize the contributions of existing staff.

Char and Brie presented the following six steps to building a ‘Firm University’:

1 *Identify best practices and core competencies*
A best practice is an identified way of doing something properly. This will change from firm to firm. Best practices can be finite steps to format documents properly, book boardrooms, or open files, or they may be broader policies such as limiting the printing of hard copies, quickly returning client phone calls, or providing feedback to management.

Either way, a specific set of instructions can be produced so that everyone is doing the same thing every time – the way it’s supposed to be done.

An understanding of your firm’s best practices is crucial prior to forming any educational materials or exploring educational options. Be specific, and be thorough. It will be easier to measure successes and identify deficiencies when

you know what you’re looking for.

Some best practices are already packaged for you. The *CLE Webcast Archive* <<http://online.cle.bc.ca>> is a cost-effective route towards strengthening a legal assistant’s knowledge of their area of law. Courses include *Business Law for LSS*, *Family Law for LSS*, *Estate Administration for LSS* and several others. The cost to subscribe to the *CLE Archives* varies depending upon the size of your firm, and includes access to practice manuals, course materials, case-digest connections, and live webcasts.

I have co-ordinated several group sessions for staff, watched selected modules in our boardroom, provided lunch, and made sure some senior legal support staff attend the session so that junior support staff members may ask questions specific to our firm’s practices.

2 *Assess current skills and set strategic goals and objectives*

Now that you have identified best practices, you need to determine how closely and accurately staff are complying.

There is likely a skills gap between actual proficiencies and required core competencies. One way to identify these is to design and conduct a test.

When was the last time you actually tested your staff’s abilities? Design a moderately complicated Microsoft *Word* document. Use automatic paragraph numbering, some sections breaks, add a table, use a couple of different styles for headings, and vary the paragraph spacing on a couple different paragraphs. Content is irrelevant.

Give staff a hard copy of the document, and perhaps an instruction sheet, and ask them to reproduce it. Have them e-mail you the document so that you can check to ensure it has been formatted properly, not simply imitated, as many staff have likely found work-arounds to get documents to look they way they are supposed to. The results may be surprising, they may be fine. Either way you can generate a checklist of *Word* procedures with which your staff have the most difficulty.

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ANDRES RODRIGUEZ

Firm University → from Page 18

3 *Develop targeted learning plans and delivery options* Now you need to determine how best to deliver the training.

Will your staff and lawyers do best in a classroom setting, self directed e-learning, or with one-on-one consultations?

Different sized firms will have different approaches based on infrastructure and resources. There is no single best way to deliver training. Typically, short, highly-focused learning events are the best course of action.

You may wish to consider training the trainer. Teaching is a skill just like any other. If your trainer is simply a member of your administrative-support staff who was available at the time, it may be beneficial to enrol them in a training course so that they are aware of training issues, such as how people learn, different behaviour and learning styles, and people's general adversity to change – or, as we also learned at the conference, being changed.

E-Learning has, by far, become the delivery method of choice at large national firms that have the infrastructure and personnel to undertake it.

Facilitated by software such as Microsoft *SharePoint*, regular training sessions can be scheduled through the firms' intranet. Users can log in to a session and enjoy training at their desk or in a group setting provided by trainers possibly located across the country.

Great initiatives are always supported by strong use of the information systems available. A firm intranet is not a difficult undertaking; our firm is still using one developed using *FrontPage 98*. Powerful knowledge-management systems are available for any size of law firm. *SharePoint* is a juggernaut of a server application, with a variety of collaboration, training and knowledge-management applications.

The 35-lawyer firm of Richards Buell Sutton uses a *SharePoint* intranet to communicate the availability of training sessions, and to deliver some of the training content using *Captivate* videos.

4 *Design incentives, recognition, and certificates* There are a plethora of materials

that can be purchased to recognize achievement or training goals and participation.

If you, like me, are experiencing a moderate spending freeze on what may seem like trial purchases, you must create an inexpensive recognition program that is highly visible.

I have purchased a large box of nice wooden frames from a local discount store. I used the *Word* template for a certificate, customized it with our logo, displayed the name of course, put a couple of signatures on it and *voila* – a cost-effective and highly-visible *Certificate of Completion*. I present the certificates at staff meetings, where they are always well received and proudly displayed at their desks.

5 *Market the program* Communication is key in internally promoting your training and continuing education initiatives.

A catchy name and a logo can go a long way in formalizing the infrastructure you have created. Our simple “BNU” – it stands for Baker Newby University – is simple enough, yet acts as an entity to its own, and neatly packages all references and communications regarding our training programs.

You have to be able to answer staff members' inevitable question: “What's in it for me?” Your internal marketing efforts should focus on the individual's added value to the firm and increased efficiencies of their day.

Remember to focus on the learning – not the training. The learners need relevance to embrace the extra time and effort that will be required of them to attend training sessions. You need to get users excited, which is best done by carefully considering what incentives and recognition you will provide, such as shown in Step 4.

6 *Evaluate and raise the bar* Measuring the success of your training programs will be easier if you clearly state specific goals in Step 1.

