2010: 25th Anniversary of TOPICS!

bclma Topics
BC Legal Management Association

*A newsletter to help our members and partners stay current with the business of law ✦ Spring 2010*

LAW FIRM MANAGEMENT PRACTICES

# Ethics of practising law on the web is a thorny bush for BC firms, large & small

By David J. Bilinsky,
Practice Management Advisor,
Law Society of BC

It has become more and more common to see law firms provide some type of legal service via the World Wide Web.

Firms like Linklaters and Clifford Chance have moved into this space as have many other smaller shops. Other firms watch these developments and consider their own move in this direction.

In terms of web presence, there have been instances when the Law Society of British Columbia has noted that lawyers have breached the marketing rules in Chapter 14 of the *Professional Conduct Handbook*, but that was more directed towards how they were marketing generally rather than the web specifically, thought it certainly included that.


David J. Bilinsky

It would not be proper for me to comment on whether the LSBC is planning anything regulatory in the future about web presence, other than to say that we will be seeing multi-disciplinary partnerships (MDP) approved in BC later this year and doubtless these new partnerships will have to deal with ensuring that their online marketing complies with the rules in place in and around MDPs.

Accordingly, it becomes useful to consider certain ethical aspects of moving a law practice onto the Web.

## THE UNAUTHORIZED PRACTICE OF LAW

One of the challenges of practising law on the web is the fact that the web knows no geographic bounds. The reach of your web page or online services can get you in hot water with various legal regulators.

For example, in Canada, the *Inter-jurisdictional Practice Protocol* allows a qualifying lawyer to practice up to 100 days a year as a visiting lawyer in the jurisdiction of a reciprocating governing body

Law on the Web ➟ to Page 2

*Mr. Bilinsky is the Practice Management Advisor for the Law Society of BC, however, he is not representing the Society as he offers these views. The views expressed herein are strictly his, and might not be shared by the Society.*

***We're gonna rock, rock this joint***
***We're gonna rock this joint tonight***

*Music and Lyrics by Harry Crafton, Wendell "Don" Keane and Harry "Doc" Bagby, as recorded by Jimmy Preston.*

**Can you help her?**

**Can you solve the cover-up of the Pearlson Affair? See Paula Butler's latest HR case challenge on page 5**

ANNUAL GENERAL MEETING

## Hawke elected new BCLMA president

On April 1, the BCLMA Board of Directors met with more than two dozen Representatives at the Annual General Meeting held at the Hyatt Regency Vancouver.

Then-President Barb Marshall chaired the meeting. After calling the

AGM, BCLMA elections ➟ to Page 14

Law on the Web ➞ from Page 1

of which the visiting lawyer is a member (*See Rule 2-10.2, Rules of the Law Society of British Columbia* – <*http://tinyurl.com/lkfz5*>).

However, a visiting lawyer should not establish an 'economic nexus' with any reciprocating jurisdiction since doing so requires the lawyer to then obtain a practice permit [*Rule 2-10.2 (1) through (7), about inter-jurisdictional practice without a permit]: <http://tinyurl.com/y7cs95y*>].

An economic nexus is established by actions inconsistent with a temporary basis for providing legal services, (covered by *Rule 2-10.21, Disqualifications: <http://tinyurl.com/y2b9cl7>)*

Similarly, in the USA, the American Bar Association's *Model Code* offers similar provisions (*See its Rule 5.5: <http://www.abanet.org/cpr/mrpc/rule_5_5.html*>).

It is reasonable to believe that setting up a web page that purports to promote the provision of legal services in a "reciprocating jurisdiction" in Canada may constitute the establishment of an economic nexus with that jurisdiction.

Similarly, I believe in the US, setting up a web page promoting the provision of legal services would be "establish[ing] an office or other systematic and continuous presence in this jurisdiction for the practice of law."

Accordingly, the lawyer or lawyers who offer those services would need to obtain a permit or qualify for the bar in each jurisdiction in which they purport to offer these services.

I do not believe that "temporary" or "visiting lawyer" provisions would be sufficient to justify a web page that holds out the practice of law in a jurisdiction where the lawyer is not otherwise entitled to practice.

I think that disclaimers and such that purport to limit the practice of the online lawyer to the jurisdiction(s) in which they have licence to practice will only be effective to the extent that the lawyer doesn't overstep these bounds themselves – meaning that a lawyer in Alabama would be hard-pressed to justify rendering a will and estate plan that is to be implemented in Florida, where the client is resident in Florida and contacted the Alabama lawyer via their online will and estate-planning website.

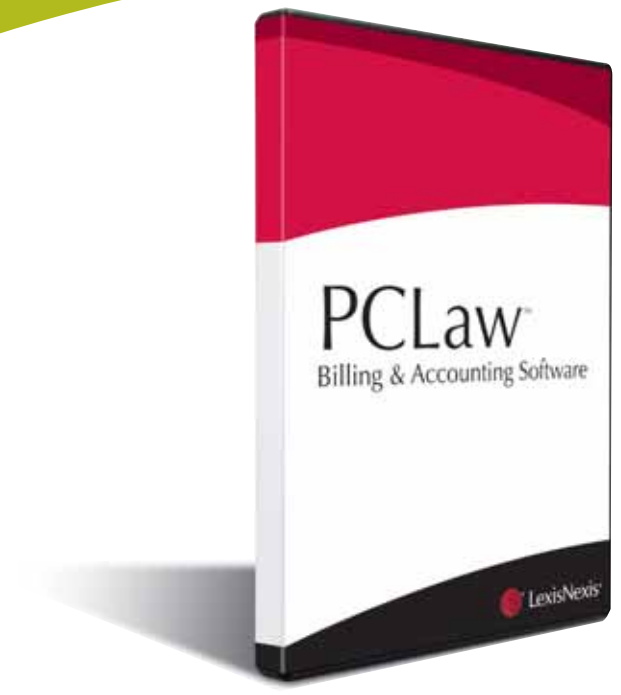
Any reasonable interpretation of this situation would find the Alabama lawyer has purported themselves to practice the law of Florida and would be required to comply with the State of Florida's rules and regulations regarding temporary lawyers, licensing and practice permits.

We are also of the opinion that the situation becomes even worse where no such enabling "visiting" or "temporary" legislation – the ABA code of course, being only a model – as one cannot possibly argue that the lawyer or lawyers had only intended on providing services as a visiting lawyer or on a temporary basis.

Where there is no such enabling visiting or temporary lawyer legislation, then

Law on the Web ➞ to Page 9

# LexisNexis® PCLaw™




## Accounting software that SPEAKS LEGALESE.

PCLaw™ billing and accounting software combines what you need to track your time and money all in one system — from time and billing to trust accounting, cheque writing, financial statements, client identification and verification, automatic backup, offline file management, advanced reporting tools and more. Best of all, it's easy to use and ready to go to work instantly.

**Download and Try PCLaw for FREE***

**For more information, call 1-800-328-2898 or visit www.lexisnexis.ca/pclaw.**

TOTAL PRACTICE SOLUTIONS

Client Development | Research Solutions | Practice Management | Litigation Services

LexisNexis®

SH-H-H-H! SCREENING & CONFIDENTIALITY

# How to stop lawyer mobility or lateral hires from creating conflicts of interest

By Pat Archbold,
Risk Manager, IntApp

It's no secret that most firms have seen personnel changes in recent years, most notably in response to the economic downturn.

In this context, industry trends, including new rules of professional responsibility, case law and government regulations, underscore the growing importance of diligently addressing confidentiality requirements tied to personnel movement.

Firm risk and IT teams have critical roles to play in preparing and protecting their organizations when lateral hires or lawyer departures occur.

Today, lawyer mobility is a fact of life and a common occurrence. But lateral hires often create conflicts of interest that must be resolved.

YANIK CHAUVIN

In many instances, firms can address these conflicts by setting up ethical screens. In some of those situations, clients or former clients must consent and sign waivers. However, in an increasing number of U.S. jurisdictions, consent isn't necessarily required so long as ethical screens are employed.

Whenever a firm relies on an ethical screen to address a conflict stemming from a lateral hire, it becomes vitally important for the organization to prepare to withstand a disqualification motion from opposing counsel.

Successful screening defense hinges on the ability to demonstrate adequate internal policies coupled with timely and effective confidentiality controls. These controls must restrict the ability of affected parties to access relevant information internally.

Originally, ethical screens were primarily "policy-only" instruments. To satisfy their professional obligations, firms distributed memoranda and relied on the personal diligence of individuals to avoid inappropriate communication or information-sharing with designated parties.

As a further check, organizations also might have restricted access to physical files by attaching "red dot" stickers to prevent accidental disclosure.

Today, the pervasive use of technology renders such approaches obsolete. Most information is created and stored electronically, and new search tools surface vast quantities of client and firm information for any interested attorney or staff member.

In response, industry standards for confidentiality have changed. Policy-only or manual security-enforcement processes have been replaced with automated notification, enforcement and reporting. These changes were driven partially by clients, who insisted on documented, auditable screening procedures before granting waivers.

They've also been shaped significantly by the legal community itself, through changing jurisdictional rules of professional conduct and a growing body of more stringent and explicit case law.

Consider recent examples of faulty screening. In 2009, an AmLaw 200 firm was disqualified, not for failing to screen a conflicted lateral hire, but for failing to set up the screen in a timely manner. In this ruling, the judge cited delay as the deciding factor invalidating the screen, and highlighted case law setting out the need for screens to be demonstrably effective "such that there can be no doubts as to the sufficiency of these preventive measures."

In another 2009 decision, a judge affirmed a screen and denied a disqualification motion, but instructed counsel to implement extra protections by extending security controls to the firm's time entry application and regularly circulating internal reminders regarding the screen.

These stories illustrate an important lesson – appearances matter. Firms face potential disqualification if screens are not timely, access controls are insufficient or internal notification measures are deficient. For a screen to be invalidated, no evidence of actual disclosure is required. If it is possible for an individual to access or be presented with restricted information, even by accident, that possibility alone casts doubt regarding the sufficiency of the screen. This is especially true when peer firms employ stringent protective measures.

