



# bclma Topics

BC Legal Management Association

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

## WHAT ARE THE OPTIONS? WE OFFER PROS AND CONS

# Litigation software comparison offers ideas for law-firm managers

By Johanna Mustapic,  
President, Triage Data Solutions

Thinking about purchasing litigation-management software? There are many options out there, and more being developed all the time.



Johanna Mustapic

Let's see if we can shed some light on some of the most commonly used software, including some of their individual pros and cons. However, since everyone works slightly differently, and has different requirements, you will need to de-

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## ALA conference in New Orleans gets our busy BCLMA reps all jazzed up

By Stephanie Marsh  
Fasken Martineau

About a dozen BCLMA Representatives and Affiliates attended the Association of Legal Administrators' 38th Annual Educational Conference and Exposition in New Orleans in May.

There, we mingled with more than 1,000 delegates from around the world, including Brazil and Australia.

ALA's four-day conference supports, promotes and celebrates the legal management profession by providing oppor-

tunities to learn, share ideas, develop strategies and network. Throw in a little entertainment and a few door prizes, and you've got a conference that's not to be missed!

### SESSIONS EDUCATIONAL, HELPFUL

The capable New Orleans Morial Convention Centre hosted the event. The facility is literally a mile long; at least three other conferences were being held at the centre at the same time.

Numerous presentations and infor-

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Why the face?  
See Paula Butler's latest administrative-case challenge, Gillian's Reference, on page 4



## Goalsetting 101 – Motivation & Perspective

by Jan Whyte, CPC,  
Administrator, Murphy Battista

At this special time year, the increased hours of daylight and abundance of sunshine often bring us increased energy and motivation to embark on some sort of personal work. That means achievement, focus, resolve, adventure or exercise, and the *Change Management Formula* set out in the blue box truly resonates.

Even if you are not feeling the energy and motivation now, we're about to explain to you the phenomenon of the process, and why the chances of success

### CHANGE MANAGEMENT FORMULA

DISSATISFACTION x VISION  
x FIRST STEP TOWARD CHANGE  
> RESISTANCE TO CHANGE

in achieving your aim of positive change are magnified now.

Through summer holidays – indeed, any time we are able to take time off work, relax and enjoy some much-deserved 'down time' – our daily influences are different than usual.

We may have the time to, say,

watch TV and be reminded by commercials, weekly programs and movies that there is 'another' life out there. We may see something we would like to acquire, or some way of being what we would like to become. It may be the only time during the year we have the chance to spend quality time with good friends or family members, and thus we may gain some wisdom that would oth-



Jan Whyte

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decide what options work best for you.

Now, if you haven't looked at litigation-management software at all, don't confuse it with document-management software. Litigation-management software is specifically designed to manage your evidence, transcripts and pleadings (and sometimes more).

It allows you to create your List of Documents, exchange lists electronically pursuant to the BCSC Electronic Evidence Practice Direction, and integrate all parties' documents into one database that can be sorted and searched any which way.

All of the following programs integrate images so that when you sort, you can view the documents in that order immediately. (Hint, get yourself set up with a dual monitor so that you can view the image on the whole screen.)

In various ways, they each also include the ability to link OCRs of your typewritten documents so that you can search the

content of those documents.

**CT SUMMATION – WIDELY USED**

*Summation* is a good choice if you'd like to be on the same page as most other law firms, since it is the most widely used litigation-management program in B.C. Users can perform most functions on their own with a moderate amount of training.

It can readily handle cases of up to about 100,000, perhaps as high as 150,000 documents, provided you have a fairly fast computer. The cost is reasonable and is for concurrent licenses, so it can be accessed on anyone's computer within the firm, but only simultaneously by as many licenses as you have purchased.

Real-time reporting is also built in, and you can upgrade to the *Enterprise* version, which has an SQL backend, for really large cases, or provide web access through the *WebBlaze* add-on.

**CONCORDANCE – GO LARGER**

*Concordance* can handle larger cases

than *Summation* due to a different platform and its ability to search across multiple databases easily.

The interface is clean and fairly easy to learn; however, it isn't as easy to split and merge documents with images, and it only tracks parent/child relationships for native documents.

Unlike *Summation*, *Concordance* can create a "Post-it Note" on your image, as well as the usual highlighting, redacting and so on.

The cost is comparable to *Summation*, but now requires a yearly subscription instead of a purchase price with the option of yearly maintenance.

**INSIDE INTROSPECT**

*Introspect* can handle any case size because of its SQL back-end, but you will need a person experienced with SQL to help run it, and to import and export data.

Since it is IT-intensive, it is probably

**Litigation software → to Page 3**



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**Litigation Software → from Page 2**  
not the best choice for small cases.

It does have document-grouping functionality built in (*Equivio*) to help in the review process of massive document sets, but it is much more expensive than either *Summation* or *Concordance*.

### RINGTAIL FOR REMOTE

*Ringtail* is an excellent choice if remote access is important through the Internet, and not just a VPN, as this product was designed specifically for a web browser.

The downsides: the user interface has a slightly dated look, and the data needs to be loaded from a central location, not remotely.

*Ringtail* can handle larger cases, and is similar in price to *Introspect*.

### CASEMAP

*Casemap* is an accompaniment to *Summation*, *Concordance* or *Ringtail*. While ideal for analyzing key documents, *Casemap* is not recommended for managing and exchanging large volumes of data.

It also links with *TimeMap*, which creates visual timelines – great for use in court. While relatively inexpensive, you must pay per year, using subscription pricing and per user.

All of these programs, either through the Internet or on a laptop, allow you to access your cases remotely – no more dragging binders and boxes around.


You will be able to analyze your client's case faster, and know sooner how your case looks in comparison to your opponents'.

While any new program will take some getting used to, the more you use it, the more you will wonder why you shuffled paper for so long.

You will be able to offer your clients more value for their money, and you won't be writing off time you wasted looking for documents.

LITIGATION SOFTWARE COMPARISON — WHAT FEATURES ARE IMPORTANT TO YOUR FIRM'S LITIGATORS?				
PROCESS	SUMMATION	CONCORDANCE	INTROSPECT	RINGTAIL
Import Data	Yes	Yes	IT intense	IT intense
Export Data	Yes	Yes	IT intense	IT intense
Can export the images as PDF	Yes	No	Yes	Yes
Has spell-check for data entry	Yes	Yes	Custom	No
Multi-language support	No	No	Yes	Yes
Track progress of reviewers	Manually	Manually	Automatically	Automatically
Links with CaseMap/TimeMap	Yes	Yes	No	Yes
Integrates e-discovery native files	Yes	Not video files	Yes	Yes
Transcripts	Yes	Yes	No	Yes
Real time Transcripts	Yes	With LiveNote	No	With LiveNote
Trial Presentation	Links with Sanction & Trial Director	Links with Sanction & Trial Director	No	Links with Sanction & Trial Director
Web Access	Through VPN, Citrix or WebBlaze	Through VPN, Citrix or FTI	No	Yes

Please note that this report is based on best knowledge of the writer regarding costs and features of the programs mentioned at the time of writing.

All details should be verified with the individual software provider. 

*Triage Data Solutions is a litigation document management company specializing in scanning, printing, photocopying, optical character recognition (OCR), electronic document conversion, database coding and litigation software sales and training with offices in Vancouver and Calgary.*

\* **SQL: Structured Query Language:** A database computer language that retrieves and manages data in relational database management systems, database schema creation and modification, and database object access-control management.

\* **VPN: Virtual Private Network:** A computer network in which some of the links between nodes are carried by open connections or virtual circuits in some larger networks (such as the Internet), as opposed to running across a single private network.

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# YOU BE THE JUDGE

By Paula Butler, Lawyer

**H**ere'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, followed by 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 the pregnant receptionist

**M**ary-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?*

**RESPONSE:** *I don't think the firm would have a duty to accommodate in this instance; however, before it got to the point of the staff member storming out and retaining a lawyer, I would hope that we could reach a mutually satisfactory solution. I would make some suggestions (e.g. pumping at work in a private area, etc.). She did take one year off for maternity leave. I have*

**The Case of the Pregnant Receptionist → to Page 5**

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

## THE CASE OF GILLIAN'S REFERENCE

**G**illian started working as a paralegal at Hamilton, Johnson & Finch in November 2008.

For a few months, her work is commendable and she seems to be fitting in with co-workers, but it soon becomes

clear that Gillian may be a problem. She is a slow worker with little motivation, she makes many mistakes, and she seems to upset her co-workers by making unkind and critical comments on a frequent basis.

However, Gillian is not given a performance appraisal, nor does anyone talk to her about her ongoing conflict with co-workers.