Re-testing participants in *Word* training, conducting lawyer interviews to determine if legal-support staff's understanding of the law has increased since

attending a *CLE Webcast* are two simple and measurable ways to ensure your training programs are being well-received.

Take a moment to ask training participants about their training experiences. Whether formal or informal, a few words of feedback will help you determine where your continuing education program requires attention.

My recommendation to administra-

**BCLMA'S TRAINERS
SUBSECTION CAN
HELP YOU**

tors, or other subsections affiliates of smaller firms who have been handed the responsibility of training, is to attend at least one *Trainers* subsection meeting.

Having done so myself, I was inspired by its members who are our organization's training experts.

The larger Vancouver firms have established training practices and infrastructure, carefully managed and maintained under the umbrella of their respective firm university.

Alexander Holburn Beaudin & Lang undoubtedly used the six-step approach presented here to build their focused and successful firm university program.

I don't mind saying that I aspire to their trade-marked training program *Ascend*, which embodies the lessons provided in this article. Their website provides a brief overview of their integrated program.

A branded firm university is the big-picture approach to designing and maintaining various training programs for all levels of support and professional staff in your firm.

A firm university can evolve into an entity unto its own, creating a common reference and receptacle for all communications and training initiatives.

We can choose to try to emulate as much or as little of larger firm's university programs into our medium or smaller-sized firms as appropriate for our intentions and budget.



ART ON LOAN

The artist could use the exposure... could your firm use the art?

Has the current economy put a hold on your renovation plans? Consider sprucing up the place with new artwork instead.

Brent Ray Fraser, a Vancouver artist, is looking for firms that are interested in displaying some of his larger paintings. The works are contemporary, and would be perfect for a firm who appreciates art and needs to adorn large walls at no cost. The scale of these works is quite large.

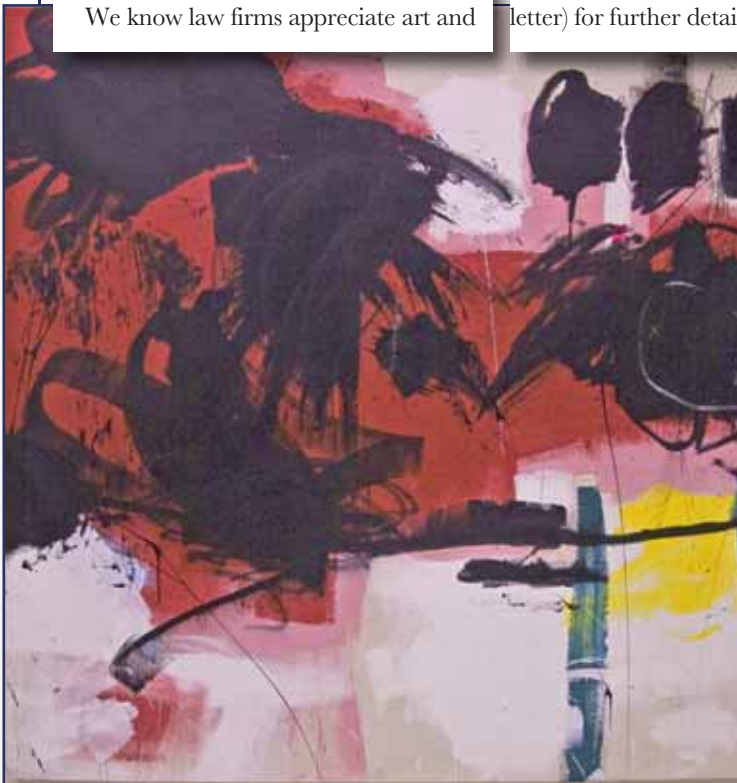
Ultimately, it would be ideal to sell the pieces as a body of work. Prices are affordable and negotiable. Shipping within the Lower Mainland is the responsibility of the interested party. Truck rental and delivery charges would run at about \$200. "Each [painting] has characteristics and attributes that set them apart from one another."

We know law firms appreciate art and



some have the wall space to display large pieces, such as those in Brent's collection. The advantage here is that a firm can display local, contemporary art until the piece is sold. "I am my art. I like the purest of forms in art," says Fraser.

If you, your firm, or a firm you know is interested in showcasing art, please contact BCLMA President Stephanie Marsh (contact details on the last page of this newsletter) for further details.



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WHO WE ARE

The BCLMA, founded in 1972, is a non-profit organization with 95 Representatives and more than 220 Affiliates across B.C. 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 its registrants..

MEMBER SERVICES:

- ◆ Opportunities to network with other law firm administrators and managers are provided by events such as our annual Spring and Winter socials, or monthly subsection meetings. We host an annual Managing Partners Dinner, and a large conference every other year.
- ◆ The Job Bank on our website outlines information on potential employment opportunities.
- ◆ The Discussion Board on our website enables Representatives and Affiliates to quickly get questions answered and obtain advice from others who may have faced similar situations. The best way to get involved is to become a part of the BCLMA.

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