With an increasing body of case law enumerating specific screening requirements, the days of "on your honour" and "red dot" approaches to ethical screening have passed. Today firms must use effec-

Sh-s-s-h! → to Page 15

# YOU BE THE JUDGE

By Paula Butler, Lawyer

Paula Butler

*Below is 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, with answers next issue. 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 a day's double trouble


PAUL PRESCOTT

It is the middle of the Olympics, and traffic is a nightmare. One morning, five of the 12 staff at Turner, Johnson & Billings call you at the office to say that Skytrain is down, and the traffic is snarled. Each one will arrive very late to the office. All five manage to arrive after 11 a.m., one straggling in as late as 1:30. The Managing Partner comes to you, the Human Resources Manager, to say that she does not think that these employees should be paid for a full day. *What do you do?*

In the meantime, Holly Johnson, the receptionist and the daughter-in-law of the Johnson in the firm's name, calls in to say that she has been exposed to H1N1, and asks if she should come into work. She was earlier offered the vaccine at work, but declined. What should you tell her as the Human Resources Manager? You sure don't want her at the office, but if she stays home, what do you say? *Should she be paid? What do you do?*

**RESPONSE FROM BCLMA MEMBERS**: *I wouldn't pay any of them. In the case of the Olympics, all five staff knew the Olympics were on, and should have made better arrangements to be at work on time.*

*In the case of Holly Johnson, she was offered the vaccine and turned it down. She should stay home and not be paid.*

Hi, this is Paula. In the case of the staff at Turner, Johnson, Billings, you are technically correct. It is an implied term of em-

Double Trouble ➞ to Page 6

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

## THE PEARLSON AFFAIR'S COVER-UP

STEVEN PEPPLE

You are the Office Manager at Pearlson, Wright.

Jenny Walker, a Legal Assistant, comes to you in tears.

After you get her calmed down, she tells you that she is upset because she has known for about six months that the lawyer she works with, Jim Pearlson, the Managing Partner, is having an affair with the paralegal with whom he works.

Jenny is upset because Jim has asked Jenny to cover for him when his wife phones and asks where he is.

Jenny says that she feels terrible lying to Jim's wife, and tells you that she won't continue to work with Jim unless this matter is resolved.

*How do you deal with Jim? What would you do?*

## 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 and sharing your expertise 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 to intrigue and challenge you.*

Double trouble ➟ from Page 5

ployment that employees will be paid wages if they perform work. These employees have shown up late for work and therefore no wages are owed for the time they were not there.

STYLEPHOTOGRAPHS

Some exceptions to this general rule apply. Some organizations have policies about extenuating circumstances, and provide details about what will occur regarding wages or making up time not worked due to "Acts of God" such as snow days, or during the Olympics or other special events, etc. Such policies help determine what to do when extenuating situations occur, and provide clarity and consistency in firm practice.

The other option is to allow these employees to take vacation or use banked overtime, for instance, for the time they missed when they arrived late to work.

This is generally considered good HR practice as it minimizes the potential financial impact to employees of having unintentionally missed half a day of work.

With respect to Ms. Johnson, if she has been exposed to H1N1, you don't want her coming into the workplace. As a result, you could allow her to work at home until it is clear whether she is sick, or allow her to take sick time (if she has it) until such time that it is determined she is symptom-free.

Some employers have taken the approach that employees who decline the vaccine for non-medical reasons will not be entitled to sick leave if they get the virus.

However, this approach should be put in a policy and be made clear to employees prior to or at the time of offer of the vaccine.

*Don't forget to have a look at our latest HR challenge, on page 5, "The case of the Pearlman affair's cover up."*

A GENERATION OF LAWYERS WHO'VE ALWAYS KNOWN 'TOPICS'?

# 1985: Good for more than blonde jokes... just ask the folks who write this missive

**Mike Bowerbank, Topics**

This year, 2010, marks twenty-five years since the launch of the Topics newsletter back in 1985. This was, coincidentally, the same year that the Coca-Cola Company launched *New Coke* to the world. (We think the jury is in on which debut fared better over the long run!)

Coca-Cola hastily reintroduced *Coke Classic* six months after the new Coke debuted due to the ensuing brouhaha from outraged consumers. *Topics*, however, is still going and it must be said that we think we have better taste than *New Coke* ever did. So, what else happened in our launch year of 1985?

Mike Bowerbank

Microsoft released *Windows 1.0* – its first graphical user-interface software in 1985. It's fair to say that this was perhaps the first computer virus for which you had to pay.

"Symbolics.com" became the first ever "dot com" domain registered. (Two weeks later, they received a chain letter email notifying them that they had won a European Sweepstakes they didn't enter and to send money to claim their prize.)


Windows 1985, v1.0. It was up to v1.03 before the year was out.

In the UK, a man named Ernie Wise made the first mobile phone call and thus ushered in a new era of bad driving habits and loud annoying conversations in public places.

The first CD was released, and music entered the digital age. The people who had bought 8-track tapes in the 1970's, however, waited a while before buying any; they wanted to make sure that this compact-disc fad would last.

Rick Hansen, 1985, and the beginning of the Man in Motion Tour.

1985 and still Topic-al ➞ to Page 8

## MAKING THE MOVES...

### WELCOME, NEW & RETURNING AFFILIATES!

**Charles Boname**, Technology, BC Courthouse Libraries… **Robert Molag**, Finance, Simpson Thomas & Associates… **Tracey Osborne**, Trainers; and **Jennifer Moberg**, HR; both of Blakes… **Anthony Cameron**, Finance, Harper Grey… **Jason Friesen**, Marketing; **Renata Drag**, Finance; and **Glenda Robazza**, Finance; all three of Bordon Ladner Gervais… **Susan Irvine**, Finance, Macaulay McColl… **Rita Koivunen**, Stikeman Elliott… **Colleen Steger**, Finance, Murphy Battista… **Greg Holubowicz**, Trainers, IT, Knowledge Management, Small Firms, Kornfeld Mackoff Silber LLP… **Nazlin Rahemtulla**, HR, Gowlings… **Terry Woo**, Finance, Miller Thomson… **Afshin Shoa**, Technology, Singleton Urquhar... **Karen Jenkins** (formerly of Stikeman Elliott), IT/Trainers, Pryke Lambert Leathley & Russell LLP.

### WELCOME, NEW & RETURNING REPRESENTATIVES!

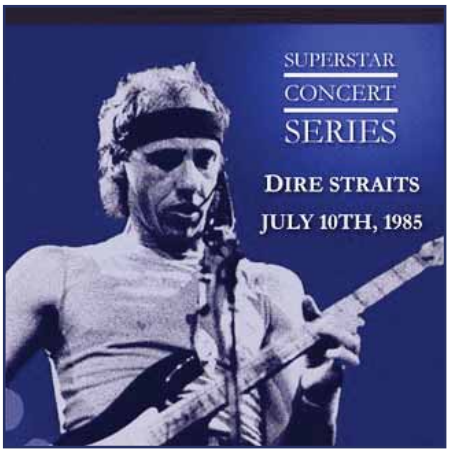
**Linda O'Neill Hutchison,** Murphy Battista, Vancouver… **Christl Mittendorfer**, Ricketts Harris and TLOMA President, Toronto… **Jacqueline Abremski**, Lidstone and Company, Vancouver… **Elvis Atienza**, Campbell Froh May & Rice, Vancouver… **Neda Nikolova**, Fritz Shirreff Vickers, Surrey… **Robert Fenton**, Robert Fenton Law Corporation, Vancouver… **Michelle Ubell**, Mackoff & Company, Vancouver… **Angela McCreary**, Davidson Lawyers LLP, Vernon… **Wendy Allan**, Digby Leigh & Company, North Vancouver… **Diane Speltzer**, Kaplan Waddell, Vancouver... and **Ann Main** of Camp Fiorante Matthews has joined DuMoulin Boskovich, 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; just click our name, below.*

1985 and still Topic-al ➟ from Page 7

1985 was also a year for headline-grabbing fundraising.

Rick Hansen began his *Man in Motion* tour of the world that year, raising awareness and $26 million in funds for spinal cord research. The Rick Hansen Foundation has, as of this writing, raised $158 million for this cause since Rick began his tour. And Rick is still very much in motion.




Mark Knopfler, lead guitarist for Dire Straits, 1985's hit, 'Money for Nothing'.

Steve Fonyo completed the cross-Canada run that Terry Fox began in 1980 and, tragically, Fox could not finish. Fonyo added $11 million to Terry's original $1.7 million – all for cancer research.

The *Live Aid* concerts in Philadelphia and London raised US$50 million for African famine relief, while a group of Canada's top musicians recorded the charity song, *Tears Are Not Enough*, raising an additional C$3.2 million for the cause. The band Dire Straits, meanwhile, got *Money for Nothing*.

In 1985, Michael Jackson was ubiquitous, Duran Duran still adorned the walls of teen bedrooms, and Phil Collins still had hair, if not talent.

Popular movies included *Back to the Future, The Colour Purple* and *Out of Africa* plus a lot of sequels, such as *Rambo 2, Rocky 4* (filmed in Vancouver), and *Police Academy 2*.

On television, we were watching *The Cosby Show, The Golden Girls, Highway to Heaven, Cheers*, and for some reason, *Knight Rider*. We also watched *MacGyver*, who could build a nuclear reactor with a Swiss Army Knife and a box of pencils but could never prevent himself from being captured.

The A-Team was also always captured, but they were always locked, and inexplicably left unguarded, in a large warehouse full of tools and equipment. That allowed them to build a four-wheeled armory, from which they'd shoot up all the bad guys without ever harming any of said nasties, or scaring the daylights out of the neighbours.

We said goodbye to *The Friendly Giant* on CBC and said hello to the previously-lost wreck of the *Titanic*, although there was no sign yet of Leonardo DiCaprio, who was only 11 at the time.