One day, Bill, one of the lawyers with whom she works, bursts into your office and says, "I can't take it anymore—you have got to get rid of Gillian." This sentiment is then echoed by a number of other people. As the Director of Administration, you make the decision that Gillian should be fired, but as there have been no warnings, her employment is terminated without cause, and she is never specifically told why the firm made the decision.

Then you get a call from another firm in town, asking you for a reference for Gillian.

*What do you say?*



## HOW TO BE OUR JUDGE

**TO RESPOND: WWW.BCLMA.ORG**

**T**his 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.*



All that ALA jazz → from Page 1

mation sessions ensured there was something for everyone:

*Leadership* | *Law Firm Succession Planning* | *Electronic Document Management and Storage* | *Extranets* | *Public Relations* | *Generational Diversity* | *Improved Written and Oral Communication Skills* | *Tchotchkes & SWAG (Stuff We All Get!)* | *Legal Trends* | *Data Security* | *Professional Conduct* | *Going Green* | *Effective Financial Reports* | *Harassment Prevention and Correction* | *E-mail Best Practices* | *Social Networks* | *Law Firm Retreats...*

The list goes on. There were also several scheduled Ideas Exchanges based on the size of our firms. Each one had relevancy and cross-border appeal.

BCLMA delegates gained terrific value from the sessions and brought back several new ideas to their firms.

**KEYNOTE SPEAKERS**

A roster of speakers delivered addresses on leadership, perception and motivation, including:

- ✓ Ret. Lt. General Russel L. Honoré, the commanding general of Joint Task Force Katrina, who helped restore order amid New Orleans hurricane devastation and paved the way for rebuilding the city.
- ✓ Billy Mills, a Native American member of the Oglala Sioux tribe, whose gold medal marathon in the 1964 Tokyo Olympics is considered to be the greatest upset in Olympic history. Mills remains the only American ever to win the 10,000-meter run.
- ✓ Liz Murray, now an inspirational speaker, who grew up with two drug-addicted parents whom she began supporting when she was just 10. Homeless by 15, she completed high school in just two years while living on the streets, attaining a full scholarship to Harvard University.

**LUNCHEON: FOOD FOR THOUGHT**

The Association Luncheon was packed with activity and announcements:

- ✓ Current and incoming Executive members were introduced.
- ✓ Former President Dick Nigon received the David W. Brezina Memorial

**The Pregnant Receptionist → from Page 4**

*never heard of anyone asking to bring their child in to nurse, but that is not to say it doesn't happen.*

Hi, this is Paula. Discrimination on the basis that a woman is breast-feeding is a form of sex discrimination under the *B.C. Human Rights Code*. As a result, having a 'no breastfeeding at work' rule can be considered sex discrimination.

If an employee asks to breastfeed a baby at work, the firm would have a duty to accommodate, and the best option is to try to reach a reasonable accommodation with that employee. Is there a private area where the baby could be breastfed? Is there someone other than the second receptionist who could cover reception?

The accommodation process is a shared responsibility and the employee needs to be involved in finding a workable solution.

There are cases of women who ask to bring their baby to work to nurse, and if this happens at your firm, I recommend that you obtain legal advice before answering the employee.

Don't forget to have a look at our new *You be the Judge* case on page 4 for discussion in the next issue, 'The case of Gillian's reference,' and let us know your response about how you'd handle it.



Paula Butler



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Award for his outstanding service and commitment to the ALA over the past many years.

- ✓ More than US\$100,000 was presented to Smile Train, the charity selected in honour of the 10th anniversary of the ALA's Community Challenge Weekend. (The Weekend is a national event in which 90 to 100 ALA chapters undertake a community service project in their local areas.) The Smile Train project provides children in developing nations with surgery to correct cleft lips and palates. The ALA donation represents the largest ever received by the charity from a single association or group.
- ✓ President Wendy Rice-Isaacs completed her term, passing the leadership of the association to Susan French Koran. Before doing so, one of the two managing partners with which Wendy works, attending from Columbus Ohio, delivered a speech of genuine respect, lauding Wendy's contributions to the firm and to the ALA over the past 17 years.

Wendy has certainly played a significant role in developing the new relationship between the ALA and the BCLMA.

Wendy, with ALA executive members Dick Nigon, Patti Groff and John Michalik, helped arrange the first meeting to discuss the opportunities to work together. Members of the current BCLMA executive board welcomed Wendy, Patti, John and Susan to Vancouver this past spring to continue building the foundation of this important relationship. We, too, appreciate Wendy's contributions.

Susan's first order of business as the new president was to announce the ALA's rebranding. As she presented the new brand and explained the logic behind it, a carefully planned launch occurred behind the scenes.

ALA members switched signage in the conference centre (TV monitors, registration desk, vendor hall, carpet mats, brochures, etc.); updated the website; and sent a broadcast e-mail to all ALA members.

As we exited the luncheon, we each received a new ALA brochure and a token gift sporting the new logo. This mas-



French Quarter statues of 'Fats' Domino, Al Hirt and Pete Fountain, all musical legends, all came from New Orleans even as they helped define its music for millions



Like Vancouver, New Orleans did away with its streetcar system as not being 'modern' enough, only to discover they're pretty practical and ought to be reconsidered. Maybe Bombardier's showpiece during the Olympics will change Vancouver's mindset.

sive undertaking was impressive and, by all appearances, seamless.

### DIDDELY DIDDELY DOO BOP BOP

Now for a look around. The *Get Jazzed!* theme was prevalent throughout the program. At the opening reception on Sunday evening, we all connected with each other and reconnected with our ALA, CALA and TLOMA colleagues while *Dr. Jazz and the New Orleans Sounds* played traditional Dixieland jazz, followed by *Storming the Band*, touted the "the hottest and most versatile band in the South."

After the opening, several of us attended a vendor reception on colourful Bourbon Street. All types of music flowed from the open doors and windows of bars and restaurants, while patrons tossed beaded necklaces from second-floor balconies. The Encore Reception late Tuesday afternoon was titled *Lagniappe*, a Cajun word meaning, "A little something extra."

Delegates visited more than 100 vendors in the exhibit hall, placed bids at the Silent Auction, enjoyed drinks and appetizers, and encountered three different groups of entertaining musicians.

All that ALA jazz → to Page 8

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**FUTURE ALA CONFERENCES**

- 2010: May 3 – 6 | Boston, Massachusetts
- 2011: May 23 – 26 | Orlando, Florida
- 2012: April 23 – 26 | Honolulu, Hawaii
- 2013: April 15 – 18 | National Harbor, Maryland (Washington D.C. area)

**GREAT EVENT**

We applaud our colleagues south of the border on the success for their 38th annual conference!

Be sure to mark your calendar for BCLMA's own conference, Oct 21–23, 2010, in Vancouver, B.C. 

**All that ALA Jazz → from Page 6**

The *N'Awlins Po Boys* created authentic and lively Southern sounds with featured fiddle and soundbox; The *Gumbo Trio* with their banjo, horn and stand-up bass played Dixieland; and *Jay-Ray & Gee*, an a capella group of New Orleans street singers from the French Quarter, famous for doo-wop, strolled throughout the hall, deftly putting the bop in the bop shoo bop shoo bop for all of us.

On Wednesday night, we attended the Finale Party, the theme: *Masquerade*. Wearing painted or feathered masks, we boarded shuttle buses to Mardi Gras World, an event location filled with hundreds of sculptures, giant figurines and parade floats.

*Rockin' Dopsie, Jr. & the Zydeco Twisters* got the crowd dancing with their unique brand of music. Zydeco is a sort of melodic gumbo concocted from Cajun/Acadian music, Afro-Caribbean rhythms and melodies and blues. In another area, *The Jamil Sharif Quintet* played smo-o-o-oth jazz. Indigenous music played everywhere, both inside and outside of the conference centre, the entire week!

**THE CITY, STILL RECOVERING, THRIVES**

While some outer districts still show evidence of Hurricane Katrina, New Orleans proper is beautiful and thriving. The French Quarter is exquisite.

Tall doors and shutters accent hotel and store fronts. Wrought-iron railings, supporting hanging baskets bulging with ferns and flowers, trim second and third floor balconies. Lush palms fill narrow courtyards nestled between brick buildings. Gas-fed lanterns still light many streets.

Some delegates arrived a day or two before the conference or stayed on a few days after to enjoy some of the many guided tours to plantations, swamp lands or through the city itself.



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**BCLMA SUMMER EVENT****40 golf and 70 dine at successful, sold-out sensation of our June social at the Stanley Park Fish House**

The BCLMA hosted a sold-out event at Stanley Park's Fish House and nearby Pitch 'n' Putt on June 18.

More than 40 people golfed nine holes beneath the late afternoon sun. They then joined the more than 30 diners at the restaurant for another successful summer event.

Mills Basics and ZSA were the generous sponsors. Brad Mills and Chad Ege-land of Mills Basics and Elizabeth Borrill and Dragana Milisic of ZSA were in attendance.

