



bclma Topics

BC Legal Management Association

A newsletter to help our members and partners stay current with the business of law ♦ Fall 2010

NEW TAX REGIME A WORK IN PROGRESS FOR ALL OF US

Challenges of implementing BC HST swell with time – and size of law firm

By **Bonnie Kirk, CGA, Financial Analyst, Lawson Lundell LLP**

In July 2009, the provincial and federal governments announced that British Columbia and Ontario would adopt a harmonized sales tax effective July 1, 2010.

When this news was first released, we in the legal community started talking

about it – amongst ourselves and at BCLMA Finance Subcommittee meetings. Most

of us thought it would simply mean shifting from a two-tier tax system to that of a single tax system, thus resulting in cost savings and a reduction in paperwork.

However, what we discovered – and which was not emphasized in the announcement – was that the place-of-supply associated with the tax rate would shift from that of the

supplier (the law firm) to that of the purchaser (the client). Once we grasped an understanding of this change, we realized that preparing our firms for this implementation would be no easy task.

In the months preceding the start-up date, firms sought out advice from accountants, tax experts and both levels of government in an effort to decipher the hundreds of pages of documentation.

There were general place-of-supply rules followed by specific rules based on the type of services provided. For small firms whose entire client base remained within British Columbia, the specific rules did not apply. For boutique firms that practiced one specific type of law, only the rules applicable to their practice needed to be reviewed. But for full-service firms with clients located across Canada and elsewhere in the world, all documentation required careful consideration as to

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Bonnie Kirk

She's caught!

A law firm's PR Director is in need of reputation rehabilitation. Is that HR's job?

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SECURE, VIRTUAL, HOSTED DESKTOP NOW BUSINESS REALITY

How to tell if your firm is ready to operate in...

By **Andre Coetzee, Director, i-worx**

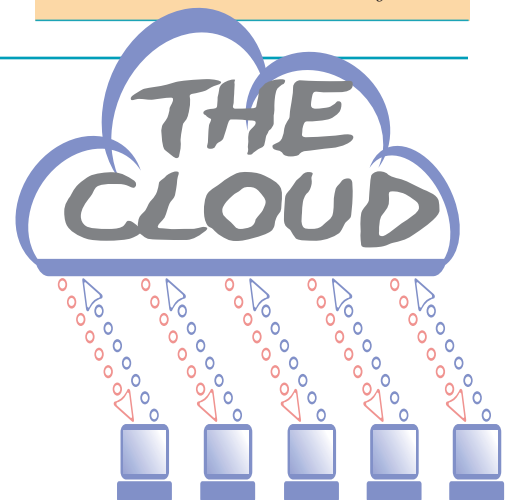
The rate of change within information technology over the past decade has been staggering. It has started to significantly impact the types of technology solutions chosen by professional-services firms.

Searching on the Web was laborious-before AltaVista (who?), Yahoo and

Google. Now we can find anything from a great hotel in Europe to instructions about how to make a Margarita – all within a matter of seconds. Gone are the days of having to go to the office on the weekend or in the evening to do work or check email.

Today, we can connect to the Internet from anywhere, at any time, using

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HST a challenge → from Page 1

their meaning since an incorrect interpretation could have dire consequences. For large firms, shifting from the GST/PST regime to the HST required a thorough review of all aspects of the firm. Consideration had to be given to:

- ✓ Modifying the tax structure to recognize the HST when it became effective on July 1, yet keeping the GST/PST structure in place in the financial system.
- ✓ Identifying the new place-of-supply aspects for clients located outside of BC, particularly those with multiple offices; clients that fell under the specific rules and resided outside of BC also had to be identified.
- ✓ All levels of government work required a review of their tax status as some governments opted out of the *Reciprocal Tax Agreement* (RTA), and were to be taxed as tax exemptions no longer applied.
- ✓ All lawyers required training to ensure they understood the general and specific place-of-supply rules. Everybody else in the firm involved with capturing, recording and reporting the HST also required training.
- ✓ All intake forms required modifications to incorporate the tax information

needed.
For the client-

accounting side of operations, a decision had to be made for every active matter regarding its tax status.

Since this had to come directly from the lawyers handling the matters, changing their mindset proved to be a challenge. For some, an understanding of the place-of-supply rules did not come until they opened out-of-province matters after July 1, 2010. Since the changes impacted the client's tax structure, much of the work could not take place until July 1st, causing a burden on resources.

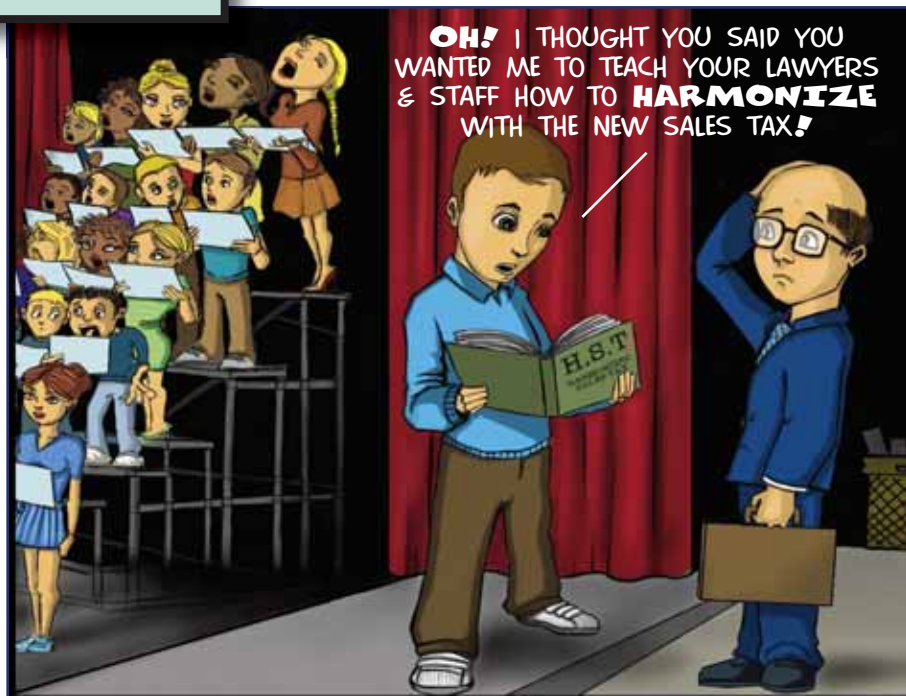
When the start-up date finally arrived, we then had to address the transitional rules, particularly what became commonly known as The 90% Rule.