It was in 1985 that British scientists first discovered a hole in the ozone layer.

Mikhail Gorbachev

Brian Mulroney

It was large enough to be compared to Madonna's ego.

Mikhail Gorbachev came to power in 1985 and would begin implementing his policies of *glasnost* and *perestroika*. Brian Mulroney was Prime Minister of Canada. Bill Bennett was B.C.'s Premier and Mike Harcourt was Vancouver's Mayor. (The more things change, etc.)

The main cast of The A-Team. Clockwise from top, the characters are: Murdock, B.A. Baracus, Hannibal and Faceman.

Vancouver was then gearing up for *Expo 86* and was blissfully unaware that its population of one million people would double in the ten-year period immediately following Expo's opening.

Translink's 'Expo Line', the first of the Sktytrains, started with big crowds.

The average house price in metro Vancouver in 1985 was a nominal $180,000, a wee bit lower than today's average of $660,000, an average compound annual growth rate of 5.35%.

By December, the construction of the original SkyTrain line, now called the *Expo Line*, was completed and began running trials, which would set the stage for snow delays and crammed commutes. SkyTrain officials stated that in the 1997-1998 period alone, they carried 41,593,000 passengers. Coincidentally that's the same number carried per hour during the Olympics. Yeah, I think I was on that train…

It is quite amazing, looking back on the 25 years since 1985, to see how far we've come and also how far we haven't.

Just 25 years ago, the economy was bad, job security was scarce and the country was mired in a long recession. Today we're… well, okay, some things haven't changed.

Law on the Web ➞ from Page 2

setting up a website that purports to offer legal services outside of the jurisdiction where the lawyer or lawyers are entitled to practice raises additional considerations such as the unauthorized practice of law.

## TWO LAYERS OF LAW

As a result, I suggest that a website be designed in a dual-layer configuration, to avoid any potential difficulties.

The first layer is passive: it merely sets out information of a general nature; it specifically disclaims the formation of a lawyer-client relationship; states that all information is for general information only; and specifically states the one or more jurisdictions in which the firm's lawyers are entitled to practice.

The second layer of the website is accessible by password or similar access, which is only granted after the formation of a lawyer-client engagement.

It is at this deeper layer that the actual legal advice or service is dispensed. The lawyer can make the determination that they fully comply with the jurisdictional issues as well as determine whether they wish to act for a potential client prior to issuing them the requisite password or other means of entry to the second layer.

In this way, you have set up the virtual practice so that you may state that the first layer is not the practice of law at all – it is merely a passive method of attracting the appropriate type of client who becomes subject to an appropriate process of legal and business screening and selection before any legal services are provided.

The active provision of legal services does not occur until the second layer is penetrated.

This configuration, I suggest, provides a reasonable degree of protection against any allegation that you purport to practice law in a jurisdiction where you are not entitled to do so.

Of course, this all assumes that the lawyer(s) in question keeps to their licensed areas of practice once a client enters the second layer of the website!

## CONFLICTS RAISE INTERESTING ISSUES

Dealing with conflicts when operating an online legal practice presents some interesting issues, depending on the type of online practice you offer.


If the online site is anything other than a barebones document-download service, where you do not enter into any dialogue or discussion with the purchaser of the document, you will have the potential of rendering advice to both sides of the same transaction.

Accordingly, you will need a client-intake and screening system that specifically negates the formation of a lawyer-client relationship until you have checked conflicts and determined that you wish to act for this client, and have confirmed this in writing.

Furthermore, you will need to take in only as much information as possible that will allow you to identify a conflict.

Once you have cleared the conflict, you can then enter into the process of deciding whether to act for this person or not. Your conflict-checking system, from a technological standpoint, will have to integrate with your website and allow you to quickly determine if you have a conflict. This would typically mean a 'fill-in' form or other similar method for eliciting the necessary information on which to make a conflict determination.

## JURISDICTION ALSO TO CONSIDER

In order to negate any implications that you are purporting to practice the law of a jurisdiction in which you are not entitled to practice, you will need an appropriate disclaimer on your website which limits the fact that you only solicit work in the jurisdictions in which you are entitled to practice (state, provincial and federal, for example).

Here are a few other jurisdictional issues to consider, and this is not an exhaustive list:

- ✔ **Privacy legislation**: Particularly the collection, retention and use of private information. These differ from jurisdiction to jurisdiction. For a Canadian example, we have federal privacy legislation as well as provincial privacy laws.

You must be conversant as to when each applies, and which poses challenges, particularly if you are a visiting lawyer.

Moreover, you should also address the collection, creation, duration and retention of such matters such as confidential information, cookies, IP addresses and other personal information, and what use you will make of such information, whether the potential client is entitled to know what is retained and be able to request a copy, how someone can 'opt-out' of any future marketing campaigns, and the like.

Law on the Web ➞ to Page 10

ANDRES RODRIGUES

Law on the Web ➞ from Page 9

✔ **Lawyer marketing rules:** These are almost always regulated jurisdiction by jurisdiction and, accordingly, your website and all other marketing materials must comply with the rules in each jurisdiction in which you seek to practice.

The form and content – of such things as photographs, video clips, LLP notifications, client endorsements, areas of specialty or particular claimed expertise, any expectation as to future results, lawyer ratings and the like – are all highly regulated and a great source of trips and traps for the unwary.

✔ **Copyright provisions**: To what extent do you allow the downloading and reproduction of any materials on your website? Must any such download be limited to personal use only? What about the necessity to reproduce your claim of copyright on any such materials? Do you allow people to link to all or part of your website? Do they need to seek permission?

Unless you perform a search for incoming links, you may not be aware of who, and to what extent, your materials are being linked to from other websites.

You may have outgoing links yourself to other websites. If so, consider a disclaimer regarding any information on those third-party sites.

✔ **Client identification rules:** Provisions for anti-money laundering and fraud prevention are increasingly common. These anti-money laundering initiatives seek to have lawyers comply with new regulations for both client identification and verification (CIV). These provisions are particularly onerous on a lawyer seeking to craft an online practice, since virtually all clients will not be face-to-face clients, raising challenges for CIV.

✔ **'Opt-out' provisions:** This is focused on email and other communications. The ability to collect email addresses and other information for the purposes of future marketing is wonderful, but it becomes extremely important to comply with 'opt-out' requirements for any email or other 'push' marketing initiatives. You will not want to offend anti-spam legislation!


WELDON SCHLONEGER

**BRICKS-AND-MORTAR LAW PRACTICES ARE SLOWLY MAKING ROOM FOR WEB-BASED VERSIONS, BUT E-PRACTICES HAVE TO BE JUST AS WELL CONSTRUCTED AS THE PHYSICAL ONES.**

✔ **No reliance disclaimer:** "No reliance," that is, "on information provided on this website" disclaimer.

Aside from negating any presumptions that you may be undertaking the practice of law in jurisdictions where you are not entitled to practice, you would also wish to specifically place readers on notice that the information on your website is for general information only.

For example, Linklaters' website stipulates:

*The information on this site is for general information purposes only and does not claim to be comprehensive or provide legal or other advice. Linklaters accepts no responsibility for loss which may arise from accessing or reliance on information contained in this site. Linklaters is not responsible for the content of external Internet sites that link to this site or which are linked from it.*

## ESTABLISHING THE CLIENT RELATIONSHIP

Several issues with regard to establishing a lawyer-client relationship online exist.

Some states restrict personal solicitation of clients, which may raise concerns if the lawyer uses any sort of interactive means to deal with a potential client.

Most of the interactive methods of the web, such as email and chat, raise issues of solicitation; lawyers are well-advised to consider their state jurisdiction and regulations in this regard.

While we would hope that the potential client who initiates contact through the lawyer's web page would receive equal treatment as a potential client picking up the telephone to call a law firm, no guarantee exists.

Any interactive content on the lawyer's web page (video clip, podcast,

Law on the Web ➞ to Page 13

**PROFILE: MIRIAM REDFORD, FASKEN MARTINEAU**

# It all adds up: Miriam Redford becomes FMD's new Administrator

**By Stephanie C. Marsh**

When Miriam Redford accepted the role of Controller at Fasken Martineau DuMoulin in June 2005, she had been enticed into the position by Mary Hoekstra, then Director of Finance, and Penny Harvie, then General Manager.

"I was blown away by the energy and enthusiasm of these two women who played key roles in such a large, well-respected, dynamic firm," Redford says today. "They inspired me to take the plunge, and I have never looked back."

Miriam was just getting her feet wet in her new position when Hoekstra left the firm three months later for new opportunities. Miriam assumed the Director of Finance role. "I felt enthusiastic about the new challenge ahead of me. I didn't think twice."

There was a lot to feel keyed up about at that time. The tri-merger that saw Russell & DuMoulin become part of the global Fasken Martineau DuMoulin LLP was solidly effective. The next step was bringing the individual offices onto shared systems so they'd become seamless in their processes, and in their client-service delivery. Miriam became part of the team that helped to harmonize the Finance departments across the regions.

Stephanie Marsh

Miriam Redford

With that project underway, the Vancouver office of the firm had a new, exciting project on its horizon - moving its premises from its location of almost 40 years at 1075 West Georgia (formerly known as the MacMillan Bloedel building) to the hottest new postal code in the city: V6C 0A3; Bentall 5. Miriam joined the Premises Committee, working closely with BCLMA alumni Donna Oseen of DLO Move Support Services (a BCLMA supporter) and Harvie. The move plan was two years in the works. A chief component of Miriam's role on the committee was managing the budget. Beginning the last week of November 2007, FMD began its move to 550 Burrard Street. By the end of the first week in December, the move was completed with no major disruptions, and few minimal ones. Miriam could simply continue to run a strong finance team as well as focus on efficient operations.

Then came the next extraordinary event: the impending retirement of Harvie. Several discussions took place about just how to define and divide Harvie's role. After almost 25 years with the firm, Harvie's position had expanded and evolved into various ways over the years, particularly as R&D went from a regional firm to a national stage.