**HIGHLIGHTS**

Penny Harvie announced her upcoming retirement from Fasken Martineau after 22 years at the firm. Penny will stay on at the firm until the end of July, at which point she will enjoy the summer and consider her next life chapter.

Another highlight included welcoming John Hawke back to the BCLMA after a two-and-a-half year sojourn to work at an engineering firm. John has taken on the role of Chief Operating Officer at Lang Michener.

**PRIZE WINNERS GALORE!**

- ✓ Brad Mills (Mills Basics), Ernie Gauvreau (Gowlings), Donna Oseen (Alumni), and Ken Brennan (Gowlings) who posted the Best Team Score of 142.
- ✓ Sam Mann of Singleton Urquhart posted the Best Individual Score of just 28, and Agustino doSouto of Harper Grey handed in the Most Honest Score. (We agreed not to publish the actual score.)
- ✓ Event sponsors and other vendors provided door prizes!
- ✓ John Hawke (Lang Michener) won a personal shredder courtesy of Mills Basics; Carina Bittel (Clark Wilson) won a bottle of champagne courtesy of ZSA; and
- ✓ Roy Boal (Blakes) and Shirley Mad-



**Penny Harvie to retire**

den (firm) each won gift certificates to Marquis Wine Cellars.

**BCLMA DOOR PRIZE WINNERS!**

As with every one of our social events, the BCLMA provides door prizes. Here's who won:

- Cineplex Odeon Theatres – Penny Harvie (Fasken Martineau)
- Starbucks – Raf Sansalone (BLG), Julie Wong (firm)
- iTunes – Robbin Myers (firm)
- Cactus Club – Dave Bilinsky (Law Society)
- LCBO – Agustino doSouto (Harper Grey)
- The Bay – Sarah Glazzard (Lang Michener)

**ANOTHER GREAT EVENT**

Thank you to everyone who attended this fun event. Your participation makes our events continually successful! 🍷

**MAKING THE MOVES...****WELCOME, NEW AFFILIATES!**

**Kristie Hedges**, Alexander Holburn Beaudin & Lang LLP, Human Resources... **Karen Jenkins**, Stikeman Elliott LLP, Technology... **Dan Phung**, Stikeman Elliott LLP, Technology... **Tammy Marchinkow**, Paine Edmonds LLP, Finance.

**WELCOME, NEW REPRESENTATIVES!**

**John Hawke** has returned to the BCLMA and has joined Lang Michener as Chief Operating Officer... **Andrea Pantages** is the new Administrator at Mandell Pinder... **Jessica Melson** is the Assistant Office Manager at Hartshorne & Mehl.

*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.*

## ELECTRONIC FILING PASSES 65,000 DOCUMENTS

## BC court filings increasingly electronic for all major types of BC Supreme Court and Provincial court cases except criminal

By Court Services Branch Staff,  
BC Ministry of the Attorney General

Over recent years, we've seen an increase in online options in everything from online shopping to e-filing our income taxes. Chances are, most of us have used these types of services.

Increased environmental consciousness, pressures to be more efficient, and expectations for anytime-anywhere access mean that online interactions are increasingly demanded and offered. It is in this spirit that *Court Services Online* (CSO) was developed, and within that, e-Filing for civil court documents.

CSO e-File service allows you to submit electronic court documents in civil actions to Supreme Court and Provincial Court registries.

British Columbia is the first province in Canada to introduce a comprehensive e-Filing system that includes an e-Filing service and the storage and maintenance of court files in an electronic format. CSO e-Filing helps law firms meet their dynamic needs.

Today, CSO e-Filing is available in all 43 court locations. More than 65,000 Supreme Court civil and Provincial Court small-claims documents have already been e-Filed. (See *Resources box*)

Why e-File your court documents? It's easy, efficient, environmentally responsible and inexpensive.

✓ **Easy** – E-Filing can take less than three minutes to complete. To begin, you will need a CSO account (See *Resources box*), and software to convert your documents to Adobe Portable Document Format (PDF).

All document preparation for e-Filing is done off-line. You can prepare your documents using existing templates or precedents in any word-processing format, and then just convert the documents to PDF for filing. There is no need for an electronic signature or other digital cre-

BC Court E-Filing → to Page 20

## How does the cost and range compare?

*The CSO system is the only method of filing documents electronically in the BC court system, and it's only in BC at that. But there are other jurisdictions that have a similar system, and one in particular, the U.S. PACER system is well ahead of ours both in extent of court coverage, and user costs.*

*We particularly thank the CSO office for providing the accompanying article at our request, but we also let them know we were interested in how BC's system stacks up, and, with their article in hand, we asked some questions.*

*They told us, for instance, that the growth of e-Filing in BC has continued steadily since it was first set up as a pilot project in October 2005, with just one court location. Province-wide e-filing became available on December 1, 2008, "and at present there is approximately an 8% uptake rate."*

*We also were curious about the fact that the CSO system doesn't include criminal case filings. The response: there are "no formal plans at this time to provide access to Supreme Court Criminal information, but it could potentially be available in the future."*

*The CSO is BC-only, so we asked if it was going to be incorporated into a national system. They replied, "There are no formal plans to integrate the BC system into a Canada-wide system; however, several provinces have shown an interest in the systems that BC has developed."*

*The system is in two parts: input and output. Law firms, for instance, can file electronic documents through accounts and there is a price structure for doing so. The public has free access to a search engine and the results produced by the search, but retrieving and downloading a document, or documents, from a particular court case linked to the index costs \$6, instead of the \$8 charge if a person went to a court registry and asked for a file to be pulled for viewing within the registry itself; physical photocopying is extra.*

*We asked CSO about the rationale for its costs. The reply: "The BC CSO service costs are generally calibrated to make it a user-pay service which is funded by its use and does not impose a burden on taxpayers by making it a subsidized service."*

*In the US, PACER, an acronym for Public Access to Court Electronic Records, is an electronic public access service of United States federal court documents.*

*It covers civil, criminal, bankruptcy and appellate cases that are federal, and it's the output side of the American system. PACER is managed by the Administrative Office of the United States Courts. It allows the public to obtain case and docket information from the United States district courts, United States courts of appeals, and United States bankruptcy courts.*

*Each court maintains its own system; a small subset of information from each case is transferred each night to the U.S. Party/Case Index, located in Texas at the PACER Service Center in San Antonio.*

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*<<http://www.freecourtdockets.com>>*

**THE BUCK STOPS WITH YOU**

**Why the price of wine makes you want to wail and... whine**

By John Clerides

Part of my job description includes meeting people at social gatherings or business events. When the conversation turns to what one does for a living, we inevitably end up talking about wine.



John Clerides

Most people I speak with have little understanding about how wine is sold, imported or priced in British Columbia, while, ironically, they are acutely aware of the low prices for wine in the United States and Europe.

When I begin to explain how our system works, people often shake their heads in disbelief. So let us spread this cheer by exploring the inner workings of the British Columbia Liquor Distribution Branch (BCLDB) and how a wine is priced.

The method used to price wine is called an *ad valorem* tax. What does this mean?

One source – Investopedia.com – defines it as: *A tax based on the assessed value of real estate or personal property. Ad valorem taxes can be property tax or even duty on imported items. Property ad valorem taxes are the major source of revenue for state and municipal governments.*

The *ad valorem* tax that the BCLDB uses to assess wine is 117% on the first \$7.51 of landed cost. Everything thereafter is taxed at 55%.

Let's take a wine from France with an export price of €3 a bottle or €36 a case. Based on a €1.60 exchange rate between Euros and Canadian dollars, the Canadian equivalent value is \$57.60 a case or \$4.80 a bottle.

Now the fun starts.

An importer factors in shipping, trans-

port insurance, storage insurance, warehouse charges, administration, storage itself (usually six months), the picking surcharge, delivery to the BCLDB locations, fuel surcharges (there are two of those: one when the wine is initially shipped and received in B.C., and one when it's moved to the BCLDB's warehouse), handling and any special labelling.

These costs usually add up about \$15 or \$20 a case. Depending on the number of cases imported, the higher the quantity, the lower the shipping charges. Now, add on the importer's profit, which varies but usually is between 10% and 20% of the export price.

If the importer sells a wealth of cases, they can work on less margin and make it up in volume. If it is a limited production wine with good reviews and scores, they will try to eke out a bit more. All of these costs are factored in *before* the 117% BCLDB markup.

So, take the initial export price of the case of wine: \$57.80. Add in \$20 a case for shipping and other costs, plus 20% profit for the importer. The case of wine lands in British Columbia at \$89.10 or \$7.42 a bottle.

Now the BCLDB applies its markup. That

\$4.80-bottle of wine which left France will now retail in B.C. for somewhere \$23 and \$26.