In the past, any change in tax was based on bill date. This was not the case for the new HST rules. All bills where work-in-progress (WIP) spanned July 1 had to be reviewed to ensure the correct tax was calculated for pre- and post-July 1. This could not be automated, even using the most sophisticated of accounting systems, and it, in turn, placed a further strain on resources.

As the billing cycles went by, we began to feel confident that our systems were compliant. The only area where administrators still felt a level of discomfort was

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THE FIRM



FALL 2010

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President: *John Hawke*

WHO WE ARE

The BCLMA, founded in 1972, is a non-profit organization with 108 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 to 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 Event, and a large conference every other year.
- ◆ The Job Bank on our website outlines information on potential employment opportunities.
- ◆ The Discussion Board on our website enables Representatives and Affiliates to quickly get questions answered and obtain advice from others who may have faced similar situations. The best way to get involved is to become a part of the BCLMA.

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HST a challenge → from Page 2

whether the information provided was correct, as they fully relied on the lawyer properly interpreting the place-of-supply rules. They found there to be no means of confirming the accuracy of the tax information.

As we approach the final quarter of 2010, we expect to face yet another challenge. Last July, the Ministry of Finance issued a revised *Notice #8* announcing the requirements surrounding the final PST returns. It stated:

All PST, not otherwise payable on an earlier date under the Act, is payable and must be collected by December 31, 2010. Therefore, supplemental returns will be required to be filed on or before January 23, 2011. However, in limited circumstances, an extension is provided (see Extensions).

Extensions: Legal Services

An extension is provided in respect of PST payable on legal services if the services are provided under a contingent-fee arrange-

ment that is entered into before July 1, 2010, and the event triggering payment of the fee has not occurred on or before December 31, 2010.

In these circumstances, PST is payable on the earlier of the date that the purchase price of the legal services is paid or payable. This tax must be remitted on or before the 23rd day of the following month.


Where the person providing the legal services is not required to collect PST (i.e. the provider of the service is located outside of BC), tax is payable on the 23rd day of the month following the month in which the purchase price of the legal services is paid or payable, whichever comes first.

A vendor providing legal services under a contingent fee arrangement described above must report to the Ministry the number of these arrangements that the vendor has. This information must be provided in writing to the Ministry on or before January 31, 2011, by mail or fax.

This revision and extension cause me to wonder: are firms required to remit PST

based on an *estimate* of all non-contingency WIP? If so, this too would prove to be a challenge, as the recorded fee value does not always coincide with the billed value. If firms were to remit tax based on an estimate, what is the recourse on being refunded if the billed amount is less?

In reviewing the year, the most difficult aspect of the whole exercise was that the rule book was being written while we prepared to implement the HST. Many facets of the tax remain unclear, it appears, so we will have to wait for the revised edition, with hopes of finding the answer.

But somehow, some way, it seems likely that each firm across the province managed to successfully implement the HST rules into their normal routines. Having done so, I commend all firms on a job well done. It took tremendous efforts by all to ensure compliance with the regulations set forth by both governments. Hopefully, the results of the September 2011 referendum won't require a repeat of efforts, only in reverse... No, I won't even go there... 

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Cloud, not cloudy → from Page 1

almost any device: laptop, home computer or iPhone, to name a few.

I cannot imagine how we survived without all this innovation, as it has made us so much more productive and efficient. Yes, that's right: now you can respond to client email or finish working on that client file while on the road, at home, in bed or on holiday! (I'm not sure we signed up for all of this, but it's pretty impressive, to say the least). Say "Hello" to the New World of always being connected; say "Hello" to Cloud Computing.

Cloud computing can make many shiver a little since, on the surface, there appears to be more hype than reality. Ask someone to define 'cloud computing' and you'll get anything from a blank stare to, "I use Facebook online – is that what you mean?" I particularly like the all-inclusive definition put forward by Eric Knorr and Galen Gruman from *InfoWorld*: "Cloud computing encompasses any subscription-based or pay-per-use service that is offered in real time over the Internet."

So to us mere mortals, it can mean almost anything in the range of paying to have your backups automated and performed online, hosting your email, or having all the workstations and servers of your entire firm hosted off-site in a data centre.

Essentially, cloud computing is Internet-based computing, whereby shared resources, software and information are provided to computers and other devices on demand, like the electricity grid.

Here, we will focus on some of the benefits and pitfalls of cloud computing while we explore one component of it: Virtual Hosted Desktops (VHD).

VHDs result from desktop-virtualization services provided through an outsourced, hosted subscription model. Simply put, lawyers and support staff connect via the Internet to their virtual hosted desktops and data, all of which reside in a data centre, using any device (thin client, existing workstation, Apple Mac, Android Smart Phone, etc.).

Firms using this model no longer have

Cloud, not cloudy → to Page 9

MAKING THE MOVES...

WELCOME, NEW & RETURNING AFFILIATES!

Maggie Edwards, HR, Blakes Cassels & Graydon LLP... **Caitlin Spellicy**, HR, Alexander Holburn Beaudin Lang LLP (AHBL)... **Katherine Melville**, Knowledge Management, Farris LLP... **Priscilla Wyrzykowski**, Marketing, AHBL... **Ken Darch**, Trainers, Fraser Milner Casgrain LLP... **Lauren Culley**, Marketing, Boughton Law Corporation.

ON THE MOVE!

Susan Irvine has become the new administrator of Macaulay McColl LLP, (she was formerly Finance)... **Karen Davies** has returned to BTM Lawyers in Port Moody... **Hayley Cooke** has become the new administrator at MBM Intellectual Property Law, Vancouver... Smiths IP has joined the BCLMA; **Carina Umali** is the Administrator there.

*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 at the page bottom.*



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YOU BE THE JUDGE

By Paula Butler, Lawyer

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.



Paula Butler

The case of Millman's revenge

Susan Millman has worked as a Paralegal with your firm for 22 years.

During that time, she frequently worked up to 50 hours a week in order to keep up with her workload.