As the discussions ensued, Miriam identified her primary goal: sustain Harvie's legacy. How would she do that? "By focusing on people," she says. "My CMA training included a people focus. Integrating the personnel portion of Penny's role into mine felt like a natural progression."

Miriam notes, "While personnel are any organization's biggest expense, it is also its biggest asset."

Last August, it all became official. Miriam became the Director of Administration and Finance, while two other vital components of Harvie's job were distributed to others within the firm.

Longtime BCLMA Affiliate Sonia Kenward evolved from Manager to Director of Human Resources; and new BCLMA Affiliate Bibiane Bysterveld became Manager of Professional Development, Associate & Student Programs, maintaining her original role of on-boarding and assisting with the development of law students, and now taking them further through their careers as associates.

Miriam had several urgent projects to develop and implement in her first six months in her new role:

- ✔ H1N1 / Flu pandemic planning;
- ✔ Negotiations with a film company to film a TV pilot on the premises; and
- ✔ 2010 Winter Games planning.

Miriam now has other projects on the go:

- ✔ Focusing on partners; becoming

Miriam Redford ➞ from Page 12

known as the direct go-to person;

- ✔ Working with the firm's national CAO and CFO to implement programs, and to gather and act on feedback;
- ✔ Working with premises officials and Facilities & Services staff to identify cost-recovery options, streamline processes and strengthen working relationships so people work better as a team.

Miriam joined the BCLMA Finance subsection in the '80s when she worked for 18 years in the Accounting department at Edwards, Kenny and Bray under Glen Copeland. "Glen inspired me. He had a caring heart and the respect of the lawyers," she says. "Glen believed nothing was impossible. To me, he represented what a great administrator could be."

Copeland inspired Miriam to get her CMA designation, which she did part-time while continuing to work full-time. "I wanted to make a difference," she says.

During that whole time, the BCLMA has continued to provide outstanding support to Miriam. "The BCLMA has been an excellent resource for law-firm accounting professionals as they navigate through many changes with the Law Society rules and other accounting processes. What I like about the BCLMA is that it is comprehensive; it covers the scope of law-firm operations. The BCLMA has a great website, particularly the Job Bank - I check it for trends - and the Discussion Board. The Association provides a lot of great resources and contacts. The *Topics* newsletter is sophisticated."

She says that she'd like to see more professional development courses throughout the year. "Focused seminars or conference topics might include discussions on alternative billings, partner care, guidelines for new clients… and anything finance-related!" Miriam is looking forward to the October 2010 conference at the River Rock Casino.

"I feel very grateful for all of the opportunities I have had the privilege to pursue throughout my accounting career in the legal industry. Of course, I thank the BCLMA for its role in my success."

*Contact Miriam Redford at 604.631.3196 or at mredford@fasken.com*

Law on the Web ➞ from Page 10

chat, VoIP, etc.) might be viewed equivalent to TV advertising; lawyers are cautioned to consider the state or provincial regulations that cover this.

I suggest that the law firm use an interactive form for the initial collection of information on a potential client or, alternatively, the client is encouraged to call the lawyer to begin the intake process.

The website should clearly state that no lawyer-client relationship is formed until the client has 'signed' a retainer agreement, and the lawyer has confirmed the engagement in writing. This signature may take place via a 'click-thru' screen, or by the client downloading a retainer agreement, printing it and emailing it back to the law firm, duly signed – depending on the state, province and law regarding e-commerce.

## CONCLUSIONS, WE HAVE A FEW

These are a few of the ethical considerations for consideration before moving into the area of providing legal services on the web.

Further analysis and thought can be expected from the report to be issued by The ABA Ethics 20/20 Commission, which held public hearings at the ABA meeting in Orlando, Florida in February.

A focus of the Commission's work is the impact of Internet technology on the delivery of legal services, both globally and within the United States.

Unfortunately, the Commission has a three-year period to undertake research, conduct hearings, and report its findings and recommendations.

This report will provide little assistance to lawyers looking to practice law on the web today. The only certainty we have is that the Internet in 2013 will most likely resemble only superficially the Internet of today.

Lawyers who wish to "rock this joint" and become trailblazers will have to look at current regulations, and try to fit themselves within the current ethical and regulatory framework in order to not risk running afoul of regulations that may, or may not, accord with their online law practice initiatives.


**THE ONLY CERTAINTY WE HAVE IS THAT THE INTERNET IN 2013 WILL MOST LIKELY RESEMBLE ONLY SUPERFICIALLY THE INTERNET OF TODAY.**

BRAM JANSSENS

AGM, BCLMA elections ➟ from Page 1

meeting to order, Marshall conducted regular, annual business including delivering an oral report of the past year's events, and also provided a glimpse of what's to come for the upcoming year.

Treasurer Angela Zarowny distributed and discussed the year-end Financial Statements.

All Directors resigned, as they are obligated to do, and an election took place to determine the 2010-2011 Board of Directors.

As there were more nominees than available Board seats, the voting attendees agreed, through a motion, to use a paper ballot. An independent third party counted the votes twice outside of the meeting room before the new Directors were announced by Marshall. At the first scheduled meeting of the newly-elected Board of Directors on April 7, the officers were assigned.

## The 2010/2011 Board

*The seven Board members appear here in alphabetical order. Their photos and contact information are on the back page:*

- ✔ *Gary Carter, Administrator, Paine Edmonds LLP;*
- ✔ *John Hawke, COO, Lang Michener LLP*
- ✔ *Cindy Hildebrandt, HR Manager, Richards Buell Sutton LLP*
- ✔ *Paula Kiess, Administrator, McCullough O'Connor Irwin LLP*
- ✔ *Dean Leung, Director of Technology, Davis LLP*
- ✔ *Barb Marshall, IT Services Director, Fasken Martineau DuMoulin LLP*
- ✔ *Paul Sandhu, CFO, Whitelaw Twining Law Corporation*

John Hawke

The Board appointed John Hawke as President, with Cindy Hildebrandt reprising her role as Secretary and Angela Zarowny as Treasurer.

Jane Kennedy, Consultant, will continue to provide administrative and events-management services.

The new Board represents a fit cross-section of individuals who provide continuity through their re-elections (Carter, Hildebrandt, Marshall, as well as Hawke. who served on the Board in the late '90s) and those who will bring new ideas and fresh perspectives to the association (Kiess, Leung and Sandhu).

*Congratulations to the new Board!*

Sh-s-s-h! ➞ from Page 4

tive, timely and demonstrable measures they can report on in response to client inquiry or court challenge.

Court decisions aren't alone in shaping law firm screening standards and practices. Industry rules also have evolved, largely in response to the realities of lateral movement among law firms. In Canada, the Canadian Bar Association adopted more permissive screening rules in 2008. Its recommendations highlighted the importance of screening technology:

*"Sophisticated confidentiality screen software can now restrict access to electronic documents to those who are permitted access pursuant to established confidentiality screens. Confidentiality screen software can be linked with time-entry software to ensure that only those who are authorized to participate in a matter can docket time to the matter. With the advent of these computerized monitoring and security systems comes much more assurance that client confidentiality has been protected and that information has not been improperly accessed."*

In the United States, the American Bar Association recently updated its model rules to allow screening without client consent. More important, the new rules accept unilateral screening but mandate additional enforcement, notification and tracking requirements.

Other countries, such as Canada, have similar, and often more stringent, rules and requirements. In the United Kingdom, screens are called "electronic information barriers," and are an acceptable way to manage confidentiality.

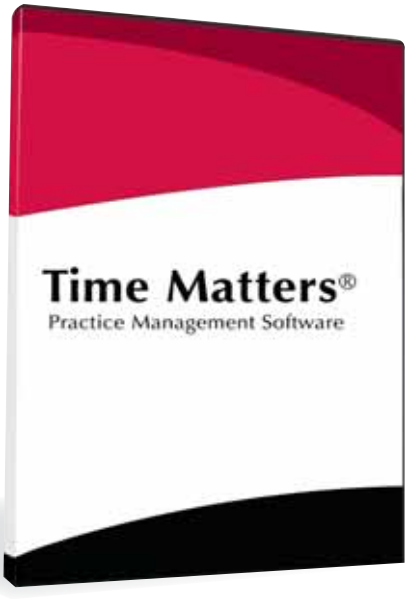
Today, some firms still forgo rigorous confidentiality enforcement measures and live with the resulting uncertainty and risk. Others employ tactics they perceive to be "good enough." These may include distributing memoranda and manually configuring initial document security controls. However, such approaches do not address the data management, notification and ongoing tracking, maintenance and reporting implemented by many firms across the industry.

No firm wants to find itself in the unwelcome position of disclosing or explaining an infraction to clients, the court, the press or a regulatory body, which is why most firms take all the steps necessary to enhance the practices, standards and protections they rely on to manage confidentiality. It's a prudent response to an important risk issue that no organization is immune to.

Firms seeking to follow industry-standard confidentiality management practices face a burdensome set of requirements. Manual efforts cannot achieve the same compliance levels as automated ap-

Sh-s-s-h! ➞ to Page 17

# LexisNexis®
# Time Matters®




Case management software that is

# FLEXIBLE

Time Matters® practice management software offers powerful customization and automation features that effectively manage the elements of your workday — calendars, email, cases, clients, contacts, deadlines, communications, research, documents and more. Thousands of legal and business professionals trust award-winning Time Matters software to help them manage day-to-day information and activities.

**Discover how Time Matters can help your firm reach greater levels of productivity and profitability.**

## Download and Try Time Matters for FREE*

**For more information, call 1-800-328-2898 or visit www.lexisnexis.ca/timematters.**

* Download Time Matters free for 30 days. Certain conditions apply.