And we're not factoring in currency fluctuation. The BCLDB rules are such that if an importer applies for a listing at one retail price, and then the Euro increases by 30% eight weeks later, the importer is obliged to adhere to their initial retail price.

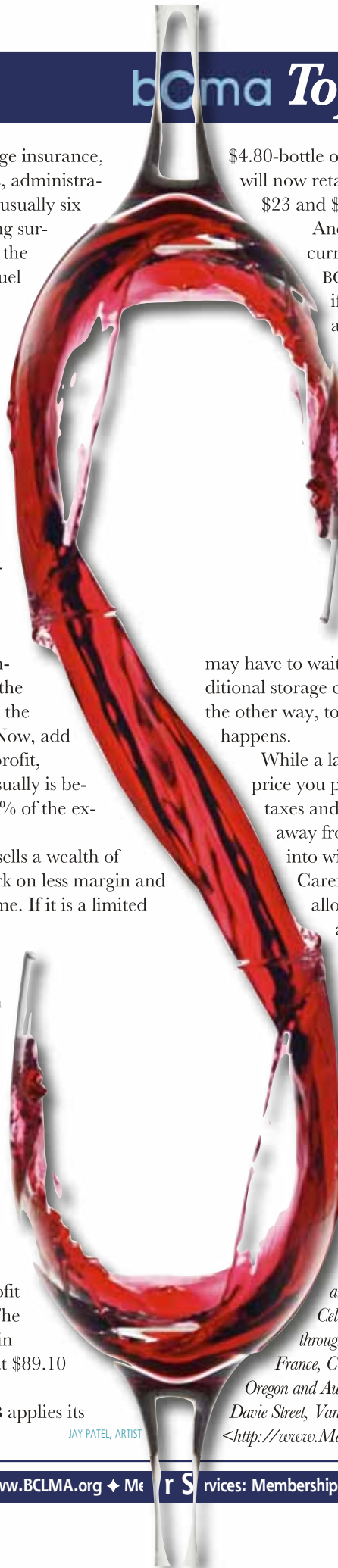
There's more: The BCLDB has specific days you can apply for price changes. If an importer has to re-price a wine so they do not lose any money, they may have to wait a month, incurring additional storage charges. It can also work the other way, too, but this rarely happens.

While a large percentage of the price you pay for wine goes into taxes and logistics, it does not take away from the care that goes into wine on the front end:

Carefully managing the land allows the soil to become alive; reducing the size of the harvest; harvesting vineyards by hand; managing leaf growth; carefully handling vinification and aging practices precisely.

All these take years to master, and all contribute to the quality and enjoyment of a wine. Sometimes, you *do* get what you pay for.

*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>>*



JAY PATEL, ARTIST

**Goalsetting 101 → from Page 1**  
erwise not be shared.

When you are in a relaxed state, the neo – cortex (the subconscious area of your brain) is more likely to become activated. This is your resource centre, a place where you can really tap into the things that make you happy, and thus bring tools that can help you remain focused, establish new goals, and find strength to change situations that are honestly not working for you.

Now, bring the *Change Management Formula* components into this concept: when your relaxed, resourceful and reflective mindset has had a chance to communicate with your logical, strive/drive, daily – performance mindset about a positive change or goal for you to achieve, it is likely that your resistance to change, which may have spent the better part of the past year as the dominating factor in a part of your daily duties or desires, is

now less powerful than your dissatisfaction + vision for what potential you can reach.

It is helpful to know that fear drives the resistance to change, whereas the endless and ominous power the subconscious mind provides when it comes to human achievement drives vision. It is typical that the subconscious mind overcomes conscious fears: getting to the resourceful state to do so is the key.

Pay attention to this season's external forces, the ones that spark your internal forces that motivate you to try something new. Your desire for change, fuelled by your subconscious desires, has overcome the fear that's a regular and natural precursor to change.

The ability of the subconscious mind to communicate – that is the change factor that is different. That is why this is such a powerful time, and why it is so important to concurrently incorporate the

last component of the *Change Management Formula*, taking the first steps towards change. It will give you a good push to start you swinging towards your personal and professional goals.

*Here's an exercise!* Let's take that first step together in the form of experiencing an amazing example of awareness, acceptance, dedication and success through the following story:

An artist was standing proudly by his display sculpture at the Art Gallery opening. Its colour was the traditional gun-metal, it was shiny, with glistening hints of bronze and onyx-like shades throughout the massive winding tree-like structure.

As the crowds gathered, he launched into an introduction of the piece, confessing that he had salvaged a gargantuan piece of metal and intended to bring it into its existence as a beautiful art sculpture. The audience was captivated by the

**Goalsetting 101 → to Page 13**

## Smile & Link

### SMILE!

*One of the new features of our redesigned website includes the ability to post individual profile photos next to each person's listing in the BCLMA Personnel Directory.*

*If you need to know what someone looks like before meeting or want to put a face to a name, the BCLMA website can be your resource.*

*Kindly e-mail a professional, colour profile image of yourself (size 82px X 115px) to [membership@bclma.org](mailto:membership@bclma.org)*

*Thank you for your co-operation!*

### LINK!

*BCLMA is [LinkedIn!](#)*

*The BCLMA is now a group on the popular business-social website [LinkedIn.com](#), which can extend your existing network of trusted contacts.*

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**Goalsetting 101 → from Page 12**

artist's voice – full of wonder and fantasy – as he continued with the evolution of the sculpture.

Several months into the creation, he explained, he thought the piece was ruined and worthless. He had discovered a deep, ugly flaw along what was intended to be the most visible line of the intended figure.

At first, it seemed to be a small obstacle, but as the weeks and months went by, the artist was unable to camouflage the flaw. In fact, it seemed to enlarge, becoming more noticeable. No matter what technique he used, the roughness of the flaw could not be tamed, not even by the most powerful commercial – grade steel saw, the trusted companion in all of his creations.

For the next several years, the artist struggled with how to work with the challenge. He returned to face the piece from

time to time, viewing its physical image from different vantage points, in proximity and height, in differing lights, but could not find a way to resolve the issue.

He had loved the piece for so long, despite its shortcoming; it was a truly spectacular figure from all but one angle. He would touch it, dust it, work on an area away from the flaw, but no matter what he did, it eventually became obvious to the artist that this flaw would keep the piece from being accepted at commercial grade by his customers and the art industry.

If he were to leave the flaw as is, it would have to be displayed in a private place, for his external reputation could be harmed if it were publicized that he was willing to live amongst 'seconds' with the same attitude and charisma that he exuded with his 'perfect' pieces. He was fearful of taking a risk that might end his career.

So the artist resolved that the only op-

tion was to abandon the piece, to create more room in his studio. He decided to forget it, in order to focus his creative resources on a more fruitful project.

Surprisingly, moments after arriving at this raw, emotional state, something came over him that refused to allow him to abandon the project. The decision had been made in his conscious state, and once his conscious mind released its hold, he found himself for the first time looking at the real problem – which wasn't the flaw.

He stopped approaching the problem with his business senses, his logical thought processes to do with the advice on use of his time, analysis of the product's eventual profitability, and his reputation amongst stakeholders in his artistry.

Instead, he approached the problem with a tool he possessed that was more powerful than his business brain, more

**SAVE THESE DATES!**

*Mark your calendar with these upcoming events and important dates:*

**Wednesday, Sept 23, 2009**

*BCLMA – ALA – TLOMA, Breakfast webinar, 'Evolve to Solve', Presented by Gary Mitchell (Vancouver) and Catherine Mitchell (Toronto) of GEM Communications*

**Fri-Sat, Oct 2-3, 2009**

*ALA Region 5 Conference, Fairmont Banff Springs, Banff, Alberta, Canada*

**Wednesday, Oct 7, 2009**

*BCLMA's First-Ever Leadership Series 'Leadership & Balance', Presented by Joanne Ward, B.Comm, B.Ed., M.A., CCC*

**Thur-Sat, Oct 21-23, 2010**

*BCLMA Educational Conference, Vancouver; Contact Jane Kennedy at Membership address below to join the Conference Planning Committee!*



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powerful than his electric saw. His emotional brain + his heart became the engine and fuel behind the solution, the solution that was in sync with who he was: a creator, a transformationalist, a builder.

With the voice of a wizard, the artist shared with the rapt crowd around him what the audience had been waiting for, what had brought the seemingly broken, hopeless, unattractive and invaluable piece to the grandure the people witnessed today.

The first component of the plan that emerged from his subconscious state: *commitment*. He truly did not want to abandon the structure, despite its lack of commercial value. He found himself committing to the following familiar procedures that worked for him in the past:

- (1) Hard, physical work;
- (2) Exhausting mental work as he focused his attention on small, progressive steps;
- (3) Time, a lot of time, more time than he had previously been willing to devote; and
- (4) Various tools in addition to the all-powerful electric saw.