In 2009, the lawyer she has worked with for 21 years retired, and she was reassigned to Melanie Stewart, another lawyer in the firm.

Melanie and Susan do not get along, and after working together for ten months, Susan quits in an angry fit one day.

She then files an *Employment Standards Act* complaint for overtime pay for the extra hours she has worked over the previous years.

You're the firm's Human Resources Director. *What do you do?*

RESPONSE FROM BCLMA MEMBERS: *I wouldn't pay Susan anything. She did the extra hours without complaining until she started to work for Melanie; it is clear that she has only filed her complaint to get back at Melanie and the firm.*

Hi, this is Paula. Regardless of Susan's motivation for fil-

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

THE CASE OF PR'S SECRET DRUNK

Manmon, Smith is a large downtown firm that has a number of sizeable corporate clients.

As a result of the social functions that occur regularly for clients on the firm's premises, the large boardroom at the has two locked cabinets that are filled with liquor for these types of events.

You, as Manmon Smith's Director of Administration, are

approached by a staff member who tells you she believes that bottles are regularly stolen from the cabinet. After an investigation, it becomes clear that the thief is Maria Sanchez, the firm's Communications Director.

When you call Maria into your office to discuss the matter, she breaks down and admits that she has been stealing the alcohol because she is an alcoholic.

She has been trying to hide her addiction from her husband, as well as from her colleagues in the office. She told you that she steals the alcohol so that she spends no family money at liquor stores.

What do 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 the 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, Paula's commentary and perspective – and then provide you with a new scenario to intrigue and challenge you.

SUSAN STEVENSON

UNDERGROUND

Millman's Revenge → from Page 7

ing an Employment Standards complaint, the firm is likely liable for some of the overtime that Susan worked. First of all, Susan is not a manager, lawyer or articulated student – all of whom are exempted from Part 4 of the *Employment Standards Act* (ESA), which deals with overtime.

The ESA provides that employers are required to pay employees overtime wages for any time worked that exceeds eight hours a day or forty hours a week. Susan would have the initial burden of proving, on a balance of probabilities, the number of overtime hours she worked. Even if Susan's overtime was not approved by her employer, the firm is still liable if it directly or indirectly allowed her to work overtime.

Under the ESA, this liability is limited to the last six months she was employed with the firm.

How can this liability be limited? Your firm can implement an overtime policy that requires direct approval from a lawyer or an administrator to work overtime.

However, this policy must be strictly enforced to be effective. You can also opt to have employment

contracts with employees that deal with overtime and its payment.

If you choose the second option, you should obtain legal advice to ensure that these contracts minimize your liability.

A reminder for you to comment on our latest HR challenge, on page 7: "The Case of PR's Secret Drunk."



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Cloud, not cloudy → from Page 5

any data, servers or – in most cases – workstations residing in their offices. Instead, everything resides in a data centre elsewhere. In some ways, the model is similar to so-called dumb terminals and their mainframes of the 1960s, but with a modern twist.

Before taking the leap, you need to ask some important questions:

- ✓ What kind of equipment and technology is required to connect to VHDs?
- ✓ How does printing work from the office or home?
- ✓ Will our legal and other software work on a VHD, and, if so, how does the licensing work?
- ✓ Where does my data reside?
- ✓ What about security?
- ✓ What happens in the event of a breakup with your hosted-desktop service provider? In other words: What is our exit strategy?

Setting up and delivering VHDs requires a significant amount of investment in hardware and infrastructure at the data centre. Because of the large cash outlay, companies and professional services firms turn to VHD service providers to obtain what they need, as opposed to investing in it themselves.

The equipment required on your premises to connect to the VHD can vary; it might include leveraging and using existing workstations and converting them to thin clients, purchasing cost-effective thin clients to replace old workstations, or perhaps using laptops or tablet PCs instead.

When implementing *OfficeOneLive*, our VHD solution at i-worx, we leverage as much of the firm’s onsite equipment and current investment in hardware as possible to reduce the initial capital outlay.

Several vendors provide the technology that drives VHD solutions. Main players include Citrix, VMware, Microsoft

and Parallels’s *Virtuozzo*. In most cases, VHD service providers use a combination of vendors to deliver their VHDs to users. Which vendor has the better technology depends on who’s talking to you. At i-worx, we use Citrix and Microsoft to deliver *OfficeOneLive*.

Why Citrix? For i-worx, it is about creating a user experience that comes as close to a traditional desktop as possible. We have found that Citrix delivered this to our VHD users through quick screen-refresh rates and the ability to connect from any device quickly.

In a VHD environment, firms get access to Microsoft licensing, including, but not limited to, *Windows* (the operating system), email (*Exchange*), *Office* and a SQL database. Firms also get access to anti-virus and anti-spam licensing. The licensing forms part of the monthly fee, and you only pay for what you use.

Firms, therefore, are standardized on the

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Highlights

The Support Staff Compensation Survey covers compensation paid by BC law firms. The survey provides your firm with comprehensive, up-to-date compensation information on:

- Formal salary ranges **NEW**
- Base salaries
- Short-term incentive bonuses **NEW**
- Range, salary and bonus data categorized by firm size and geographic region
- Company and incumbent weighted statistics **NEW**
- Assessment of quality of match **NEW**
- Results released electronically to allow custom analysis **NEW**
- Non-cash compensation such as:
 - Group Insurance & Retirement Benefits **EXPANDED**
 - Overtime Policies & Paid Time Off **EXPANDED**
 - Career Development
 - Salary Administration

The survey is prepared by Western Compensation & Benefits Consultants and data is collected in an easy-to-use spreadsheet format.



Timeline

Questionnaire distribution August, 2010

Results published October, 2010

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same software, and never have to worry about falling behind from a version perspective as the licensing comes with software assurance (e.g. you can upgrade to the latest version as part of the monthly fee).

This is extremely powerful. For example, moving from *XP Professional* to *Windows7* in a VHD-environment is a significantly simpler migration path than what you currently must follow. Setting up a *Windows7* environment to test all of your firm's applications before migrating is relatively quick and, importantly, has no impact on the firm's production environment.