TOTAL PRACTICE SOLUTIONS

Client Development | Research Solutions | Practice Management | Litigation Services

LexisNexis®

Sh-s-s-h! ➞ from Page 15

proaches. Organizations seeking to put in place the strongest risk protections available look to confidentiality management technology. According to the 2009 Law Firm Risk Management Survey, the vast majority of NLJ 250 firms use some measure of electronic and policy controls to limit access to information subject to ethical screening or other confidentiality rules.

Lawyer departures can create significant expense for law firms, including direct costs from client departures and indirect costs from lost relationships and knowledge. And the risks stemming from departures can actually exceed the cost of a lost book of business.

A key issue firms need to consider is what forms, files and client data are moving out the door along with departing lawyers. Competitive and even malpractice dangers are fueled when client information is transported prior to official consent, or when attorneys take work product

**LAWYER DEPARTURES CAN CREATE SIGNIFICANT EXPENSE FOR LAW FIRMS, INCLUDING DIRECT COSTS FROM CLIENT DEPARTURES AND INDIRECT COSTS FROM LOST RELATIONSHIPS AND KNOWLEDGE**

from non-migrating clients or from the firm's knowledge management library.

It's not uncommon for laterally departing lawyers to remove files because "they're sure" that clients will be moving with them to new firms. But considering the confidentiality, records management and other areas of risk, even innocent mismanagement of information can create serious repercussions for clients and firms alike.

For example, if the movement of information circumvents a firm's records management and retention processes, documents that should be destroyed might not be. With clients increasingly mandating confidentiality and other information management standards, unmanaged movement can put a firm in violation of outside counsel guidelines prescribing records management practices.

It also creates the very real possibility that a client involved in litigation could find that discoverable information, once thought destroyed, has resurfaced. Similarly, firms investing heavily in knowledge management and the creation of a "best

Sh-s-s-h! ➞ to Page 18

## SMILE & LINK

### SMILE!

*One of the 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 email a professional, colour profile image of yourself (size 82px X 115px) to membership@bclma.org*

*Thank you for your co-operation!*

### LINK!

BCLMA *is LinkedIn!*

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

*Add to the Group and enhance your professional profile!*

Sh-s-s-h! ➞ from Page 17

and blessed" work product and precedent repositories would not know that material was making its way to their competitors.

In many instances, existing firm policies explicitly forbid lawyers from unilaterally taking information with them when they leave. However, attorneys sometimes either aren't aware of these policies, or they think the policies don't apply to their situations because they expect (or hope) to bring their clients with them. But it's important to remember that clients own their own files, and that unauthorized movement creates potential repercussions for clients, firms, departing attorneys and even the organizations they join. Therefore, it is vitally important for firms to keep close tabs on how departing attorneys and staff treat sensitive information to ensure that they honour professional and ethical obligations.

A decade or two ago, before the pervasive use of technology to create, disseminate and manage work product and client information, inappropriate data movement was hard to miss.

In that world, paper was the dominant medium, and large-scale, unauthorized removal of data was easier to catch. A massive checkout of hard-copy materials was much less likely to go unnoticed. Files had to be retrieved, copied and moved using dollies and handcarts, often with the help of records or other support staff.

Today, large quantities of client and internal firm information can be copied quickly and moved covertly. Tools like email, document management, search and KM applications provide firms with tremendous benefits in terms of productivity and knowledge-sharing. But these benefits also come at a cost; with easy access and limited oversight, individuals can fit the equivalent of a library on a thumb

Sh-s-s-h! ➞ to Page 19

## SAVE THESE DATES!

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

### Wednesday, May 26

*Administrators-Only Event: Strategic Planning: a step-by-step guide for how to move your firm forward now. Guest Speaker, Colin Cameron, CA, Profits for Partners, Management Consulting Inc. <http://www.profitsforpartners.com>*

### Thur-Sat, Oct 29-30

BCLMA *Educational Conference, River Rock Casino, Richmond; For sponsorship information visit BCLMA website (see below).*

*All other inquiries contact: Jane Kennedy at Membership email address (see below).*

Sh-s-s-h! ➞ from Page 18

drive and walk out the door. That innocent-looking iPod may be transporting a great deal of intellectual property.

Given the risks associated with inappropriate removal of client and firm information, firms should think carefully about the steps they're taking to protect themselves and start by assessing existing rules and procedures. A survey of stakeholders from key departments (IT, records, HR, risk), noting any inconsistencies or disconnects between policy and practice that they identify, is a good way to begin.

This analysis provides the basis for internal education and training efforts. Individuals often inappropriately move information due to a mistake or misunderstanding, not malfeasance. By using policy management and notification mechanisms, firms can ensure lawyers and staff better understand the rules and expectations.

Any education effort requires controls to ensure policies have been read and acknowledged. Similarly, organizations should train "unwitting accomplices," such as help-desk staff and records stakeholders, to look for warning signs of unusual activity. Training them to follow a clear escalation process frees them from having to police lawyers without proper support. For example, a lawyer request to the help-desk to collect and package their entire email history might warrant external review.

Technology can also play an important role. By using tools that flag abnormal activity in document management libraries, firms can receive notification when user behaviour strays outside the ordinary. Unusually high document check-out volume is often a warning sign of an impending lateral departure.

These alerts can be set based on general thresholds, or to watch a specific office when departures are suspected or pending. Abnormal activity alerts provide firms with opportunities for early response. With these early warnings, several firms have successfully intervened and prevented imminent lateral departures. This approach is relatively painless, as it is transparent to attorneys and end-users and, therefore, doesn't raise any internal concerns.


**ORGANIZATIONS SHOULD TRAIN 'UNWITTING ACCOMPLICES,' SUCH AS HELP DESK STAFF AND RECORDS STAKEHOLDERS, TO LOOK FOR WARNING SIGNS OF UNUSUAL ACTIVITY**

Any time a lawyer joins or leaves the firm, the organization must take care to address risk management requirements tied to information access and movement.

Today, the explosion of electronic information technology has increased the opportunity for error and oversight. However, software also provides firms with new resources. In recent years, many firms have adopted confidentiality tools to mitigate these risks.

As firms embrace more thorough approaches to compliance, they've created stricter de facto industry standards. At the same time, court, client and insurance expectations have also risen. Now more than ever, it is critically important that IT and risk staff take sufficient measures to enhance their firms' response strategies. The only thing worse than facing a situation where a violation has occurred, is having to explain to the court or a client why the firm failed to implement known and widely used measures that could have prevented the breach.

*Pat Archbold manages IntApp's risk practice group and focuses on helping law firms address issues including client confidentiality, regulatory compliance and risk management. Prior to joining IntApp, Pat served as Regional Vice President of Sales for Open Text Corporation's legal business solutions division. He has more than 15 years of legal industry experience, including leadership positions with a legal consulting organization and West Publishing. He can be reached at pat.archbold@intapp.com.*

*This article was first published in the March 2010 issue of Peer to Peer, the quarterly magazine of ILTA, and is reprinted here with permission. For more information about ILTA, visit www.iltanet.org.*

GOING, CANADA, GOING...

# The 2010 Games: Was it dramatic, thrilling, crowded – fun – enough for you?

by Peter Morgan
Morgan:Newsletters

The 2010 Winter Games managed to exceed just about every measure we thought we had pegged, and as you know we've been writing about their planning and development for what seems like eons.

Drama? Exceeded.

Thrills? Exceeded.

Agony? Exceeded.

Golds? Exceeded.

Party? Whoo-hoo! Yeah, baby! Go Canada Go!! Go Cana... sorry. (Sigh.)

MIKE RIDEWOOD/COC

The Canadian Olympic Committee, never one to miss an opportunity to collect even more donations, put on a national party to end all national parties the week that ended April 23. The marketing of the partying was simply the latest 'final' Games-related hurrah of the Canadian Olympic Committee (COC) , and it was on lots of TV screens as long as they were tuned to a property attached to Canada's Olympic Broadcast Media Consortium (yes, that's its real name), which owns the rights to broadcast Olympic-related events in Canada right through to December 31, 2012 (after the London Summer Games).

The Consortium, comprised of CTV Inc. and Rogers Media, but essentially run by CTV, broadcast the COC's latest whoop-up for closing out the 2010 Games on the weekend of Friday, April 23: the annual Hall of Fame Gala Dinner and Induction Ceremony in Montreal. The ceremony actually involves two days of community-relations style marketing activities centered around its black-tie gala dinner, which occurred on that Friday evening, plus several days of fundraising and sponsor fulfillment, according to organizers, who are working under the squeeze-the-rock theory.

There are three corporate co-chairs of the dinner: Jacynthe Côté, CEO of Rio Tinto Alcan; Pierre Beaudoin, CEO of Bombardier, which provided the Olympic Line demonstration streetcars in Vancouver during the 2010 Games; and Mark Smith, CEO of Pandion Investments, all firms headquartered in Montreal. They are also part of the COC's board of governors for the dinner, formed "to sell event tickets and maximize profits that will go to Canadian athletes at the end of the night," according to a COC spokesman.

As you might suspect when you've got contact-management software lists humming at that level, they did exactly that: All the tickets and tables sold quickly and month's earlier, in as much demand as the Olympic gold men's and women's hockey games (be still, my beating heart!).

For Canadians and, in these days of streaming media, who knows who else, who long to see some of the key Canadian Olympians or their corporate connections or both once again, the Olympic family – corporate and government sponsors, 2010 athletes, coaches and winter-sports officials – are only too pleased to set up another event, and then attend the dinner ceremony, sponsored by the three of VANOC's major sponsors, General Motors Canada, which is promoting its Chevrolet brand at the moment, Bell Canada (aka CTV Inc, the Globe & Mail) and RBC–The Royal Bank.

The star-studded-performers portion was produced and televised by the Consortium's CTV and V cable channel but (and this may sound familiar if you're a Paralympics fan) it wasn't carried live. The broadcast, neatly trimmed, spiffed and packaged, ran the following two nights on the networks. Advertising, remember; lots of advertising.