The second component: *patience*. Instead of brutally amputating the troubling piece, he used the saw – but in a much more gentle, patient manner in order to shave thin layer after layer off the damaged surface.

The third, and perhaps most important components in bringing about the change were combined in *attitude* and *respect*. Instead of resenting the flaw, he created an ecological space for his creativity to flow as it did with other pieces that appeared ‘perfect’. He let go of the stressors – making money and personal gain – to honour the internal reasons for this project.

The hours he spent polishing the vi-



able edge material flew by. Ingenuity bloomed as it dawned on him he could use a resource he had never tried before in his sculptures, a chemical elixir to dissolve the edges where neither the powerful saw nor the gentle buffer could produce the desired result.

Success: the flaw smoothed away, the integrity of the piece maintained.

Through all of the alternative processes, the artist achieved his goal: bringing the piece to a level of public acceptance and high market-value, but that it’s most valuable to him personally and professionally. That’s when he said the piece was not for sale.

Everyone in the audience smiled and drew their gaze up to the top of the structure. They had, in that 10 minutes, made the journey from the raw, troubled beginnings to the place of a polished vision. They had, during that short time, lived with the artist through his accomplishments in reaching the potential of the man

and the object on this seemingly dead-end situation.

**POINTS TO PONDER –  
FLEX THOSE SUBCONSCIOUS  
MUSCLES**

If you stood with the group at the foot of the statue without the introduction from the sculptor, you would never have known it was originally rejected by its creators – nature, metal makers and the artist – and was on its way to becoming a worthless object, ignored by the powers that controlled the environment where it truly belonged and shone.

Notice through your journey with this passionate artist, that you are now in a resourceful state of appreciation for the importance of awareness, acceptance, nurture and transformation.

Is it possible for us to know the worth of ourselves or another without spending some time to become genu-

inely acquainted with the 360 degree internal and external view – with what we can and cannot see? Are you willing to risk answering “yes” to this question, and not take a deeper or more resourceful look at yourself or others?

Send me an e-mail; let me know what you decide. 

*Jan Whyte is a Certified Professional Coach as well as General Manager and Administrator of Murphy Battista, Barristers, in Vancouver. She can be reached at: <Whyte@MurphyBattista.com>*

*She has spent 26 years working in litigation firms in Vancouver. In addition to her administrative role at Murphy Battista, she consults with staff and lawyers on various components of life in law firms, including recruitment, work/life balance, team dynamics, such as leadership or conflict resolution, and enhancing individual and group performance. Jan is an active Board Member and the President-Elect of the BC Legal Management Association.*

**NOT-SO-SOCIAL NETWORKING**

# When I was a kid, we had Windows 95, and we talked to people – and we liked it

By Mike Bowerbank

In the olden days – you know, way back when *Windows 95* was new and crashing computers – your social network consisted of friends you hung out with and talked to in person.

*Face to face!* Can you believe that?



In 1995, the first large social networking site sprang up. Classmates.com gave people a new way to relive those awkward high-school moments. It also enabled visitors to see if the captain of the rugby team still had hair and his own teeth.

It was more of a way to capitalize on nostalgia with a specific group of people, so one could argue about just how much of a social network it really was.

The first of what we associate with social-networking sites today was launched in 2000. Friendster.com grew quickly and became so popular that it spawned several copycat sites including MySpace (2003) and Facebook (2004), both of which have surged ahead of Friendster in popularity.

All of these sites allow you to post a profile that includes all of your personal and contact information, show off pictures of your kids, and make the entire online world aware of your happenings. Such sites quickly became *the* way to stay in touch with people without ever having to, you know, actually see them or talk to them.

The great thing about these sites is the ease with which we can keep in touch with people despite our time-crunched lives. Rather than phone or meet with the people in your life, you can simply update your page with your latest news and pictures so that everyone can see them at once. You can also play games, take quizzes and interact with people from all over the world.

Some businesses are using social-net-

working sites to build their brand image, and to maintain contact with like-minded companies and clients.

One site in particular, LinkedIn, is geared specifically for professionals and entrepreneurs, and now boasts more than 36 million members in 200 countries.



Mike Bowerbank

**GONE PHISHING**

There is a problem prevalent on e-mail known commonly as ‘phishing.’

Phishing occurs when a fraudulent message urges you to visit an internet link to verify passwords, account information, or other personal or private details.

Your participation provides crooks with access to your bank accounts, for instance, which they promptly empty.

Other thieves don’t need to phish by e-mail thanks to social networking. Most peoples’ passwords for their logins or bank accounts are the names of their kids or pets. PIN numbers are often significant dates such as birthdays and anniversaries. If that type of information is posted on your Facebook page, it is literally a virtual bonanza for thieves.

Social networking sites also seem to appeal to sexual predators, so keep an eye on your children as they use these types of sites.

According to *Wikipedia*, there are now over 200 so-



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cial-networking sites online, and many people are on more than one.

**FACE TO FACEBOOK**

Facebook has become the most popular social-networking application. More than 200-million users take quizzes, upload pictures, contact long-lost friends and post status updates letting people know what they're doing from day to day.

Prospective employers also use Facebook to look up applicants. Remember that candidate who was dressed to impress in your office during the interview and seemed so eloquent? That's the same guy whose Facebook profile photo shows him passed out on the street wearing a tutu with a status update that reads *Party Naked*.

Personal-injury lawyers use Facebook to disprove disability claims. One case involved a person on leave from work because they claimed they were too sore to use a computer. By logging onto Facebook, opposing lawyers were able to dispute the claim by demonstrating how the injured person used computers regularly to update their Facebook page. Police have used both MySpace and Facebook to check for probation violations and weapons being brandished in public.

If you think your profile is only open to other Facebook users, think again. On June 12th, Facebook enabled your profile page to be viewed as a web page. The format is [www.facebook.com/username](http://www.facebook.com/username) and you no longer need a Facebook account to view a member's profile page.

**TWITTER, TWEETS AND TWITS**

Just when you thought Facebook had taken things far enough into the "too much information" realm, along came an application that is the new killer app. Twitter is basically a bare-bones, text-based, social application made with cell

phones and *Blackberries* in mind. You broadcast short messages (140 characters maximum), known as *tweets*, to your world.

Twitter has become the third most-popular social-networking application, behind Facebook and MySpace respectively.

Twitter, like all social applications, has some good, practical uses. For example, in this recent election in Iran, Twitter be-

came the organizing tool of choice for the pro-reformist camp, using it to make protest arrangements, and send global messages, slipping these past censors. (The Iranian government promptly re-

sponded by blocking Twitter and Facebook in the country, showing the vulnerability of both mediums.)

While the horrific scene unfolded during the 2008 Mumbai attacks in India, an estimated 80 tweets were sent every five seconds. People on the scene of this terrorist bombing and shooting used their tweets to help compile a list of casualties, and to broadcast the location of hospitals that needed blood donations.

In the legal world, Twitter allows lawyers in court to provide minute-by-minute information to other lawyers back at the firm. This enables assisting lawyers to prepare appropriate materials as needed.

With those notable exceptions acknowledged, one can't help but compare the pragmatic uses to the vast majority of

Twitter users who consider standing in line at Tim Horton's post-worthy, or that there is a terrible smell coming from their fridge. Twitter is used mostly as a narcissistic tool so that the world can know of your daily happenings – sort of a way to be the star of your own reality show.

**LIKE, OMG!**

Social networking can be fun and useful if used sparingly and casually. Instead of getting out and meeting each other, people are using social networking sites to look for love, companionship and even extramarital affairs. And they say romance is dead!

If you joined Facebook just to see what your kids are up to, be forewarned that you might actually find out and wish you hadn't.

Don't spy on your kids, talk to them! You know, with actual spoken words like they used to do, way back in the 20th Century.

When your computer screen becomes your main window to the world and literally becomes your social life, you might be addicted. Such an addiction is as serious as-and no easier to overcome than-other addictions, like gambling.

As the world becomes increasingly connected, it seems that people in society become increasingly isolated, socially. It's the paradox of modern communication, and contributes to a large part of the reason why Generation Y– the Millennials – usually excels at technology but generally lacks in social skills.

If this trend continues, and more people live online, good social skills may end up as extinct as the 5.25" floppy drive and the game *Pong*.

I know I'm writing some things to which online addicts may object, but I don't expect to hear from them about it.

They only read things that are 140 characters or less. OMG, LOL!



PHILIP BARKER, ARTIST



BAIRNES, CRAIG'S TRICIA SMITH TO SUPERVISE

## A sophisticated new court will be set up in downtown Vancouver for the 2010 Games

When the Vancouver Organizing Committee for the 2010 Olympic and Paralympic Winter Games (VANOC), sets up its on-the-ground operations in earnest this fall and winter, it'll be making room in a downtown Vancouver hotel in early February for a special Games division of the Court of Arbitration for Sport (CAS), supervised by a city lawyer who is well-known in the Olympics movement.