Specific law-firm software licensing such as *PCLaw*, *ESILAW*, *Worldox*, *Adobe Standard* or *Pro* and others are purchased separately through their vendors and loaded on the VHDs. Existing software versions need to be tested in a VHD environment for compatibility and, depend-

Cloud, not cloudy → to Page 13

Cloud glossary according to Wikipedia

Desktop Virtualization: Sometimes called client virtualization. As a concept, it separates a personal computer's desktop environment from a physical machine using a client – server model of computing. The model stores the resulting virtualized desktop on a remote central server, instead of on the local storage of a remote client. Thus, when users work from their remote desktop client, all of the programs, applications, processes and data used are kept and run centrally. This scenario allows users to access their desktops on any capable device, such as a traditional personal computer, notebook computer, smart phone or thin client.

Virtual Hosted Desktop: Virtual hosted desktops result from desktop virtualization services provided through an outsourced, hosted subscription model. Hosted virtual desktop services generally include a managed operating-system configuration for desktop clients. Security may be physical, through a local storage-area network, or virtual, through data-center policies. Transferring information-technology infrastructure to an outsourced model can shift accounting for the associated costs from capital expenses to operating expenses.

Thin (or Lean or Slim) Client: A computer, or a computer program, that depends heavily on some other computer (or its server) to fulfill its traditional computational roles. Thin clients occur as components of a broader computer infrastructure, where many clients share their computations with the same server. As such, thin-client infrastructures can be viewed as the amortization of a computing service across several user-interfaces. The most common type of modern thin client is a low-end computer terminal which concentrates solely on providing a graphical user interface to the end-user (think of a user-terminal at the public library). The remaining functionality, in particular the operating system, is provided by the server.

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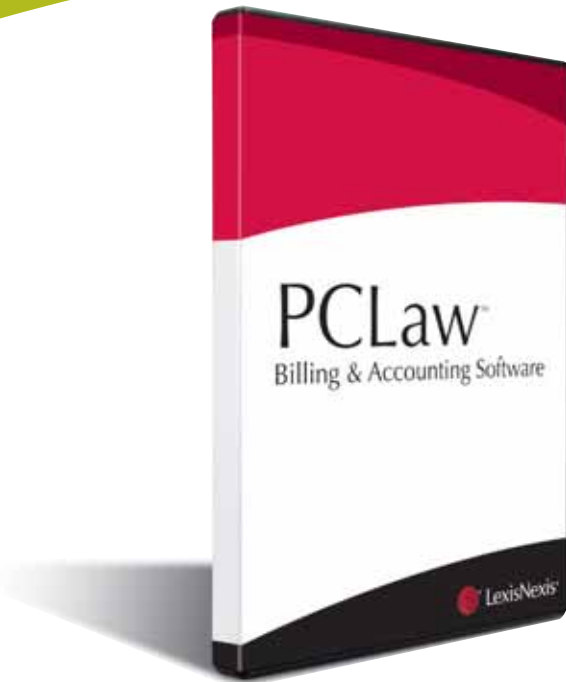
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ing on the software, an upgrade might be needed to move to a VHD environment. The great benefit to doing that: all the users get access to the same version. If an upgrade is required, it is installed once and, with the click of a button, all users are upgraded to the latest version.

So, you want to switch your firm to VHDs, but you have concerns about how printing works (to different trays, document sizes, on envelopes...)?

Since universal printer drivers come with Citrix, printing at the office becomes a non-issue. The ability to track and bill for printing through print-tracking software (e.g. *Print Audit*, *Copitrack*) also works perfectly. When working at home, users can connect and print to their home printer without having to install printer drivers. This is a huge benefit for firms who made the switch.

The process of burning client information, court documents and such to CDs or DVDs is possible in a VHD environment. However, you need to keep your wits about you; it can be laborious and time-consuming.

Moving your entire firm's infrastructure into the cloud by using VHDs also means moving all data into the cloud as well. Many go weak at the knees at the thought as, traditionally, the firm's data sits on servers which they can touch and see at their premises.

Physical servers on site may seem more secure at the outset until a breach of security or natural disaster strikes, and the servers are damaged or knee-deep in water. Most firms perform backups, and so they believe they can recover their data relatively quickly. (Heaven forbid the backups have not been rotated for weeks or become corrupt.)

When making the decision to move to the cloud, ensure that the service provider stores data in a secure data centre with multiple layers of physical security. Accessing your client's data and legal applications using a VHD via the Internet can present security challenges, however with security certificates and encryption (similar to online banking), you can

connect securely.

Different schools of thought persist on this, but overall, the firm's data becomes more secure in a data centre than at a firm's premises. Most savvy hosted-service providers have sophisticated backup software that automatically

copies the firm's data daily, to multiple physical locations, in order to ensure a strategic backup— and disaster-recovery solution.

That's right, backup is no longer your concern. You can reclaim some real es-

Cloud, not cloudy → to Page 14

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Cloud, not cloudy → from Page 13

tate in your purse or briefcase as well as some precious square footage at your premises.

VHDs rely on a stable Internet connection and, for most firms, two are recommended for redundancy and fail-safe purposes. In the unlikely event that both Internet connections go down at once, users will find themselves staring at a black screen. Some users will soak up the peace and tranquility, while others will be absolutely irate.

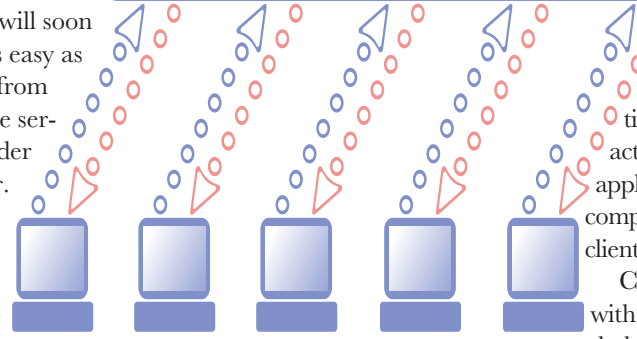
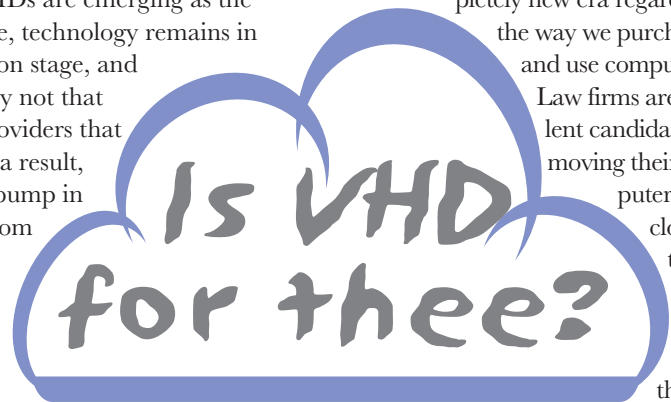
For irate users, the good news is they can connect from anywhere at any time so that if there is a prolonged outage, they can go home, to a favourite coffee shop – the beach, even! – to connect with their VHD, and continue working.

Sold? Great! So where do you sign up? Not so fast. Being sold is one thing, having an exit strategy in the event things go wrong with your service provider is another.

Although VHDs are emerging as the way of the future, technology remains in the early-adoption stage, and there are actually not that many service providers that offer VHDs. As a result, there may be a bump in moving VHDs from one service provider to another. But rest assured: changing service providers will soon become as easy as changing from one mobile service provider to another.

So, is your firm ready to take a leap to the cloud? We are on the precipice of a com-

pletely new era regarding the way we purchase and use computers. Law firms are excellent candidates for moving their computers to the cloud due to the fact that most of their business revolves around office-productivity suites, transactional-based legal applications and compliant secure-client data storage. Cloud computing, with virtual hosted desktops, can help.



Cloud, not cloudy → to Page 15

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DOWN TO EARTH BENEFITS FOR A FIRM IN THE CLOUD

There are many compelling benefits of moving to VHD:

- 1 **Security** Stolen laptops and hard-drive failures are no longer a problem as the data resides centrally in a secure data centre.
- 1 **Mobility** Work from anywhere at any time, along with the flexibility of adding to your staff compliment without adding office space.
- 2 **Backup & Recovery** Hands-free back-up replaces daily physical back-ups and offsite disaster recovery. If users delete or move documents inadvertently, they can restore the file themselves without calling for support, significantly reducing time, effort and user-frustration.
- 3 **Capital Savings** No more capital outlay for onsite servers, workstations and Microsoft licensing.
- 4 **Operational Expenses** Pay for VHD on a per-user, per-monthly basis; invest capital elsewhere in your firm.
- 5 **Standard Efficiency** VHD standardization leads to a more efficient and effective user experience.
- 6 **Lower IT** Reduces IT-support costs (i.e. various version conflicts for operating systems, office applications and anti-virus).
- 7 **Universal Printing** Print from any computer at the office, home or on the road, without having to load printer drives.
- 8 **Green** Energy-efficient, improved power conservation.
- 9 **Intangible efficiencies** If you log off from the office and disconnect your session, your windows remain open. Log back on to find all documents, email, Internet, etc. open from where you last left off, without disrupting work flow.

Andre Coetzee is a Director and a founding member of *i-worx*, a premium managed service provider with a focus on cloud computing. *i-worx* has delivered innovative IT solutions since 2003. Its latest Virtual Hosted Desktop offering, OfficeOneLive, has been well received within

the legal industry. For more information or to learn more about real cost savings and how OfficeOneLive could benefit your firm, call 604.639.6300 or email andre@i-worx.ca.





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MARKETING METHODS

Six critical practices ‘that should never, ever slip off your radar’

By Susan Van Dyke, Principal,
Van Dyke Marketing & Communications

Now that we’re all back to school and a safe distance from the boogie monster that was the 2009 recession, it’s time to renew and refresh some basic, but critical, marketing practices that you and your lawyers can activate easily. Here are six critical things that should never, ever slip off your radar:

1 Give your marketing partner a flashlight

Marketing committees and marketing partners are often working in the dark. They need goals to develop marketing plans or strategies. Don’t send them off without some guidance or sense of direction. Many hours and countless sandwiches are wasted as they do their darndest to fulfill their mandate of marketing the firm.

Give them something that works, such as providing industries to target, reviewing the firm’s website to develop new content where necessary, or increasing the firm’s profile in emerging industries or those of key clients.

Prepare your marketing partner or managing partner to conduct a client audit to better understand how the firm is doing in meeting the needs of your best clients. *Tip:* keep the expectations reasonable. I’ve seen firms send their partners in several directions like wild horses, with little cohesion between groups of effort.

1 Employ a higher standard

It starts before the first interview. Because we’re in the services business, the quality of our people count more than ever. We’re not selling luxury cars or five-star resorts.

At the risk of sounding crass, we’re selling people... super-smart people who also (hopefully) know how to keep clients happy. Get a crystal-clear view of the types of people, along with their attributes and attitudes your firm should



Susan Van Dyke

hire. Whether you’re interviewing staff, management or professionals, every person in your firm either improves a client experience or detracts from it.

Your hiring practices will directly affect your firm’s ability to attract and retain clients. Think about your current team – even those who have indirect client contact. They each have a role to play.

Consider, for a moment, your office-services staff. The quality of their work can impact a client’s experience with your firm. Documents that aren’t photocopied correctly or a misdirected courier delivery can have negative consequences

DOCUMENTS THAT AREN’T PHOTOCOPIED CORRECTLY, OR A MISDIRECTED COURIER DELIVERY, CAN HAVE NEGATIVE CONSEQUENCES ON A CLIENT AND THE FIRM

on a client, affecting your firm’s reputation. Every single person should strive to punch above their weight.

1 Set up Google Alerts for your best clients

Google Alerts push hyperlinks to you via email with news that matches your keyword criteria. You might choose the names of your top 10 clients, good clients with whom your lawyers can use the tip’s information to follow up, or the names of

your best prospects.

Many of you tell me you know about Google Alerts, but have never set one up. It takes about 60 seconds to set up your Watch List.

Here’s how to do it:

- ✓ Go to <http://www.google.com/alerts>. You’ll see five fields for customizing your alert. In the first field, *Search terms*, consider setting up two or three different terms per client. For example, if Lululemon Athletica is on your Watch List, one of your search terms would be the company name, plus maybe “Canadian yoga wear” and its stock quote “LULU NASDAQ”, since it is publicly traded. You might also want to track the activities of its manufacturers, or specific retail issues on blogs.
- ✓ The remaining four fields are straightforward, and you can cancel or adjust your Alert settings anytime. I prefer a weekly digest of results, and I’ve disciplined myself to spend at least five minutes whipping through the list of links.

1 Feed your most public ambassador – your website.

It’s surprising how many websites of small and mid-sized law firms are still not making the grade in this area that’s critical to your business development.

A firm’s online presence is becoming more necessary each year, and it’s often overlooked. Your website should work hard for you, by using lots of rich key words, fresh content, intuitive navigation, inbound links from other websites – and even an active blog if you have someone in your firm who enjoys writing and can keep up a respectable pace.

1 Track, thank and reward referral sources

Acknowledge your champions. Make it simple for your lawyers to thank referral sources. Keep a stash of beautiful greeting cards, wine and a list of good gift-basket suppliers on hand, and use them regularly.

These are your platinum friends; be sure to acknowledge them quickly and generously. There’s likely more work from them to come. It’s so easy to remain

6 critical marketing things → to Page 17


BCLMA'S VOLUNTEER HEROES - FIRST AWARDS

Kirk and Chapman applauded for helping BCLMA with a wide range of work

The BCLMA, and VALA before it, has always had the good fortune that great volunteers come forward to dedicate precious time and energy to the success of the Association.



Our new *Volunteer Heroes* feature highlights the hard work and dedication of our volunteers. If you've got the spirit, contact any member of the Board of Directors or your subsection co-Chairs to

discover more about volunteer opportunities with the BCLMA. We'd love to work with you!

It just so happens that our inaugural run highlights two heroines who also volunteered to write articles in this edition of *Topics*! Look for Bonnie Kirk's *Challenges of implementing BC HST swells with time and size of law firm* on page 1, and Colleen Chapman's *What makes small firm administrators tick?* on page 18. 



HONOUR ROLL OF THE VOLUNTEER HEROES OF THE BRITISH COLUMBIA LEGAL MANAGEMENT ASSOCIATION

| | | |
|--|--|---|
| |  <p>Bonnie Kirk, CGA, Financial Analyst, Lawson Lundell LLP, Vancouver</p> |  <p>Colleen Chapman, Administrator, Brawn Karras & Sanderson LLP, Surrey</p> |
| VALA/BCLMA MEMBERSHIP | More than 25 years | 19 years |
| CONTRIBUTIONS INCLUDE: | I chaired the Finance Subsection for several years - twice! I was also a Member of the 'Topic's Editorial Board for about four years. | I chaired the Small Firms Subsection for more than 10 years. I have co-ordinated the Small Firms Administrators' salary survey for more than five years. |
| WHY CONTRIBUTE? | I believe in the BCLMA's mission statement to enhance the legal community's knowledge base. I felt that as I 'matured,' I had enough experience to offer. | The best way to learn and get to know your peers is to contribute, learn and mentor. Step outside of your comfort zone! |
| OVER THE YEARS, I HAVE ENJOYED: | Seeing the growth in both attendance and knowledge. BCLMA (then VALA) was very grass roots when I joined. | I have enjoyed acting as a mentor for new administrators, and helping them learn the ropes. I enjoy sharing ideas and experiences with my colleagues. |
| THE BCLMA TODAY: | I feel very impressed by the high level of expertise the Association now possesses | The level of education offered and the professionalism within the Association continues to increase. |
| LOOKING AHEAD: | I guess you could say I look ahead to planning my retirement (unfortunately, not too near in the future). I believe it takes a few years to build a retirement plan, just as it does a career. My intention is to relocate to a quieter area, and travel. Mind you, if our economy goes to hell in a hand basket, I will open a fruit stand – <i>cash only</i> | I might consider retirement one day, but, apparently, I'm not allowed to resign! (Ha-ha!) Good thing I love to work, and I love the firm I work for. Recently, I have found my passion for cooking. And with my kitchen, appliances, pots, pans, utensils and more, all in the glorious color of pink, who wouldn't be passionate? I've started taking courses so that I can cook like a professional in my own kitchen. I actually filleted my first salmon this year – and did a pretty good job of it! I put it right in the freezer, and now I have to wrap my head around the idea of cooking it. I love my grandchildren, and enjoy having sleepovers and doing kid things with them; it keeps me young. So what if I take catnaps and play kids' games? It's worth it to see their smiling faces, and feel their unconditional love. Lastly, I'd like to travel while I still can. And let's not forget bingo and slot machines, as I am very lucky. (That helps!) |

6 critical marketing things ➔ **from Page 16** memorable and grateful yet, surprisingly, few firms do it well.

1 Make marketing easy for your lawyers


To effectively engage your lawyers in marketing, their efforts must be measured and rewarded, but it also has to be relatively easy. It's true that there are effective methods for all personality types.

First, build their interest and skills.

Bring them interesting and credible speakers, promote local marketing events within your firm, generate some activity with a project among a small, keen group of associates.

Open up opportunities for them to do the things they like to do as a foundation, and build from there. Every lawyer should be marketing and advancing the firm's competitive position.

Start today and map out how your

firm will activate each of the above items, or any of those that have dropped off your radar. Just keep moving forward and your firm's business will follow. 

Susan Van Dyke, the Principal of Van Dyke Marketing & Communications, is a law firm marketing consultant based in Vancouver, BC. She rescues law firms from uncertain marketing and business-development practices. Contact her at 604-876-7769 or SVanDyke@Telus.net.

THERE ARE A MILLION ANSWERS TO THIS QUESTION

What makes small firm administrators tick?

By Colleen Chapman, Administrator
for Brawn Karras & Sanderson

This is a loaded question, and the answer will vary from administrator to administrator and firm to firm.

How many times do you wake in the night and jot down something you need to deal with when you get to the office first thing in the morning? How often do you call into the office and leave yourself a voice mail or send yourself an email as a reminder?

If you have ever done any of these, you're not alone. This is just part of the working world of any administrator.

Mentally, once we leave the office, we think of all the tasks accomplished and the ones that are ongoing, and then we start the planning all over again. No matter what we tell ourselves, as small firm administrators, we must always be prepared for the unexpected.

In the past, administrators of small law firms usually came up through the ranks, either from a secretarial background or an accounting background. Today, there are more administrators with extensive education, and some with multiple degrees, filling positions. No matter which path takes you to the position of a small firm administrator, nothing can quite prepare you for the fast pace, and the constantly changing aspects of the job.

We can attempt to write a job description of our role in the firm, but guaranteed, before the end of the day, the week, the month, it will have changed. The greatest asset an administrator has is their flexibility and willingness to change, while keeping a balance within the firm.

I noticed over the years that those of my colleagues who survived in the profession are the ones that can multi-task, have innate organizational skills and can apply simple common logic under stress. Most of us thrive under stress – a crucial skill assisting us to become high achievers.

We do not usually have assistants or a

Small-firm administrators are a breed unto themselves. There are many things that make them different from those who run larger firms, whose support staff can be extensive. It's why we have a separate BCLMA subsection – co-chaired by Kimberly MacMillan of Simpson Thomas & Associates, and Pelar Davidson of Oyen Wiggs Green & Mutala – which meets regularly to provide active support and a friendly ear. Out of the BCLMA's 104 law firm members, 53 have 15 or fewer lawyers (and there were a few that just missed the cut, with no more than 17 lawyers), according to the BCLMA's administrator, Jane Kennedy.

This article's author, Colleen Chapman, is an active member as well as a former co-chair of the Small Firms subsection of the BCLMA, and here she outlines the details from her perspective of what makes a small firm administrator tick. As you'll see, they can be administrative veterans, like those in medium-sized and large law firms, and while some of their challenges and talents are common amongst all law-firm management, piloting a small law firm is hard work and, except for their BCLMA's connections, it can be lonely in the centre of a firm, even when they're on the top of their profession.



Colleen Chapman

manager helping to cover areas that the BCLMA lists on the website as other subsections. We are lucky if we have help with day-to-day accounting, if we do not

have to do legal-assistant work, or if we need to cover the reception desk.

It would be helpful to delegate some of
Administrators, ticking... → to Page 20

SAVE THIS DATE!**BCLMA'S ANNUAL
MANAGING PARTNERS EVENT**

Thursday, November 4, 2010

11:45 a.m. - 1:30 p.m.

Hyatt Regency Hotel, 655 Burrard Street, Vancouver

Complimentary for BCLMA Firm Representatives & Managing Partners;

Guests: \$50

Women enter the legal profession in equal or greater numbers than men, yet less of them remain in the profession. In fact, of all women called to the bar in 2003, only 66% retained practicing status in 2008, compared with 80% of men called in the same year. Obvious reasons exist for women leaving the profession – starting and raising a family, for instance. What other reasons account for the high rate of attrition? What can firms do to address it? What competitive advantages can result?

Anne Giardini, President and former General Counsel at Weyerhaeuser Company Limited, studied this trend with members of the BC Law Society's Retention of Women in Law Task Force. The Task Force work resulted in the "Business Case for Retaining and Advancing Women Lawyers in Private Practice" (July 2009). Ms. Giardini will refer to the business case to discuss the reasons why women "off-ramp", and will highlight strategies that firms can consider implementing to retain and advance talented female lawyers.

Inquiries? Contact: Jane Kennedy at the Membership email address (see folio line below).

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Administrators, ticking... → from Page 18

the work load to an assistant, but that is a luxury in a small firm. Look into a mirror, talk to yourself, you're it. Most small firm administrators have no peers, confidantes, or associate managers within the firm to assist with issues or questions that arise from time to time. They are, more often than not, on their own, unless they work well with the managing partner or can call another administrator for advice and feedback. Even this can be problematic at times; issues might be confidential and can't be discussed outside of the firm.

I can't count the number of times at meetings or in individual conversations where issues were presented by small firm administrators on behalf of their partners or lawyers – in the abstract, without specifics – in order to obtain feedback from other administrators. Although we try to assist each other, it is difficult to do so, given the nature of our position. It can be frustrating.

The funny thing is that we may be from different firms, but we all – at one time or another – face the same issues.

I chuckle to myself remembering all the motivational speakers who have told us how to become successful by being

more time-efficient, having our six-item to-do list, and prioritizing. Well, easier said than done.

In my 19 years as an administrator in a small law firm, the to-

is a line-up outside my office door, when the emails are coming in fast and furious, and when the work is piling up on my desk, with everyone wanting and needing it to be done yesterday? Not likely.

Technology is changing faster than you can learn it, what with Blackberries, tweets and blogs, most of us learn to

adapt by sheer determination to get the task done on time and correctly.

We tend to use the resources that are available from the BCLMA, ALA, other professional associations and fellow administrators, because it's better than reinventing the

wheel.

Generally, everything we learn is in the form of *Coles Notes*; there is only time to touch the surface of any task. Any in-depth knowledge that may be required usually needs the assistance of an outside source.

We tend to confront technology as required, or when our partners or lawyers have heard about some new technology from a colleague and think that we should have it implemented immediately. Often, we already know about the technology, but it's the old saying, "If it ain't

Administrators, ticking... → to Page 21



WE MAY BE FROM DIFFERENT FIRMS, BUT WE ALL – ONE TIME OR ANOTHER – FACE THE SAME ISSUES.

ANY IN-DEPTH KNOWLEDGE THAT MAY BE REQUIRED USUALLY NEEDS THE ASSISTANCE OF AN OUTSIDE SOURCE.

do list goes out the door with "Good morning." Prioritizing – are they joking? – when the phone is ringing, when there

Administrators, ticking... → from Page 20

broke, don't fix it."

We do not need all of the newest technology to run a firm efficiently. The problems that occur when small firm administrators constantly upgrade and change technology at the whim of partners or lawyers: they tend to lose control of other areas of the job, which can impact or give rise to other problems throughout the firm.

Technology for some of us senior administrators can be a challenge; I have been fortunate to have exceptional out-

WE CANNOT BE BIASED NOR SHOW ANY FORM OF FAVOURITISM TO THE STAFF OR THE LAWYERS. WE ACCEPT THAT WE WILL NOT BE LIKED BY EVERYONE WITHIN THE FIRM.

side resources, on whose expertise I can rely. We administrators find that we may not know everything, but we recognize what's important information, we pay attention to our peers, and we learn from the experts.

Small firm administrators deal with all that their position encompasses; that said, the most challenging area that I have found is usually human resources.

It's not that the HR tasks are difficult, but we are dealing with individuals and emotions. This can drain an administrator's energy, given the unspoken expectation that we should set an example while smiling, offering an encouraging word or praise, and boosting the morale of the firm even through tough times, when we are required to be disciplinarians, referees and mediators.

As an administrator, we cannot be biased nor show any form of favouritism to the staff or the lawyers. We accept that we will not be liked by everyone within

the firm. Our role is not to win the popularity contest, but to make sure the firm runs smoothly, the staff and lawyers are treated fairly, and the partners are protected and supported, so that they can focus on their practice. I find that the simplest way to achieve this is to take a step back; to walk a mile in another's shoes. It enables me to get a clearer picture, to make better decisions, to select superior choices.


The most valuable information I received when I became a small-firm administrator was to make it a condition of my employment that the firm would cover my membership with our associations, including the BCLMA (going back to when it was VALA) and the ALA.

Following that advice has meant 19 years of education and interaction with other administrators in firms of all sizes. They have been my mentors and advis-

ers. (As a side note, I think everyone who has helped me become a better administrator).

Being a small-firm administrator is not an exact science. There is no guide or map to show us the way. I am certain that none of us have had it easy all the time. In fact, we have probably had more setbacks throughout our careers than most.

However, with our experience, scars, determination and focus, each one of us becomes an example – I think, a shining one – of quality and professionalism. I am proud to be a part of such a worthy profession.

What makes small-firm administrators tick? What does is different for every one of us. Whatever it may be, just remember you are not alone. We are all in this together. Call, email, come to a meeting, attend a conference, (tweet or blog for the savvy ones); we are here to help. 

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25 YEARS OF 'TOPICS'

A handful of great successes and bad hair

by Mike Bowerbank,
'Topics' Senior Columnist

When I was offered the chance to review 25 years of past issues of this publication, *Topics*, I readily agreed. It was a great opportunity for me to relive some of those amazing and transformative years, back when Pluto was a planet and the *Titanic* was still lost.

I also admit that I also felt some sadistic glee at the prospect of making light of some of the wild-eyed and ridiculous predictions made for the future. It was a satirist's dream assignment. After all, an editorial done in 1992 flatly stated that the "very nature of the legal profession creates difficulties in predicting its future" so all I had to do was use the benefit of hindsight and collect the silliness.

I ended up finding no silly material to work with. The predictions and analyses were well-thought out, down-to-earth and eerily accurate. So much for writing satire!

Then something important occurred to me as to why *Topics* has been around for so long. This newsletter is relevant today in no small part because it has had such a good track record of predicting trends and analyzing current issues firms of all sizes face, without resorting to sensationalism.

I found that the contributing writers to *Topics* over the years have been pretty good at predicting what would be sensible in the future, with the possible exception of hairstyles. (What were we thinking in the '80s?)

In winter 1989, the newsletter reported that cost recovery would become one of the most important issues faced by law firms. It did, and remains significant today.

One of the most fascinating predictions made in 1989 was that "the spread of the urban population base to outlying areas will necessitate satellite offices in suburban centres."

This concept is often bandied about in strategic meetings, but only a handful of firms have actually done this so far. Don't



Mike Bowerbank

count this prediction out just yet, though; as Metro Vancouver's population inches closer each year to the three million mark, commuting to downtown will only get increasingly difficult and the 'burbs will look even more attractive.

Another prediction from 1989 had to do with the lawyer-to-secretary ratio. Rather than the established 'one-to-one' model, it was asserted instead that secretaries of the future would be "clustered in mutual-support groups, serviced by pods of equipment." Most firms today – especially larger ones – have moved to the share and work-group model but, back in 1989, this was barely conceivable.

I MADE A RATHER DIRE PREDICTION IN 1996 ABOUT THE EFFECT OF TECHNOLOGY ON PEOPLE. IT CAME TRUE, BUT I WISH IT HADN'T.

In 1990, we boldly declared that "management by committee" was "out of date." While that prediction is true – and has been for well over two decades – many law firms have yet to catch up to that concept, so we'll reiterate it here in 2010.

Outsourcing facilities management (aka Office Services) was seen as a radical move when a big firm did it in 1991, and yet, today, it is fairly common among

larger firms.

It was noted that national mergers in the late 1980s and early '90s would result in the emergence of several "super firms." Well, it should be noted how many law firms today are now international, sporting offices around the globe.

I found it darkly amusing to read so much in so many issues about the hand-wringing over the recession of the early '90s. After the 2008 meltdown and the global debt crisis playing out right now and into the foreseeable future, the 1990s recession almost seems like good times.

Work-life balance has been a hot topic for the past ten years, but at the risk of blowing our own horn, we were writing articles on this subject nearly twenty years ago, starting in 1992.

Also in 1992, *Topics* published an article about what technology in law firms would look like in the year 2000. I feel pleasantly surprised that the predictions came true. The article stated that "computers will not replace the core competencies and the people that are at the heart of successful firms."

Amen to that.

Alas, this column I now write would not be complete without a taste of my own medicine.

In 1996, I wrote about technology in law firms, and made a rather dire prediction about the effect of technology on people.

It came true, but I wish it hadn't.

I noted with concern that technology was trending towards people using computers to such an extent that their social skills would inevitably suffer as a result. The term 'global village' was tongue-in-cheek, I mused, "...because although technology is bringing the entire world together, it is also isolating us as individuals." (Are you listening, Generation Y?)

Okay, it looks like I did my part to keep the average up.

Here's one last prediction, and a safe one: As long as *Topics* continues to attract the contributions of the kind that folks in our industry, in our province, have written for the past 25 years, it will have no difficulty continuing for another quarter-century... and beyond.



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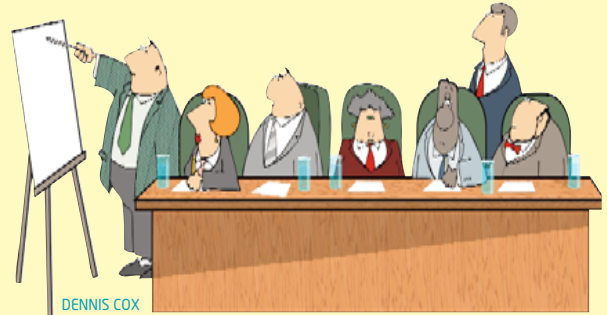
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