But the series of events actually started the day before the dinner, on Thursday, April 22, in Ottawa, where Canadian Prime Minister Stephen Harper brought a number of the country's 2010 Olympians into the House of Commons, followed by a reception at the Parliament buildings.

At noon the next day, before the gala started, there was a parade on Sainte-Catherine Street in Montreal, where "The Olympic city of Montreal" (as it was annoyingly billed) welcomed them. For those of you wondering why this wasn't done in Vancouver, it's because it was already done in this city – a year ago. The induction evening opened at the Bell Centre,

Going, Canada, Going... ➞ to Page 21

Going, Canada, Going... ➞ from Page 20

where about 1,200 invited guests – including Prime Minister Harper and Quebec Premier Jean Charest – welcomed a number of 2010 inductees to the Canadian Olympic Hall of Fame, including the posthumous entry of former VANOC Board chair Jack Poole as well as the welcome addition of a tired-to-his-bones VANOC CEO, John Furlong.

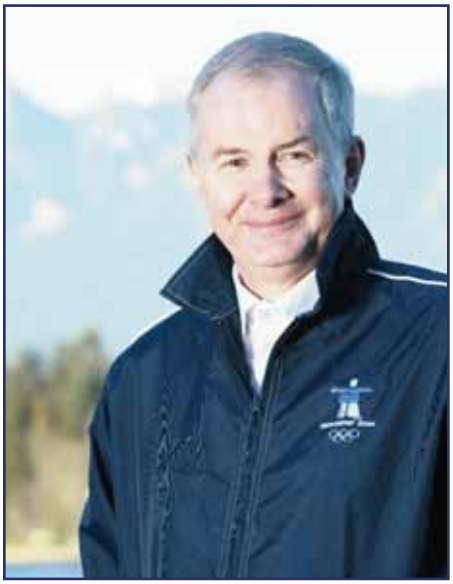
BC Premier Gordon Campbell was also fêted.

There were singers, including the darling of the Canadian Olympic Broadcast Media Consortium, Nikki Yanofsky, whose wall-to-wall appearances by the Consortium during its 2010 Games broadcasts apparently were insufficient, so it happilyextended her performance of CTV's Vancouver 2010 theme song at the gala.

A COC representative handled distribution of the Athlete Excellence Fund, the $1.7 million awarded in total to Canadian 2010 Olympic medallists. Although the main funding for the event is coming from the corporate sponsors, the COC says the federal government, its Canadian Tourism Commission, the Quebec provincial government and the City of Montreal, "did not hesitate to contribute to this evening so that we could raise funds for our Canadian athletes." The enthusiasm of taxpayers wondering about the resumption of that syphoning noise was not noted.

Marcel Aubut took over from Michael Chambers as president of the COC on April 24, the first francophone to do so since the creation of the organization in 1906. Tom Laurie, manager of the Olympic Partnership at General Motors of Canada, says it's the fourth year the company has sponsored the dinner. "This is a wonderful occasion to recognize all of the inductees – including athletes, coaches, and builders who have laid the foundation for Canadian sport from the playground to the podium," he says.

The Vancouver Organizing Committee for the 2010 Olympic and Paralympic Winter Games (VANOC), having gone supernova with a workforce of about 40,000 paid staff, volunteers and contractors during the Olympic portion of the Games, blew off most of that power shell in layers (not



VANOC CEO John Furlong

through layoffs, mostly, but through defined-ends to the work contracts that involved them). Roughly a third of the terms for VANOC staffing ended on or about the Olympic Closing Ceremony, another large batch around the end of the Paralympic Closing Ceremony March 21, a bunch more, including a few executive vice-presidents, at the end of March, another batch of about 400 or so in mid-April. It's is now in its neutron-star stage, with about 60 or 70 staff, but it still has about six months of dimly-glowing life left.

The official lights-out date for VANOC at its headquarters at 3585 Graveley in east Vancouver is October 31, which is when its lease with the City of Vancouver, which owns the building, ends. However, the entire complex, with the exception of the third floor of the tower is to be clear of VANOC staff, records and accessories by May 31.

The third floor houses VANOC's legal department, some of its finance section, including the office of VANOC chief financial officer, John McLaughlin, and there's also a procurement section there as well. Furlong's office is being moved there, as he'll be staying until the end. The last significant act is expected to be the VANOC board's approval of the organization's final audit after the fiscal year ends on July 31.

There's quite a bit of wrap-up work for VANOC do to. Contract invoices still coming in have to be approved for payment, negotiations with various government levels involving money, goods or services, such as archives being set up by the City of Vancouver, need resolution.

Reports are to be written, and preparations are being made for the official debriefing conference wherein VANOC and the International Olympic Committees, the COC and the sports federations all meet to talk over what worked and what didn't work. That debrief takes place at the home of the 2014 Winter Games, in Sochi, Russia.

Tier-three sponsorship agreements, which mostly involved companies supplying goods and services worth at least $3 million in exchange for Games marketing rights all end this December 31, but tier 1 and 2 sponsors remain viable until December 31, 2012, and their administration is being turned over to the COC.

So why is everybody clustered on the third floor of VANOC's headquarters? That third floor was the location of the torch relay staff. Their departure in mid-March opened up space for the VANOC staff remaining. As VANOC's skeleton staff complete their wrap-up work over the next few months, about $8.8 million worth of renovations and reconstruction work is expected to be underway by September to convert the building to the use of the Vancouver Police Department for its headquarters; architects, engineers and VPD human resources staff are expected to be roaming through the rest of the floors well before then. (The construction tenders are expected to be issued in mid-July.)

There's a large boardroom, capable of seating 30 people easily, with the latest digital technological support, on the second floor of the tower that'll be left as is.

Two weeks after VANOC's tenure ends, the VPD will start moving into floors 4 through 7, after some walls have been reinforced for security. Floors 1 and 2, primarily used for the men and women locker and shower rooms, will be occupied by the end of this calendar year. The third floor is expected to be occupied by the VPD by the end of next January. The VPD is also tak-

Going, Canada, Going... ➞ to Page 22

Going, Canada, Going... ➟ from Page 21

ing over the adjacent, large, two-storey low-rise building of the VANOC HQ campus at 1570 Kootenay, but the VPD's forensic lab, now stuffed into a non-descript bunker on West 8th near Main, won't be moving into that building, which currently is used for VANOC's technology sections, until next March.

VANOC furniture has been purchased by the Vancouver Police Department. Yes, purchased. The VPD started the negotiations asking for the furniture for free, however, VANOC financial executives, who nightly run their hands in the creases of the couches looking for spare change, leave no dollar left lying about in its asset sales either.

And, for the first time in years, the building is to have some signage – VPD signage, that is. VANOC only set up one teensy sign proclaiming its existence in the Games headquarters campus, and if you didn't glance at a particular flower bed, you'd miss it.

You've likely read lots about the big legacies remaining, but you might not know that 3M which put up all those huge multi-storey building wraps on Vancouver (and Kelowna) office towers for Games sponsors, helped develop for the Games, along with Mannington Flooring of New Jersey, a process for making something interesting out of the material.

The 3M material is to become part of the 25% recycled binding material in a line of Mannington's commercial flooring tile. It's part of a systematic recycling program used by 3M for all of the 2010-related graphics – which are essentially large stickers – that it installed before the Games for VANOC and other 3M customers on buildings like the Royal Bank tower as well as on 500 VANOC buses, 4,600 vehicles, eight ice resurfacing machines – and some of the Vancouver 2010 venues such as the Vancouver Athletes Village, the Pacific Coliseum and the Richmond Olympic Oval (where it was used as translucent shading material to keep a constant light level for Games broadcast cameras in the building during the day.)

3M officials estimate they were able to divert about 1.6 hectares of Games-related material from Canadian landfill sites using the process; that's about 200,000 square feet, or about the area of three football fields.

Or how about this for a small, intriguing legacy: E-Comm is a non-profit organization situated in a building near the PNE grounds that provides a wide-area radio dis-

Going, Canada, Going... ➟ to Page 23


This image is from when the VANOC logo was launched at GM Place, in the fall of 2005. It was VANOC's first public party.

Going, Canada, Going... ➟ from Page 22

patch system for police, fire and ambulance in Metro Vancouver cities and municipalities so they can easily talk to each other.

The organization acquired from Games security about 1,700 state-of-the-digital-art Harris P7200 radios, which are compatible with E-Comm's continent-leading wide-area radio network, at a cost of about $5,000 each, for a total outlay of $8.5 million, according to E-Comm representative Jody Robertson.

The radios, bought by E-Comm last October, were provided to the Vancouver 2010 Integrated Security Unit for use by some of its personnel during the Games, and for various VANOC events and ISU test events. Additional equipment purchased by E-Comm included booster or repeater stations inside some of VANOC's competition and non-competition venues, equipment designed to ensure the transmissions work well within the buildings.

As it's returned, E-Comm equipment will be re-issued to the first responders of E-Comm's shareholders, which are the municipal governments that comprise Metro Vancouver. Because V2010 ISU paid for them during the time they were in the ISU's possession, there is a corresponding reduction in their cost to E-Comm shareholders, which E-Comm considers a legacy benefit from the Games.

OK, but what about the money? Who owes what? Ah, yes, the key question. Well, VANOC brought its capital construction program in on its $580 million budget with money that came 50/50 from federal and provincial taxpayers (plus VANOC persuaded some of its sponsors to add $11 million more in donated materials), and each government and VANOC proceeded on a pay-as-you-go-and-report-to-us monthly basis for that. It's paid and done.

There's no hangover there, and, on the operations side, a trust fund was set up years ago to subsidize the Olympic Oval, the Sliding Centre, the Whistler Athletes Centre and the Whistler nordic resort, all new, for a few years until the projected revenues the business plans VANOC helped develop for each take over, so there's no hangover expected there.

(The ski jumps are another matter. They had to be built for the Games, but VANOC and governments knew years ago they wouldn't be profitable, so they were constructed to be sort of temporary. But VANOC also – and this was a deliberate decision – spent no money to remove them. So, people are able to use them for fun or practice until, well, they can't.)