The International Council of Arbitration for Sport (ICAS), which is based in Lausanne, Switzerland, is the fund-raising and administrative body that took over from the International Olympic Committee as the Court's supervisory organization.

The IOC launched the court in 1984 to settle disputes amongst its sports federations, but within its first decade, the IOC became increasingly criticized for the strength of its influence over the court. The ICAS was formed in the mid-1990s to create independence and an administrative structure for the court's increasing activities.

Three permanent courts exist – Lausanne, Switzerland (where the IOC is also headquartered), New York and Sydney, Australia. But the ICAS also establishes *ad hoc* courts, such as the one for the 2010 Games, as needed. The CAS uses about 300 arbitrators from 87 countries, and handles about 200 cases a year.

The CAS for the Olympic portion of the 2010 Winter Games will include nine lawyers, acting as arbitrators to operate in the Renaissance Vancouver Hotel Harbourside at 1133 West Hastings Street, from February 2, 10 days before the start of the Games, to February 28, the day of the Olympic Closing Ceremony.

The Renaissance is one of three big downtown Vancouver hotels – including the Bayshore and the Pinnacle, a corporate sister of the Renaissance that is locat-

ed right across West Hastings street, as well as the Vancouver Club – that VANOC is taking over completely during the Olympic portion of the Games so they can be used by the IOC and its related organizations.

On March 26, the ICAS formally appointed Tricia Smith – Vancouver lawyer and partner of Barnes, Craig & Associates – as its liaison officer with VANOC. In this role, Smith will carry responsibility for the relationship and communication between ICAS, CAS and VANOC between now and when the Olympic portion of the Games wraps up in early March.

Smith's legal experience, community involvement and sports background make her an excellent candidate for this role.

Although her law practice focuses on managing claims for liability insurers and providing risk-management consulting, she is also a sports arbitrator with an abiding interest in the Olympics.

Smith has been a member of the ICAS since 2001. She was unsuccessful in a closely fought contest with Marcel Aubut, QC, OC, a Quebec City-based lawyer with Heenan Blaikie, in a bid this past spring to replace the Canadian Olympic Committee's (COC) current president, Michael Chambers, when his term ends after the 2010 Games, she will remain on the COC's Executive Committee as the organization's vice president, working first with Chambers, later with Aubut.

Smith is also a four-time Olympian and medallist in rowing; the founder and past president of Olympians BC; and vice president of its parent organization, Olympians Canada.

Smith remains a member of the Executive Committee of the International Federation of Rowing Associations, which is also headquartered in Lausanne, and chairs its Women's Rowing Cross-Commission.



She is also a former member of the Board of 2010 Legacies Now, which was originally formed by the B.C. government to be the arm's-length implementer of several major social goals of the government connected with the Games.

Although 2010 Legacies Now continues to work on those goals with the help of various companies connected to the 2010 Winter Games and others, and although it receives the majority of its funding from Victoria, it is now a fully independent society.

The CAS usually involves panels of three arbitrators each, and they deal with a wide range of issues involving the intricacies of relationships between the numerous international sports federations that the IOC supports through funds generated by sponsorships and Olympic games, and it often deals as well with appeals from decisions by the federations that affect their athletes.

Its work in the controversial field of anti-doping gives the CAS its highest visibility. For example, just this past June, it worked out the appropriate suspension of German ice-hockey player, Florian Busch, who made the mistake last December of refusing to provide a urine sample when a doping-control officer knocked on his apartment door; a surprise test is a known and standard part of the International Ice Hockey Federation's procedures for out-of-competition testing.

Though he took the test a couple of hours later and it was negative for banned substances, it was too late. There was a plethora of subsequent legal argu-

ments and appeals from various bodies about which one should sanction him and for how long.

The CAS sorted through the competing claims, and ruled that he would receive a two-year suspension, effectively preventing him from competing in the 2010 Games.


Perhaps one of its most famous cases was a decision to uphold a life-time ban on taking part in Olympic winter games imposed by the IOC against three of four members of the Austrian Nordic skiing team attending the Torino, Italy, Winter Olympics in 2006, for allegedly sharing “complicity to violate anti-doping rules.”

Eventually, the CAS court commuted a similar ban to the fourth member of the team to a four-year suspension – it ends just after the 2010 Games – after reviewing his lesser role in the affair.

When the Olympic Games are underway, the Athlete Villages in Vancouver and Whistler, and any separate apartments used by Olympic athletes, their team coaches and related officials have a kind of diplomatic separation from the criminal laws of the host country when it involves things such as drugs, where convictions in some countries carry the death penalty. The IOC, as part of its thicket of legal agreements with host countries, obtains the authority to look after anti-doping cases on its own terms during the Games. The deal usually involves the local police going in with IOC investigators, each with their own jurisdiction.

The cases can be deadly serious. The anti-doping case that involved the CAS stemmed from a joint IOC-Italian police raid on the rooms of the Austrian biathlon and cross-country squads on February 18, 2006, in the team’s private quarters in the Italian Alps while the Torino Games were underway.

The IOC later reported that 80 medical devices, including advanced medical equipment, were found in the apartment along with used syringes, blood bags, blood-transfusion equipment, and even bloody handkerchiefs.

In 2010’s case, once the Games are finished, the CAS court goes too. 

**FIRM LEADERSHIP THROUGH UNCERTAIN TIMES**

**Leading your firm through the difficult dilemma of terminations or layoffs**

By **Tim Wurtz, Administrator, Baker Newby LLP**

**O**ur profession, and the world at large, buzzes with the employment implications of our general economic slowdown. Whether you face small adjustments to your work force or a larger scale layoff to control that salary expense line item, leadership before, during and after any termination plays a central role in how your firm will weather any fallout as a result of constraints to your work force.

LawShucks.com reports that 125 major law firms around the globe have announced or conducted layoffs. The combined total is 10,723 people; 4,015 lawyers and 6,708 staff. Most law firms on that list, thankfully, do not have any significant recognizable names from our BCLMA network; however, all local firms who spoke with me are cautiously managing their salary expenses.

While most research and surveys that examine the long-term effects of downsizing indicate that companies that cut staff end up disappointed with the results, many of us will face formulating staffing strategies to control costs. Layoffs may serve a short-term need, but create larger long-term issues. Nonetheless, we must manage and lead as directed by our Partnership or Managing Committees.

I am sure my fellow Administrators and HR Managers will agree that an impending termination, on any scale, can consume the workday. We complete the necessary forms, derive suitable severance packages, develop plans to reassign work or, alternatively, reinvigorate the recruitment process to find a suitable replacement. While we focus on the person or persons being terminated, we might overlook and forget or ultimately deny an important aspect of the overall process – the

employees we keep.

The Law Practice Today section in the January edition of the ABA Law Practice Management included an article by Jaffrey C. Conner concisely summarizing the point that future success of a firm depends largely on the leadership of management after any layoffs have been made.

The workplace mood becomes somber. People ask themselves, “Am I next?” There will be a significant amount of distrust of management, and anxiety over subsequent job losses. These feelings must be tempered by a strong, unified mes-

message from Management. It is reasonable to admit the future is uncertain, and that every effort will be made to ensure a strong and viable law firm well into the future. Also tell the staff that this uncertainty will undoubtedly result in difficult decisions after every possible alternative has been considered.

Terminating employees is a decision that is never made lightly. To be an effective leader you need to reinforce that all options were considered prior to layoffs. Under conditions of economic uncertainty, the contribution of leadership is not simply to inspire or build confidence, but rather to solve problems, and make appropriate strategic decisions.

I learned an important lesson at last year’s BCLMA Conference. Peter de Jager, a specialist in Change Management, said in the closing session, “People actually are not resistant to change, they are resistant to the way change is brought about.”

Some employees consider termina-



**Tim Wurtz**

**ALL LOCAL FIRMS ARE CAUTIOUSLY MANAGING THEIR SALARY EXPENSES**



JAMES THEW

tions or layoffs as drastic, and develop strong feelings against management. Leaders must remain aware of the perceptions of their Partnership Board, Management – and staff. All three groups influence a leader’s ability to implement change, specifically to bring about significant staffing reassignments.

Much literature exists about the distinction between leaders and managers, with leaders having vision and creativity, and managers focusing on improving efficiency. Leaders should exercise diligence toward gaining an understanding of their capacity within the organization to properly apply leadership theories if appropriate.

During uncertain times, we need to think about adaptive and situational leadership—the right person with the right style for the right situation. Mining the Internet and academic journals for descriptions of leadership styles yields hundreds of words typically used to describe

**TERMINATIONS OR LAYOFFS ARE ABOUT LOSS,  
BUT THEY ALSO CREATE OPPORTUNITY  
FOR US AS LEADERS AND MANAGERS**

a vast variety of leadership traits and techniques.

Two styles reside on opposite ends of the spectrum: Visionary Leaders and Authoritative Leaders. A visionary leader possesses a charismatic personality, embraces a democratic approach to the decision-making process, and tries to engage staff in ongoing strategic initiatives.

An authoritative leader prefers autonomous control over decision-making, motivates employees using various forms of intimidation, shows reluctance at relinquishing control, and fails to actively seek feedback throughout management processes. During difficult and emotional staff terminations and re-assignments, the enormous grey area between these two

styles is required to carefully steer your ship through difficult waters.

Use components of visionary leadership to bring employees into the world of decision-making. Solicit ideas. Listen to what staff say when you introduce cost-saving measures. For employees who are terminated or laid-off, consider outplacement services, a mutually agreeable reference letter, and, perhaps, access to the firm’s resources or referral networks so they can actively seek other employment. For employees who are retained and possibly required to assume additional responsibilities for the same or less pay, think about new benefits you can offer them, such as additional training and support.

Use aspects authoritative leadership to reinforce the notion that difficult decisions are inevitable, that assuming issues associated with terminations or downsizing will solve themselves over time is irresponsible. It is important not be perceived as laissez-faire in your management capacity, and to clearly establish that, while difficult, the decisions must be respected.

We are expected to possess the skills to properly and compassionately deliver bad news to staff. As managers, it is our duty to be knowledgeable of how people will react, and deal with the ramifications of our actions. Often, the problems in workforce reductions arise when people don't see logic in why they were laid off and others kept their jobs. People draw their own conclusions.

I know, first-hand, that remaining staff typically formulate their own complex tapestry of reasons to explain why someone has been let go. These conclusions can't include aspects of the decision-making process to which they are not privy.

It is counter-productive, however, to argue with this mentality, as they are typically emotionally driven conclusions. Rationalization may serve to further fuel the fire of distrust of management.

However, we cannot ignore it entirely, either. We will need to address the rumours and speculation, either as a group, or one-on-one.

Terminations or lay-offs are about loss, but they also create opportunity for us as leaders and managers. Our words and actions can inspire loyalty and enthusiasm. Vision and authority make great bedfellows in any leader's arsenal of tools, but sustainable law-firm profitability and excellence takes a concerted effort on any manager's part to become and remain the leader that is the glue in the firm's organizational culture.

Leaders must be honest and transparent about current conditions, whilst remaining positive and reassuring. Engage Consulting Solutions, in its publication, *Engaging Employees in Uncertain Times*, suggests that you must counteract pervasive negativity by providing clear,

consistent messaging about the firm's reality, regardless of the reality. In addition, focusing on programs that promote recognition, employee wellness, learning and development are also seen as crucial to reducing the uncertainty while increasing retention and engagement.

The July-August 2009 issue of *The Harvard Business Review* lists new required leadership skills, particularly vital in our climate of economic uncertainty:

- 1) Foster Adaptation – For instance, develop “next practices” in addition to continuing with current best practices;
- 2) Embrace disequilibrium – While this seems to depart from traditional leadership efforts to create a harmonious equilibrium, it is suggested you keep staff in a state that creates enough discomfort to induce change, but not so much that they fight, flee or freeze;
- 3) Generate leadership – Give employees, at all levels of the organization, the opportunity to lead departments or firm initiatives that will help it adapt to changing times.

A suggestion to Administrators and HR managers struggling with difficult situations: Ensure you take care of yourself throughout these dynamic times. Cambridge Leadership suggests that you:

- 1) Give yourself permission to be both optimistic and realistic;
- 2) Find sanctuaries where you can reflect on events and gain perspective;
- 3) Reach out to trusted confidants, with whom you can speak openly;
- 4) Bring more of your emotional self to the workplace, noting that appropriate displays of emotion can effect change;
- 5) Do not lose yourself in your role, nor define yourself through a single endeavour.

Through these uneasy times, we must skillfully balance the profitability of the partnership with a healthy organizational climate for the firm.

They are not mutually exclusive during economic uncertainty, but do require careful planning and actions by law firm managers to advance our stature within the decision-making process to that of a law-firm leader.

**BC Court E-Filing → from Page 10**

dentials, except for affidavits and orders.

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**Resources**

*E-Filing is available for most types of documents. For e-Filing rules, refer to Supreme Court Rule 69, which is at...*

<<http://tinyurl.com/nasoj9>>

...and Small Claims Rule 22, located at: <<http://tinyurl.com/l7ch8g>>.

*There are quite a few Rules on each of these web pages, so once you arrive, use your browser's Find command to quickly search the page for the text Rule 69, in the one case, or Rule 22, in the other.*

*You can register for a CSO account online through the CSO website at:*

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*Questions can be e-mailed to: [Courts.CSO@gov.bc.ca](mailto:Courts.CSO@gov.bc.ca)*

# 15 ideas for improving your practice

By Michael J. Anderson,  
Principal, Innovative Consulting

Sometimes, when we have our heads down just ploughing away through the fires on our desk, we lose sight of the fundamental things that we should do to grow our practices.



Michael Anderson

We're not talking about huge, expensive or complex marketing strategies here. We are just reminding you of the basics. Several of you probably already do many of these things; several of you probably plan to do many of these things. Our hope is that this list will remind you of what it takes to expand your practice, and spur you on to turn your best intentions into best practices. We also hope that you will gain some new ideas and insights.

The following, in no particular order,

**BC Court E-Filing → from Page 20**

ing fuel consumption and its environmental impact.

✓ *Inexpensive* – An office can reap savings from e-Filing through reduced printing costs, as well as reduced costs from delivering documents to the registry, particularly when filing beyond the local registry.

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is provided as a checklist for what you might want to do to become more profitable.

**1** *Get out of the office.* Every great Rain Maker will tell you that you must meet with your current and potential clients often, either on their turf or on neutral ground.

**2** *The old 80/20 rule still applies.* Yes, 80% of your new work will probably come from 20% of your current clients. Do you know which of your clients provide you with the most work? If you do, how are you building on that relationship? We see too many firms and lawyers spending gobs of time and money trying to attract an elusive, new, big client. Your best target for success is the client you already know and who already knows you.

**3** *Just say "No".* Being fearful of where our next file will come from makes us want to accept every possible bit of work that might come in the door, whether the work is profitable, whether we have good prospects for getting paid, whether it is an area of law in which we are comfortable, or whether our time could be better spent attempting to land the work that we really want at rates that will help us to succeed. It seems to be the credo for many lawyers that, "They have never met a dollar they didn't like." Instead, "Focus on the good stuff," as professional-business consultant David Maister would say.

**4** *Budget your time and money.* Typically, a lawyer works about 2,500 hours each year; roughly split between 1,400 billable hours and 1,100 non-billable hours. The non-billable time is broken into segments for management, associate training, personal education, research and marketing. We suggest that every lawyer allows for about 600 hours per year for marketing their practice, with a marketing budget of between 2% and 5% of their gross revenues. The marketing should include advertising, website creation and maintenance, marketing-skills training, and client promotion-among other things.

**5** *Get involved.* We have a moral duty to give back to our communities.

Choose a charity, community group, political organization or business association that you enjoy and is important to you. Many of these types of groups are

**HOW DO FIRMS USE ON-LINE VIDEO? TO VIEW AN EFFECTIVE USE OF THIS MEDIUM, VISIT TORY'S: [WWW.TORYS.COM/VIDEOCENTER/PAGES/DEFAULT.ASPX](http://WWW.TORYS.COM/VIDEOCENTER/PAGES/DEFAULT.ASPX)**

looking to add a lawyer or two to their boards. In addition to contributing to a greater common good, you will also network with other successful business people.

**6** *Market internally.* Ensure that everyone in your firm knows all of the facets of the work you are capable of handling, the areas in which you are looking to expand, and your availability to handle the work. Ask your partners about possible cross-selling opportunities. Since cross-selling is a two-way street, look at your own client list for possible situations to offer your partners. For younger lawyers, internal

**SINCE CROSS-SELLING IS A TWO-WAY STREET, LOOK AT YOUR OWN CLIENT LIST FOR POSSIBLE SITUATIONS TO OFFER YOUR PARTNERS.**

marketing is possibly the only marketing that they can do, as their peer group has not yet risen to positions or situations where they can direct legal files to their friends. Every young lawyer should ask the more senior members of their firm for work on a weekly basis. A lot of work will transfer down to them if they prove they can handle it.

**7** *Go to school.* Many lawyers can benefit greatly from marketing training or personal coaching. In the old days, a senior partner would grab an associate by the scruff of the neck, drag them to client lunches, and warn them to just sit there, keep their mouth shut and learn. And they did learn. Similarly, we need to develop ways to share the marketing skills that already reside within our firms, especially for our younger members.

**8** *Create a "Dream List".* In a perfect world, who would you have as clients and what type of work would they send you? Once you have the list, start strategizing on how you can get an introduction, and what you would say when you finally meet them. Why should they hire you? What will set you apart from your competition? After all, many clients feel that most lawyers are the same – they point to law firm websites and brochures where you will see that most of them attempt to sell "Better, Faster & Cheaper." Differentiate yourself. Innovate.

**9** *Research.* Do you truly understand your clients' core needs? What issues keep them awake at night, and what can you do to help them? Use the Internet to gather information about your current and potential clients. Use that data to customize your proposal to them. This demonstrates an understanding of their business and a commitment to help them enhance it.

**10** *CRM.* Institute a Customer Relationship Management program that will track who, when, how and what the next steps are in your marketing strategy. A simple and inexpensive option like Microsoft Outlook, or a more legal-specific option like

Amicus Attorney, will get your started.

**11** *Write, write and write some more.* Create a perception of expertise by writing topical articles and getting them published in relevant print or online magazines, newsletters and blogs.


**12** *Leverage your writing.* Create a mailing list, or, even better, an e-mailing list of clients and potential clients and send

also see that you have expertise. Take it one step further and create a seminar, presentation or speech using the article as the basis. Undertake each at the personal, group or firm level – or all of the above!

**13** *Leverage your people.* How many times have we heard, "Push the work down and free your time to do the more important stuff"? Why do many of us still resist that strategy? Whether you are in

a large firm with associates or a sole practitioner with paralegals, use junior practitioners to a greater degree. Using leverage will make you more profitable and free your time for more important things.

**14** *Web support.* Among other things, websites are the brochures of the new millennium. Is your website supporting your marketing efforts, or is it just a necessary expense? The most effective sites have a lot in common: they are built from a client's point of view; they are informative and educational; they display your expertise; they have personality; they are well "tagged" to be picked up in Google type searches; and use videos effectively.

**15** *Discipline.* Sometimes, our best intentions lack the discipline to carry out what we know we need to do. Develop a strategy with a timetable to accomplish the plan. Start with this checklist and add to it as you progress along the road to growing your practice. We hope that this will help you to focus on the issues that are most important for you and your firm going forward. 

*Michael J. Anderson is a principal in Innovative Consulting. He's based in Vancouver and can be reached at 604.272.4222 or at: anderson@innovativeconsulting.ca*



them copies of the articles that you write. The goal is to have them say, "This one sure seems to know their stuff." Then, have the article placed in a strategic location on your website, so that visitors will

# BCLMA EXECUTIVE & SECTION LEADERS

## EXECUTIVE

Stephanie Marsh, *President*  
Fasken Martineau  
2900, 550 Burrard Street  
Vancouver, Canada V6C 0A3  
D: 604.631.4767  
F: 604-631-3232  
SMarsh@Fasken.com

Jan Whyte, *Vice-President*  
Murphy, Battista  
#2020, 650 West Georgia Street  
Vancouver, BC, V6B 4N7  
D: 604.633.3811  
F: 604-683-5084  
Whyte@MurphyBattista.com

Gary Carter, *Director*  
Paine Edmonds LLP  
1100, 510 Burrard Street  
Vancouver, BC V6C 3A8  
P: 604.683.1211  
F: 604-681-5084  
GCarter@Paine-Edmonds.com

Cindy Hildebrandt, *Director*  
Richards Buell Sutton LLP  
700 – 401 West Georgia Street  
Vancouver, BC V6B 5A1  
P: 604.682.3664  
D: 604.661.9267  
F: 604-688-3830  
CHildebrandt@rbs.ca

Evenna Liu, *Director*  
Oyen Wiggs Green & Mutala LLP  
480 – 601 Cordova Street W  
Vancouver, BC, V6B 1G1  
D: 604-676-9074  
F: 604-681-4081  
ELiu@Patentable.com

Barb Marshall, *Director*  
Fasken Martineau  
2900 – 550 Burrard Street  
Vancouver, BC V6C 0A3  
D: 604.631.4991  
F: 604-631-3232  
BMarshall@Fasken.com

Angela Zarowny, *Treasurer*  
Direct: 604.351.0124  
azandbz@Shaw.ca

Jane Kennedy,  
*Administrator & Membership Services*  
BCLMA  
PO Box 75562  
RPO Edgemont Village  
North Vancouver, V7R 4X1  
P: 604.988.1221  
F: 604-988-1221  
Membership@BCLMA.org

## SUBSECTION LEADERS

### Facilities & Service Management

Janice McAuley, *Co-Chair*  
Lawson Lundell LLP  
1600 – 925 West Georgia Street  
Vancouver, Canada, V6C 3L2  
D: 604-631-9254  
F: 604-669-1620  
JMcAuley@LawsonLundell.com

Lorraine Burchynsky, *Co-Chair*  
Boughton Law Corporation  
Suite 700 – 595 Burrard Street  
Vancouver, Canada, V7X 1S8  
D: 604.647.4162  
P: 604.687.6789  
F: 604-683-5317  
LBurchynsky@Boughton.ca

### Finance

Sheila Tham, *Co-Chair*  
Watson Goepel Maledy LLP  
1700 – 1075 West Georgia St.  
Vancouver, BC V6E 3C9  
P: 604.688.1301  
F: 604-688-8193  
STham@WGMLaw.com

Linda Lucas, *Co-chair*  
Davis LLP  
2800 Park Place, 666 Burrard St.  
Vancouver, BC V6C 2Z7  
D: 604.643.6305  
F: 604-687-1612  
E: LLucas@Davis.ca

### Human Resources

Tina Giallonardo, *Chair*  
Miller Thomson LLP  
1800, 840 Howe St.  
Vancouver, BC V6Z 2M1  
P: 604.687.2242  
F: 604-643-1200  
TGiallonardo@MillerThomson.c

### Knowledge Management

Greg Christensen, *Chair*  
Fasken Martineau  
2900–550 Burrard Street  
Vancouver, Canada V6C 0A3  
D: 604.631.4993  
F: 604-631-3232  
GChristensen@Fasken.com

### Marketing

Recruiting

### Small Firms

Sharon Kwong Wah, *Chair*  
Young Anderson  
1616 – 808 Nelson Street  
Vancouver, Canada, V6Z 2H2  
D: 604-689-7400  
F: 604-689-3444  
KWongWah@LYA.bc.ca

## Trainers

Ruth-Ann Spencer, *Co-Chair*  
Bull, Houser & Tupper LLP  
3000, 1055 West Georgia Street  
Vancouver, BC V6E 3R3  
D: 604.641.4921  
F: 604-646-2638  
RAS@BHT.com

Lisa Dick, *Co-Chair*  
Fasken Martineau  
2900–550 Burrard Street  
Vancouver, V6C 0A3  
P: 604.631.3131  
F: 604-631-3232  
LDick@Fasken.com

## Technology

Aaron Fahlman, *Co-Chair*  
Fasken Martineau  
2900, 550 Burrard Street  
Vancouver, Canada V6C 0A3  
D: 604.631.4960  
F: 604-631-3232  
AFahlman@Fasken.com

Aaron Zuccolin, *Co-Chair*  
Watson Goepel Maledy LLP  
1700 – 1075 West Georgia Street  
Vancouver, BC, V6E 3C9  
D: 604.642.5661  
F: 604-688-8193  
AZuccolin@WGMLaw.com

## EDITORIAL COMMITTEE

Bob Waterman, *Chair*  
Richards Buell Sutton LLP  
D: 604.661.9241  
F: 604-688-3830  
BWaterman@RBS.ca

Stephanie Marsh, *Editor*  
Fasken Martineau  
2900, 550 Burrard Street  
Vancouver, Canada V6C 0A3  
D: 604.631.4767  
F: 604-631-3232  
SMarsh@Fasken.com

Mike Bowerbank  
BurnabyMike@Yahoo.com

Lorraine Burchynsky  
Boughton Law Corporation  
Suite 700 – 595 Burrard Street  
Vancouver, Canada, V7X 1S8  
D: 604.647.4162  
P: 604.687.6789  
F: 604-683-5317  
LBurchynsky@Boughton.ca

Paula Butler  
Barrister & Solicitor  
200, 100 Park Royal  
West Vancouver BC V7T 1A2  
P: 604.782.0373  
F: 604-983-0372  
PButler@PaulaButler.com

Tim Wurtz  
Baker Newby LLP  
9259 Main St.  
Chilliwack BC, V2P 6K2  
P: (1) 604.792.1376  
F: (1) 604-792-8711  
TWurtz@BakerNewby.com



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Managing Editor, Designer: *Peter Morgan*

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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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