VANOC's $1.7 billion operational budget, 95% of which was privately raised through broadcast revenue, ticket sales, merchandise sales and corporate sponsorships, was also largely on a pay-as-you-go basis, and it had a $77 million contingency. VANOC has known for about three years how much it's getting from those major sources, the only big variable being merchandise sales.

That merchandise money, from the Games period, is still coming in or yet to be reported under contract terms, but it appears to have exceeded even VANOC's aggressive revenue targets. And what about the funds spent on heli-hauling snow to Cypress? In context of the budget and other expenditures at the time, was petty cash. But that money came from the budget VANOC set aside but never spent for clearing snow from its Vancouver-area properties. It's an ill warm spell that, um, blows no good.

We have no confirmed knowledge, as VANOC executives hunch over their Acer-sponsored computers and work their spreadsheets in the privacy of the organization's third floor, but look: these are respected, experienced Canadian business people running VANOC, people who have repeatedly done or exceeded what they said they would do, and who repeatedly said they wouldn't spend a dime they didn't have (which never stopped them from spending those dimes before the money arrived).

So what should we expect on the most important aspect? You choose, but we expect VANOC will report a relatively small surplus, and the money, under a deal reached among VANOC, the COC and governments in 2002, to be used for a legacy of amateur sports in Canada.

**OK, BUT WHAT ABOUT THE MONEY?**
**WHO OWES WHAT?**
**AH, YES, THE KEY QUESTION**
**WE HAVE SOME, BUT NOT ALL, OF THE ANSWERS**

What about the federal and provincial money? Budgeted, year by year, and essentially spent in the same periods. Okay, what about Richmond's Oval? Built with casino surpluses and funds set aside for the several sports facilities the Oval is providing under one roof.

Whistler's Athletes Village? Built with standard municipal bond funding up front, to be repaid within a couple of years by sales of a portion of the units.

Vancouver's billon-dollar Athlete's Village? When the developer's New York financing collapsed, largely due to the credit crisis of 2008, the responsibility to support the completion of the project fell, as it was designed from the start to do, toward the City. The City's financial strength was easily capable of catching it: the City is able to borrow up to $29 billion on its own.

It took a few months to arrange, but most of that debt is in City debentures – loans without collateral – that are due to expire about 2013, when the sales of the units are expected to be complete and the City repaid by the developer. And, by the way, the City borrowed the construction money at about 3% and loaned it to the developer at about 9%.

Say, did we mention that there was another party coming up this month?

Go Canada Go! Go Can… sorry. (Sigh.).

THE HARDEST SELL IS DEVELOPING THE PLAN

# Thinking anew about your firm's marketing plan and improving it

By Michael J. Anderson, Principal, Innovative Consulting Ltd.

*"Your billable time is your income; your non-billable time is your future."*
*– David Maister –*

Firstly, let us be clear that this is not an article about marketing strategies for firms, client teams or practice groups, even though many of them might benefit from some of its concepts.

Secondly, this is about what you already know, but it outlines what you might not be doing. It's also about developing the discipline you will require to succeed.

Lastly, some of the ideas contained here may work best for a corporate or commercial practice while others may be better for a litigation practice. It is up to you to choose what works best for you.

Let's get started. Before crashing off in all directions, give serious thought to the overall goal of your marketing plan. For example, it might include increasing your client base by a set percentage of dollars, files or clients.

It might be improving your relationship with a client for whom you already act, or increasing the volume of a specific type of work or type of client. It might include evolving your practice into a perceived higher-value area – such as moving from general litigation to a niche like estate litigation, perhaps adding more work/life balance to your practice, or putting yourself in a position to let go of clients or practices, or both, that are no longer suitable for the firm.

Like any good plan, a personal marketing strategy has some basic components. For it to work well, it will probably have to follow the KISS formula (Keep It Simple, Stupid).

One way to do that is to develop bite-size action steps. Large goals tend to overwhelm us and we end up getting nothing done. Think of the diet

Michael Anderson

metaphor. If you look at all of the aspects of a plan to get healthier (less calories, more fibre, less red meat, more salads, exercise, jogging, no snacks, etc.) it can feel overwhelming. Instead, if you start just by reducing calories, that might not be too difficult for you to accomplish. Once you have that down, you move on to another aspect, like exercise.

Just figure out the first step for your marketing plan, get it done, celebrate the success and then take the next step. Create a to-do list that contains these small action steps. Then take time each day to review the list to add, change or delete items. The more focused the list, the better. A shotgun approach will only dissipate your energies.

Next, you need to develop a budget for both time and money. Typically, a lawyer works about 2,500 hours each year that can be broken down into roughly 1,400 billable hours and 1,100 non-billable hours.

The non-billable time is broken down into segments for management, associate training, professional development, research and marketing. We suggest that every lawyer should allow for about 600 hours per year for all facets of marketing their practice.

As for the money, we suggest a marketing budget between 2% and 5% of gross revenues – a budget that includes advertising, website creation and maintenance, marketing-skills training and client promotion, among other things.

Okay, so what are some of the specific things that you can do that will give you the payback of your aspirations?

Ask any great rainmaker about their secret, and they will usually talk to you about getting out of the office and consistently meeting with current and potential clients. Of course, that also means going into these meetings ready. You wouldn't go to court without preparation; likewise, you shouldn't go to a marketing meeting without preparation either. The good news is that you can gather a great deal of information about almost anyone or any company through a little Internet research. Try to determine the issues that keep your targets awake at night. Then, before you meet with them, devise an approach you will present to them to help them solve those problems.

To gain exposure beyond what you have already accomplished, get involved in something that interests you and has a value in your community, but it must also hold the potential for introducing you to a wider audience. It might include joining the board of a charity, getting involved in politics or joining a business networking organization.

Every lawyer should have a wish list of clients for whom they would like to act. Ask yourself the question, "In a perfect world, who would I have as clients, and what type of work would they send me?" Once you create your list, start strategizing on how you can get an introduction to these individuals – and what you will say when you meet them. You should be ready to tell them why they should hire you and what differentiates your practice from your competition. Your Internet research will come in handy here to help you develop, form and answer the questions you expect they might pose.

If you are a younger associate in a firm, marketing is a different game for you because most of your contacts are also just beginning their careers, and not in a position to direct legal work. Nevertheless, it becomes imperative for you to keep in touch with friends, acquaintances and classmates, as they will become tomorrow's leaders.

Getting involved outside the firm will help you expand your contact base, going forward. We think the best way for a young associate to get more work is to market internally. We once met an asso-

The hardest sell ➞ to Page 26

SHIFT FOCUS TO THE PROCESS

# How to raise the impact of training without raising the level of frustration

By Brent Kennedy,
Lead Trainer & Instructional Designer, Davis LLP

Trainers put significant effort into producing and delivering great training sessions for employees. We work hard to create programs that should deliver positive, lasting results.

So when a well-planned training program fails to deliver tangible results, it becomes one of the greatest frustrations for trainers, but also for attendees and administrators. One way to improve long-term impact is to shift focus away from the training event itself and onto the learning process.

A few models shed light on how to accomplish this focus shift. The *Kirkpatrick Model of Training Evaluation*, discussed in the sidebar, provides a framework for this change. In 1959, Don Kirkpatrick started publishing a series of articles discussing a method for evaluating corporate training. In them, he outlined four 'levels' or types of assessment:

*Level 1: Reaction – How well do people like learning the event?*
*Level 2: Learning – How well do people recall what they have learned?*
*Level 3: Behaviour – How well do people apply what they have learned?*
*Level 4: Results – How does new behaviour affect business outcomes?*

Throughout the series, Kirkpatrick argues that most training assessments take place at the *Reaction* or *Learning* levels. However, according to Kirkpatrick, most of the benefits lie at the higher levels.

## ASSESSING TRAINING

Kirkpatrick's premise reveals a great deal of common sense. Most trainers with formal education are experienced at taking and creating assessments such as the feedback forms we give learners after training events, which are called smile-sheets, or quizzes and tests – these are the bread–and–butter of the academic world.

In the legal world, these valuable instruments help trainers gauge how well their training works. If people feel unhappy with training, they may not return for future sessions. And if they do not remember the right things, then the instructional design needs improvement.

The difficulty begins at the *Behaviour* level. Here, we look at the learner's behavioural change. How can we easily and unobtrusively assess whether someone applies a new skill correctly? Where do we find the time to undertake this?

Using different instruments, including reviews of on-the-job performance, reminders via email or secondary training sessions, peer-review or mentoring, a general picture of performance change emerges. Gathering information for this picture takes time, but brings benefits.

Assessing behavioural change can have several related impacts: the learner knows assessment is happening, likely improving effort; the mentor reinforces learning both in themselves and in those they work with; reinforcement across a wider timeframe improves awareness and retention.

## PRACTICAL IDEAS

Okay, time to get practical! Where do we start?

Assessment types and follow-up must become an integral part of the initial instructional design process.

Start by envisioning what the end will look like – for instance, three months (or more) after the actual training session: How will the learner use the knowledge and skills gained in the session? From there, work backwards and decide what types of reminders, reviews, and evaluations would benefit the learner.

Quizzes and tests – while much maligned (and perhaps, misused) at many academic institutions – can serve as an excellent reminder of the learning that

Shifting focus on training ➞ to Page 26

## Kirkpatrick Model for Training Evaluation

### LEVEL 1: REACTION HOW WELL DO PEOPLE LIKE THE LEARNING EVENT?

*Simple information about how well the learner reacted to a training session. This is useful to see if the trainer is making learners happy and if the learning environment is good – no measurable co-relation between these smile-sheets and effective on-the-job change.*

### LEVEL 2: LEARNING HOW WELL DO PEOPLE RECALL WHAT THEY LEARNED?

*Evaluations like quizzes and tests to verify retained knowledge, and to see if the training is designed well for learning. Useful for seeing if a person has remembered training content; does not always co-relate to on-the-job change; strong co-relation between Levels 1 & 2.*

### LEVEL 3: BEHAVIOUR HOW WELL DO PEOPLE APPLY WHAT THEY LEARNED?

*Tests and checks to monitor and enforce new behaviours learned in training. Activities in this area contribute up to 50% to the effectiveness of training; constitutes on-the-job review, ongoing follow-up, reminders, and other reinforcement.*

### LEVEL 4: RESULTS HOW DOES NEW BEHAVIOUR AFFECT BUSINESS OUTCOMES?

*Metrics, such as lawyer-assistant ratios, are reviewed to show ROI impact of training programs on business. Very difficult and time-consuming to properly control for, but co-relates well with positively affected behaviours.*

Shifting focus on training ➞ from Page 25

took place. For example, a quick matching exercise can be a fun way to both test and remind learners of the steps, for example of a new workflow for approving trust cheques.

When done online, the exercise is quick to produce, complete and evaluate. Smile sheets help gauge interest and instructor performance.

A mentoring program, or in-place review of performance, is more difficult to set up. Arguably, the benefits will be greater.

Having a group of designated mentors can extend the reach of the trainer by creating a group of local experts in each practice area. While this might sound potentially distracting – having others interrupt with questions – it merely formalizes the relationships that many already have. Most groups (at least at this firm) already have non-trainer individuals considered the go-to person for a given task or program. The in-place review takes significant time, and may be reserved for potential problem spots. However, if time and budget allow, follow up individually with each person, and walk through what they learned. It's a great benefit to the learner.

**HAVING A GROUP OF DESIGNATED MENTORS CAN EXTEND THE REACH OF THE TRAINER. IT'S ACCOMPLISHED BY CREATING A GROUP OF LOCAL EXPERTS IN EACH PRACTICE AREA**

### WRAP UP

Changing training's focus from the event itself to a wider view involves bringing assessment and evaluation concepts into the initial design stage. This includes the shift of primary focus away from the training session and onto the learner's outcome, and how to support the goals.

Better assessments, now at several stages, reduce frustration because they bring multiple levels of feedback to the trainer – and administrator – giving the opportunity for the trainer to adjust, support or enhance their work throughout the training and learning process.

The hardest sell ➞ from Page 24

ciate who made it a habit to march into a senior partner's office once a week and state, "I know you have a file on your desk that would be better handled by me. May I please have it?" Every week he got a new file.

The caveat, of course, is that he would not have kept getting more work if he did not do excellent work on the files he was given. Besides increasing his billings and developing a strong rapport with a senior member of the firm, he developed excellent client-management skills as he worked with clients well above the level he might normally have received otherwise.

Every year, various CLE and bar-association groups hold sessions on marketing skills. Consider whether any of these might help you.

In the old days, a senior partner would grab an associate by the scruff of their neck and drag them to client lunches with the warning that they were to just sit there, keep quiet and learn. We've come a long way since then. Universities also provide programs for people in the professional services industry. Harvard and Wharton are among the best.

Writing is a great tool to reach a broader audience, develop a perceived expertise and remind people of you and your expertise.

Sometimes what you write becomes less important than getting your name regularly in front of people. Everything you write can also serve other purposes. An article can convert into a presentation or become web content for your firm. It can become blog material for you.

Try to get published in magazines or e-zines that you know your clients, prospective clients and potential referral sources will read.

Use the Internet to support your marketing strategies. If you practice in a firm, make sure the website includes all aspects of your marketing plan.

This becomes especially useful if you intend to re-focus your practice as part of your marketing strategy. If you don't have a website, create one… now! People will find you through it.

If a potential client hears about you, and wants to know more, the first thing they will probably do is Google you. If you do not have a web presence, they might move on to a competitor, and you could lose a potential client.

A major part of your internet presence should include a good search-engine optimization (SEO) program to ensure that tags on your website get picked up by the various search engines to broaden your exposure.

As business consultant David Maister said in the opening quotation, "Your non-billable time is your future." You must develop the discipline and time to work on your marketing tactics every day.

For a marketing plan to work, you must not make excuses. "I'm too busy to market" is just not acceptable. As American businessman and columnist Harvey Mackay subtitled one of his fabulously successful management books, *Dig Your Well Before You Are Thirsty*. Good luck.

*Michael J. Anderson of Vancouver has more than 30 years experience working with professional firms throughout North America: 604-272-4222.*

# BCLMA EXECUTIVE & SECTION LEADERS

## XECUTIVE

John Hawke, *President*
Lang Michener LLP
1500, 1055 West Georgia Street

Vancouver, BC V6E 4N7
P: 604.691.7474
F: 604-685-7084
JHawke@lmls.com

Cindy Hildebrandt, *Secretary*
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

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

Paula Kiess, *Director*
McCullough O'Connor Irwin
2610, 1066 West Hastings Street

Vancouver, BC V6E 3X1
P: 604.646.3308
F: 604-687-7099
PKiess@MOISolicitors.com

Dean Leung, *Director*
Davis LLP
2800, 666 Burrard Street

Vancouver, BC V6C 2Z7
P: 604.643.2900
F: 604-687-1612
DLeung@Davis.ca

Barb Marshall, *Director*
Fasken Martineau
2900, 550 Burrard Street

Vancouver, BC V6C 0A3
D: 604.631.4991
F: 604-631-3232
BMarshall@Fasken.com

Paul Sandhu, *Director*
Whitelaw Twining Law Corporation
2400, 200 Granville Street
Vancouver, BC V6C 1S4
D: 604.891.7230
F: 604-682-5217
PSandhu@wt.ca

Angela Zarowny, *Treasurer*
Angela M. Zarowny, BA, CGA,
Accounting Services

PO Box 75562
RPO Edgemont Village
North Vancouver, V7R 4X1
D: 604.351.0124
AZandDZ@Shaw.ca

## ADMINISTRATION

Jane Kennedy,
*BCLMA Administrator & Membership Services*
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
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, 666 Burrard St.

Vancouver, BC V6C 2Z7
D: 604.643.6305
F: 604-687-1612
E: LLucas@Davis.ca

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

Kerri Antifaev, *Co-Chair*
Alexander Holburn Beaudin & Lang LLP
2799, 700 West Georgia Street

Vancouver, BC V7Y 1B6
D: 604-628-2723
F: 604-484-9700
KAntifaev@AHBL.ca

***Knowlege Management***
Greg Christensen, *Co-Chair*
Fasken Martineau
2900, 550 Burrard Street

Vancouver, Canada V6C 0A3
D: 604.631.4993
F: 604-631-3232
GChristensen@Fasken.com

Kathy Barry, *Co-Chair*
Farris Vaughan Wills & Murphy LLP
2600, 700 West Georgia Street

Vancouver, Canada V7Y 1B3
D: 604.661.1723
F: 604-661-9349
KBarry@Farris.com

***Marketing***

Recruiting

***Small Firms***
Sharon Kwong Wah, *Co-Chair*
Young Anderson
1616, 808 Nelson Street

Vancouver, Canada, V6Z 2H2
D: 604.689.7400
F: 604-689-3444
KWongWah@YoungAnderson.ca

Kimberly MacMillan, *Co-Chair*
Simpson Thomas & Associates

1512, 808 Nelson St.
Vancouver, B.C. V6Z 2H2
D: 604.689.8888
F: 604 684 1881
KMacMillan@SimpsonThomas.com

***Trainers***
Ruth-Ann Spencer, *Co-Chair*
Bull, Housser & Tupper LLP
3000, 1055 West Georgia Street

Vancouver, BC V6E 3R3
D: 604.641.4921
F: 604-641-4949
RAS@BHT.com

Lisa Dick, *Co-Chair*
Fasken Martineau
2900, 550 Burrard Street

Vancouver, BC V6C 0A3
P: 604.631.3131
F: 604-631-3232
LDick@Fasken.com

***Technology***
George Lo, *Chair*
Harper Grey LLP
3100, 650 West Georgia Street

Vancouver, BC,V6B 4P7
D: 604.895.2853
F: 604-669-9385
GLo@HarperGrey.com

## EDITORIAL COMMITTEE

Bob Waterman, *Chair*
Richards Buell Sutton LLP
700, 401 West Georgia Street

Vancouver, BC V6B 5A1
D: 604.661.9241
F: 604-688-3830
BWaterman@RBS.ca

Lorraine Burchynsky
Boughton Law Corporation
Suite 700, 595 Burrard Street

Vancouver, Canada, V7X 1S8
D: 604.647.4162
F: 604-683-5317
LBurchynsky@Boughton.com

Paula Butler, *Barrister & Solicitor*
200, 100 Park Royal

West Vancouver BC V7T 1A2
P: 604.782.0373
F: 604-983-0372
PButler@PaulaButler.com


Mike Bowerbank
BurnabyMike@Yahoo.com

Stephanie Marsh

P: 604-691-3367
SCMarsh@kpmg.ca

Peter Morgan
Morgan:Newsletters
118, 970 Burrard Str.

Vancouver, BC, V6Z 2R4
P: (604.683.3241
PMorgan@Morgan-News.com

bclma
BC Legal Management Association

**SPRING 2010**

**Editor: *Stephanie Marsh***
**Managing Editor, Designer: *Peter Morgan***

***This issue, the issue archives and a Topics index are all available in PDF format at: <http://www.bclma.org>***


**Published by: MORGAN:Newsletters Ltd.**

**BRITISH COLUMBIA LEGAL MANAGEMENT ASSOCIATION**
**President**: ***John Hawke***

## 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 our 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.

## NEWSLETTER SERVICES:

*TOPICS* is a public newsletter. We will be pleased to add you to our mailing list for this newsletter. Please contact the Editorial Committee Chair, or any member of the Editorial Committee listed on the left, for comments on any of these articles or to offer suggestions for articles in future issues, or for adjustments to the circulation list. Comments are always welcome.

## REPRODUCTION RIGHTS: