

A newsletter to help our Members, Representatives, Affiliates and partners stay current with the business of law ♦ Summer 2011

EVACUATION PUT STRATEGY IN MOTION

D&D's emergency plan tested, tried and true

by **Connie Fenyo, President, Dye & Durham**

Date: August 20, 2008
Time: 9:00 a.m.

Place: Dye & Durham Main Board room, Head Office, New Westminster

What: Management meeting

"Do we really have to do this?"

"We're so busy right now with other strategic business plan priorities."

"With summer holidays and staff away, it's not the ideal time right now."

"For the risks involved, I just think the costs and resources involved in this project could be better utilized elsewhere in the organization."

And so went the discussion as I listened to our management team debate the merits of postponing the development and documentation of the company's Dis-

Dye & Durham saves → to Page 10

How to plan for change in emergency planning

By **Victor Smart, Manager, Fire & Life Safety, Cadillac Fairview**

Organizations have invested thousands of dollars over the last several years for emergency planning or business-continuity consultants to come into their places of work and create emergency plans, business continuity plans, fire safety plans, all hazard plans and the like.



Victor Smart

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Pleasant Criminal

A nice young man in your mail room turns rioter and YouTube's flavour of the month. What would you do?

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TWITTER, FACEBOOK, FOURSQUARE, NEXOPIA, LINKEDIN, GOOGLE + ...

Is your corporate website still relevant?

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

There's been a lot of chatter about social media lately, and for good reason. The way they are capable of building traffic, producing activity, building profiles of individuals and influencing decision-makers has earned them a place in most marketing plans.

If your firm is hiring a marketing professional – whether at the Co-ordinator or Director level – look for someone who understands and appreciates online business development activities or strategies – whether you're ready to adopt them now or later.

As you add social media, or ponder how it can work for you



Susan Van Dyke

or your firm, don't forget your website. It still matters! Clients will still judge you on how you present yourself in your brand, communicate legal issues (will that be client-friendly or legalese?) and the ease with which they can access information – you've got about seven seconds. Seriously.

The most effective style of website will depend on the type of client you want to attract. Consider their state of mind and what they need. Too often we blather on about ourselves and it's, well, starting to look a little insufferable. It's like we're talking to ourselves, leaving clients and prospects outside in the hall to observe us admiring our-

The relevance of websites → to Page 15

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 for all types of legal-related and lawyer positions.
- ◆ 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 email list for it. Please contact the Editorial Committee Chair, or any member of the Editorial Committee listed on the back page, 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.

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For what purpose do these organizations have these plans? Code compliance? Regulatory compliance? Safety of their people, property and information? No matter the reason, there is a common theme in some, but certainly not all plans: they tend to be out of date within a short period.

While many organizations are taking steps to hire professional consulting firms to complete their emergency plans or have created them themselves, a lot of companies and facilities still do not own a plan of any sort.

Organizations generally fall into two categories.

1 Once the plan has been completed the organization attains compliancy, in the case of working with a consultant, invoices are finalized, payment is made and the consultant moves on to pursue other opportunities. The plan goes on a shelf never to be seen or heard from again.

2 The plan has been completed, the organization conducts training sessions, either lecture-led or actual table-top exercises, to test the plan. Any changes to the plan are made, and in the case of working with a consultant, invoices are finalized, payment is made and the consultant moves on to pursue other

opportunities. Again, the plan goes on a shelf never to be seen or heard from again.

Now what? Many organizations fall into a false sense of comfort knowing they've got their plan and if required, they are compliant with whomever or whatever prompted them to create the plan in the first place.

Six months from now, or a year from now, or two years from now, how many people are still with that organization? Or, at the very least, how many are still there within their same or similar capacity? Is the same person who was the evangelist for the plan still responsible for maintaining it? Do they have the same responsibility of stewardship of the plan or have they moved on? How many new faces have come and gone?

It should be noted, that in the United States, for the period of December 2000 to November 2008, the average, total, non-farm, seasonally adjusted, monthly turnover rate was 3.3%; however, rates vary widely when compared over different periods of time or different job sectors.

For example, during 2001-2006, the annual turnover rate for all industry sectors averaged 39.6% before seasonal adjustments. During the same period of time, the Leisure and Hospitality sector

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THE FIRM

"OK! SO, STEP ONE OF THE RESPONSE PLAN, YELLING 'PANIC!!', IS WORKING; I'LL YELL 'RUN!!' NEXT... WHAT WAS THAT THIRD ONE?"



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*CERTAIN CONDITIONS APPLY

Emergency planning changes → from Page 2
 experienced an average annual turnover rate of 74.6%. In Canada, the numbers are similar.

Research has shown that generally people change jobs an average cycle of three to five years.

In most cases, new staff members are not hired to be on the emergency response—or business-continuity team. They get hired with their main employment goal in mind (e.g. managing, accounting, administration, etc.) and only as a secondary thought to their roles do the response side of the business comes into play. Are new staff oriented with the company’s emergency plans? How many new employees receive basic safety/emergency orientation as soon as they join the firm?

What other organizational changes occurred since the original plan was developed? Renovations to the office, change in building ownership/management... the list can go on.

The question becomes, “what do or-

ganizations do to make sure these plans remain up to date?” As mentioned, the amount of variables that could cause a plan to become outdated are vast.

I LEARNED A NUMBER OF YEARS AGO: “A PLAN IS USELESS IF IT’S NOT EXERCISED.”

There is no crystal ball for this answer, although I’m sure people would want one.

Everything flows from the organization’s culture and beliefs on the subject of emergency preparedness and business continuity. Again, do they have a true belief in what these plans represent or are they just satisfying some sort of compliancy?

Organizations may already have pre-

existing mechanisms in place for the rest of their business that could be utilized to remind those responsible to update the plans.

For instance, many property-management companies have a preventative maintenance program in software that generates reminders or work orders to complete daily, monthly, semi-annual and annual tasks. This could be applied to emergency plans to send a work order to the appropriate person to ensure it gets updated.

There is, of course, various other types of software-based calendar task lists and reminders that can assist.

Some organizations may have an “internal audit” department that periodically reviews the emergency planning and management programs as well as accounting, procurement and the like.

Some other organizations may rely on their insurance underwriters to remind them.

The possibility does exist that if an or-
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ganization has entered into an agreement with a consultant to create the plan, it is feasible that there is a maintenance agreement of some description negotiated at the time of agreement of services. This would benefit those organizations that do not have a dedicated emergency planner. This can also pave the way for the next essential step of the process: exercising the plan.

I learned a number of years ago, “A plan is useless if it’s not exercised.” Again, a number of organizations create plan(s) but then end up putting them on the shelf and there they collect dust.

As we have talked in this article about “change,” sometimes the best way to recognize change is by exercising or actually testing the plan.

This is a must for organizations. While it’s commendable to have a plan, does it actually work? If it works now, will it work six months from now? Or a year from now?

Constant testing of the plan and its processes will help ensure that you have a fully updated workable plan and that people remain aware of their roles and responsibilities and feel comfortable performing their duties in an emergency situation.

No one is asking an organization to spend countless hours in a room going over the plan.

It only takes one person to take a leadership role in planning a basic test that may take upwards of about an hour.

For example, a very simple test might include what would happen if the organization lost telephone services.

How would the organization handle that?

What would we do in an evacuation situation? Where would we go?

If we had a power disruption, how would we react?

Then, as time moves forward, exercises can be created to become more detailed, involve more people and act as a great learning opportunity for those new

to the organization to learn their roles and responsibilities rather than just having documents given to them and asking them to read them in their spare time.

Emergency Plans are required by WorksafeBC under Part 4 – General Conditions – Emergency Preparedness and Response - Section 4.13 through 4.16. Specifically Section 4.14(3):

At least once each year emergency drills must be held to ensure awareness and effectiveness of emergency exit routes and procedures, and a record of the drills must be kept.

Conducting drills helps ensure the plan works, as well as identify any changes required in locations, persons, positions, etc.

It is paramount to have an organization properly prepared in event of an emergency. When it’s already gone wrong, it’s too late to prepare.

Victor Smart is the Manager, Fire & Life Safety at Cadillac Fairview. Contact him at 604.6383362; victor.smart@cadillacfairview.com

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- Formal salary ranges
- Base salaries
- Short-term incentive bonuses
- Range, salary and bonus data categorized by firm size and geographic region
- Company and incumbent weighted statistics
- Assessment of quality of match
- Results released electronically to allow custom analysis
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 - Overtime Policies & Paid Time Off
 - 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, 2011

Results published October, 2011

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

THE CASE OF MY EMPLOYEE BEING AN IDIOT

Justin has been working in the mail room at the West Coast Law Group in Vancouver since May of 2011.

He is the son of a client of the firm, and he was hired for the summer before he returns to university in the fall.

Last week, Justin was arrested for smashing in windows at a downtown department store during the Game 7 riot. He was identified from a cell phone video that has now been posted on YouTube.

His arrest has been reported in the newspaper, the video has gone viral and it has somehow been made public that he works for the West Coast Law Group.

As the Human Resources Manager, you have received three phone calls from lawyers at the firm, some who have been contacted by clients, pressuring you to fire Justin.

You like Justin, but feel disgusted by what happened at the riot and feel concerned about the reputation of the firm.

What do you do?



FRANCK BOSTON



YOU BE THE JUDGE

JUDGE! Read our new scenario, then tell us how you'd address it. Your response will be reviewed by labour lawyer Paula Butler. Contributions by you and Paula will help you and your colleagues in the BCLMA solve difficult issues they might encounter in their firms.



By Paula Butler, LL.B

ANONYMOUS! Your response is 100% anonymous, even to the Editors – unless you sign your name in the Response form. And why would you sign your name?

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HOW TO BE OUR JUDGE

When you've read the new scenario, click on this link to let us all know what you would do:

www.bclma.org/resources/newsletters/topics/response.cfm

Only your response, not your name, is revealed to our editors.

Next edition, we'll print a selection of responses, combined with Paula's commentary and perspective.

We'll also provide you with a brand-new scenario to intrigue and challenge you.

PAULA BUTLER'S ADVICE ON LAST ISSUE'S SCENARIO: THE CASE OF THE MOONLIGHTING PARALEGAL

You work as a paralegal at Johnson, Mathers. Your cubicle is across from Joan Wills, a senior paralegal who mostly handles real estate conveyancing work.

Joan is often on the phone at work, talking in a low voice so no one can hear what she says, and you have often wondered what she's saying, and to whom.

One night after going out for a drink with friends, you return to the office to pick up your fitness bag. Joan, her back to you, is sitting at her cubicle with a young couple. As you walk towards your desk, you hear the couple talking about how excited they are



about buying their first home.

Joan finishes her explanation of what documents they will need to sign to complete their conveyance. As they get up to leave, Joan hands them a business card. You pick up your fitness bag and follow them out, saying goodbye to Joan. As you walk down the hall to the elevator you notice the couple unknowingly drop the card to the floor. You pick it up to return it. It says *Joan Wills, Real Estate Conveyance Specialist* but you see that it does not have the Johnson, Mathers logo on it.

That's when you then realize Joan is operating her own business, separate

The moonlighting paralegal → to Page 9

ADAM GREGOR

You be the judge → from Page 8

from her work, at the firm. You wonder if you should tell someone at the firm. Is it really anyone's business what Joan does after hours?

What do you do?

YOUR RESPONSE: *While Joan should not be using her desk, etc. at the office to do this, as long as she is doing it after hours and not using the time she should be working at the firm, I don't see a big problem with this.*

Hi, this is Paula. You are right that Joan should not be using the firm's resources to operate her own business.

Many employers have acceptable-use policies which set out that equipment such as computers, cell phones and so on that are provided by the firm should only be used for the company's business (with some minimal personal use), and if Joan's firm has such a policy she is in breach of it.


As well, using firm paper, ink, pens and the like for her own business is theft.

In addition, Joan is operating a business that is competing with the law firm that she works for, and this is a conflict of interest. Many employers have conflict-of-interest policies, and if her firm has one she is likely in breach of it.

Employees also owe a duty of loyalty to their employers, and Joan is likely in breach of this duty, particularly if she is luring clients away from the firm to her own business.

The other issue raised by this scenario is that Joan is doing the same work that she does at Johnson, Mathers in the firm's office. This may give her clients the impression that Joan is doing the work on behalf of Johnson, Mathers when she is really doing the work independently of the firm.

This could have implications for the firm if Joan makes an error and if her clients believe that she was acting in her role as an employee at Johnson, Mathers.

In short, this is a big problem for both Joan and the firm. You should tell someone what Joan is doing so that they can ensure that Joan stops this immediately. 

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Dye & Durham saves → from Page 1

aster Recovery and Business Continuity Plan.

In the end, despite all the aforementioned statements being true and having a list of other priorities to attend to, I agreed with Dye & Durham's Human Resources Manager who insisted that the time, monies and effort would be well worth the investment.



Connie Fenyo

While the company had a basic emergency framework, business interruption insurance, a designated Occupational Health & Safety Team and first-aid training, discussion on our *Disaster Recovery & Business Continuity Plan* commenced in earnest that summer.

We determined what long-term plans and investments had to be made to ensure that business would continue to run 'as normal' should we ever find ourselves in the midst of a business disruption. With the Winter Olympics fast approaching in early 2010 and—unbeknownst to us at the time—the appearance of the H1N1 flu pandemic, it became critical for Dye & Durham to ensure that a solid plan was in place. We didn't realize how extremely valuable this planning would eventually become.

Date: September, 17, 2010

Time: 5:00 p.m.

Place: Dye & Durham Branch Office, Electra Building, Downtown Vancouver

What: Evacuation of premises

After our staff had left the office to go home for the day, a fire alarm went off in the Electra Building. Within minutes, 22 floors of commercial, retail and residential owners and tenants, roughly 300 people there at the time, were cleared out of the building as smoke poured out of a subterranean space and an offensive odour blanketed the surrounding area.

A single operator attempting to level a small portion of a plaza near the entrance of the Electra used an excessive amount of solidifying foam to fill what was supposed to be a small subsidence beneath the plaza, but which turned out to be a

large void that did not appear on any building plans. The foam normally uses a heat-producing chemical reaction to turn itself as solid as concrete, but far too much was pumped into the void and the generated heat became intense and eventually combustible.

Fumes from the reaction, coupled with smoke and steam from water poured

on it by fire crews attempting to cool it, billowed out of the building, and winds spread its disgusting smell for blocks.

Over the next 24 hours, there would be further alarms and visits from authorities which culminated in the evacuation order finally being made by fire, health & city officials on September 18.

Dye & Durham saves → to Page 11

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Dye & Durham saves → from Page 10

The spread of the nasty, unexplained fumes had warranted the inclusion of a Hazmat team which determined that it was unsafe for anyone to re-enter the building until the composition of the odour was determined.

None of the building's commercial operations, including Dye & Durham, nor the several hundred residential owners were permitted back into the premises by officials until a week later, on September 23, with some businesses out for an additional week. At the time, however, nobody knew how long the skyscraper would be shut down.

As I watched the news covering the events unfolding downtown, my phone rang. "Are you watching this?" asked my Human Resources Manager.

At that point, Dye & Durham's Business Continuity Plan went into effect and I knew the efforts the management team had made since that initial discussion in August 2008 would be put to the test.

The most vital and complex part of the management of resources was in the planning and organization of the required personnel during the invocation of the plan. People needed to be well-prepared and ready to go in their emergency roles with their designated tasks and responsibilities.

Some decisions had to be made immediately, more within four hours, then still more over the next 24 hours and ongoing. Having a documented *Disaster Recovery Review Check List* was absolutely invaluable in those early hours:

- ✓ Ranking critical business functions,
- ✓ Establishing an alternative operational location and command centre
- ✓ Equipping the back-up site,
- ✓ Protecting and accessing company records and systems,
- ✓ Contacting and preparing employees and vendors outside of regular business hours,
- ✓ Implementing a communication plan via multiple channels,
- ✓ Managing evacuation procedures,
- ✓ Redeploying operational processes,
- ✓ Liaising with fire, police and city officials and
- ✓ Managing immediate and continuing

Dye & Durham saves → to Page 12

Dye & Durham saves → from Page 11

cash requirements.

All these would have been extremely difficult tasks if we would have had to have figure them out and then implement them, all on the fly.

Dye & Durham’s Business Continuity planning was supported by three pillars: Team, Technology and our Vendor Network.

1 Pillar: Technology

One of Dye & Durham’s guiding principles has been to embrace innovation; especially the advances in technology that help our organization better serve its clients.

By adopting and applying technological advances into our business, we were able to mitigate issues that could have hindered our ability to continue operations during this evacuation. Particularly, Dye & Durham’s plan included:

- a. *VoIP* - That’s a Voice-over Internet Protocol phone system. No matter the



The Electra, at Burrard and Nelson in Vancouver, was shut down, with hundreds of business people and residents evacuated, for about a week last fall while three levels of government investigated a “combustion event”. Dye & Durham’s Vancouver offices, also shut down on a Friday, restarted the following Monday after its Business Continuity plan kicked in for the first time.

level of technology employed by our clients, vendors and ourselves, we still conduct a large amount of our daily communications over the phone. As part of Business Continuity Planning, Dye & Durham had made the decision to implement a company-wide transition to a VoIP system.

When the evacuation order was issued, Dye & Durham could remotely and seamlessly transfer the Vancouver office phone numbers to our New Westminster location where clients could speak with court-registry specialists, conduct work as usual and remained informed of the ongoing emergency situation.

- b. *ETRAY* — That’s Dye & Durham’s electronic search-and-registration portal for multiple court registries. It enabled clients to submit their search and filing requests electronically to Dye & Durham while taking advantage of pre-vetting, mitigating risk and integrating cost-recovery functionality.

As part of our Business Continuity Plan, prior to the evacuation, several of our employees were set up to work from home. Clients were notified via our communications updates that they could continue to forward their requests via ETRAY™ and track the registration progress of their documents electronically.

- c. *E-filing* – Dye & Durham ensured that staff was fully trained in e-filing for all practice areas that provided e-filing services. During this week in September 2010, staff that were normally located in the Vancouver office moved to another branch, to our contingency centre or to operate from home as they conducted e-filing and answered calls from the Vancouver phone lines. The marriage of the VoIP phone transfer and e-filing enabled these registry specialists to conduct daily business from a completely different location.

- d. *Robust accounting & tracking system*
If you’ve ever dealt with a Dye & Durham hardcopy work order, you’ll likely have noticed a barcode in the top right-hand corner.

Each work order that comes through Dye & Durham’s door is scanned through a barcode reader by our dis-

patch team and then is again scanned when it reaches the department which will be handling the work.

This tracking system allows Dye & Durham to determine where any work order is at any given time. During the evacuation, this system identified open Vancouver work orders in our system, thereby enabling us to determine which pieces of work were sitting in our evacuated office and out of our reach.

This information meant staff could contact our clients to advise them of the situation and make alternate filing arrangements if required.

- e. *Dye & Durham Security protocol* — This includes all of Dye & Durham’s web and database servers, which are hosted at an off-site secure facility in downtown Vancouver.

Access to the site is restricted to key-authorized personnel from Dye & Durham. Besides 24/7 video monitoring and locked personal rack space, all

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Dye & Durham saves → fro Page 12

the entries and exits to the facility are recorded and can only be accessed by opening a ticket for a visit, which requires an RSA token. Redundant internet connections, gateways and power are used to ensure there is no single point of failure.

All systems are fully clustered and backed up daily, thus ensuring there was no service disruption for our clients.

2 Pillar: Team

The technology tools that Dye & Durham uses are only as powerful as the people that use and support the systems. Our Business Continuity Plan is structured around teams, and each team has a set of specific responsibilities.

I can't stress enough that directions in a crisis need to be clear and concise. As such, an important element in any team structure is the person you choose as the Leader.

- ✓ All staff and teams must know who this individual is before the crisis occurs.
- ✓ The authority of this individual in an emergency situation supersedes titles.
- ✓ This person must be prepared, but adapt to changing conditions as necessary.
- ✓ This individual should understand the dynamics of the situation, quickly size up the strengths and weaknesses of the disaster recovery/business continuity operation while clearly understanding the requirements of employees, clients and partners to deliver acceptable business service levels.

Dye & Durham used a system involving a Plan Owner, a Disaster Management Team Leader (DMTL), an Operations/Facilities Team Leader, a Network Team Leader and a Communications Team Leader. Each team had key responsibilities.

In our case, the DMTL had three main responsibilities: i) providing overall direction of the Disaster Recovery Interim Operations during the business disruption ii) liaising with the team leads, and iii) meeting with building, health and city officials to ensure that Dye & Durham had the most up-to-date infor-

mation about the evacuation notice on an ongoing basis.

Setting up the alternate site at a predetermined downtown hotel within a few hours of learning of the evacuation, making decisions about the computer-processing environment, communicating with all affected parties, managing the team network, maintaining audit & security controls and keeping a lid on and recording emergency costs and expenditures kept our team leads busy.

Once the standby facility was secured, the Operations/Facilities Team leader arranged transport and installation of the standby equipment in the hotel. It was made ready – things like computers, phones, fax machines, monitors and printers, and they were set up as workstations for our employees, in order to meet Dye & Durham's minimum operating requirements.

This Team Lead also co-ordinated with IT to ensure the operating system was accessible to staff, provided signage for courier deliveries, ensured visibility, informed hotel staff at front reception as to the nature of the business and the expected activities that would follow, and finally, installed a communications whiteboard with pertinent current information, while ensuring health and safety requirements were observed.

The Communications Team Leader was responsible for obtaining communications directives from the DMTL, communicating information about the disruption and interim facilities progress and processes to employees, suppliers and customers.

A well-thought out and organized communications plan is critical in a crisis. During the evacuation, two channels of communication were key in keeping our business continuity as seamless as possible; communications with our staff and communications to our clients. Our Business Continuity Plan was initiated after an initial discussion between our HR Manager, Communications Manager, Director of IT & Finance, Logistics Manager and myself. These managers stepped into their roles, as outlined in the Plan, over the weekend.

Emails and phone calls were made to key personnel to ensure that Dye & Durham was ready to service our clients

at start of business on the following Monday, September 20th. Our Logistics Manager ensured that dispatchers were aware of the new dispatch location and that our contracted courier provider was prepared to be on location at our contingency office, or regular start of business.

Our HR Manager contacted affected staff that Saturday to let them know where to report to work – whether from home, at the contingency location or another Dye & Durham branch. Our Communications Manager initiated an internal communiqué outlining details of the evacuation, latest word from officials, expectations and responsibilities of staff.

External communications went out to our clients via phone, email, ETRAY posts, hard copy updates by way of our courier network and lastly through our *Industry Updates* and RSS feed. By start of business that Monday, our employees, systems and processes were ready at our branches and at our contingency location. Vendors had been contacted and were ready to assist.

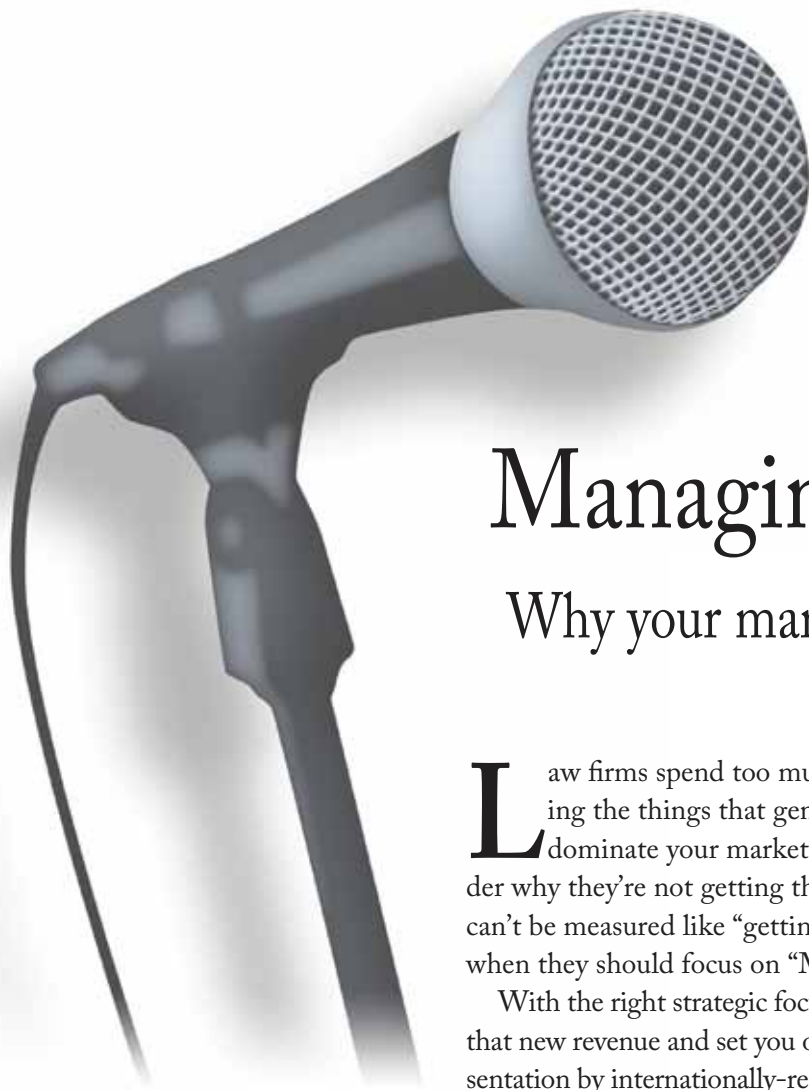
While our team members are each specialists in their roles within Dye & Durham, we focused a lot of time and energy in cross-training staff to handle a number of different roles as part of our business-continuity planning. We also hired a 'floater' pool to pull employees across departments to ensure coverage and business continuity in the event of loss of staff or the need for team members to assist during periods of staff absence or increased work.

Our managers led their specific teams through this disruption and ensured ongoing communications with other departments and our clients. Our staff embraced their roles, whether it was co-ordinating the dispatch of couriers from a physical location blocks away from our office, filing documents online from a different office location, or at home late in the evening to ensure the work got done for our clients.

2 Pillar: Vendor Network

During a business disruption, our vendor network really is an area of a Business Continuity Plan that deserves its own heading.

Dye & Durham saves → to Page 17



BCLMA Annual

Managing Partners Event

Why your marketing isn't generating revenue.
And how it can.

Law firms spend too much time on the wrong things, and not enough time doing the things that generate significant new revenue. Things that help you dominate your markets. Each year, they repeat the same mistakes, then wonder why they're not getting the results they want. Too many firms focus on goals that can't be measured like "getting our name out there" or jumping on the latest fad when they should focus on "Making Money."

With the right strategic focus and clear execution plan, your marketing can generate that new revenue and set you on a course for market leadership. This hard-hitting presentation by internationally-recognized Ross Fishman will show you how.

The BCLMA Board of Directors invites all BCLMA Representatives and Managing Partners to join us at our annual, complimentary, Managing Partners Event to learn more, ask questions, gather new information — and network with your colleagues.

- Thursday, November 3, 2011
- 5:30 p.m. | Reception followed by Dinner with Guest Speaker, Ross Fishman
- Four Seasons Hotel,
791 West Georgia Street, Vancouver
- To register, please contact:
Jane Kennedy at membership@bclma.org
- Registration deadline: October 31, 2011
- Guests' price: \$80 inclusive, per person*

ROSS FISHMAN

Guest Speaker Ross Fishman, the CEO of Fishman Marketing and former litigator, is among the legal profession's most engaging and informative speakers.

Ross has an international reputation as one of the legal profession's most experienced and innovative marketing strategists. He helps law firms dominate their markets and drive millions of dollars of additional revenue.

Fishman Marketing has designed campaigns for nearly 100 firms worldwide, and presented at over 250 marketing programs and firm retreats.



- Phone: 1-847.432.3546
- Email: ross@fishmanmarketing.com
- Twitter: [rossfishman](https://twitter.com/rossfishman)
- Web: FishmanMarketing.com
- Blogs: RossFishman.com; LawFirmSpeakers.com

* Cancellation Policy: Due to the financial commitments the BCLMA must incur to the hotel, we require 72 hours' cancellation notice or full ticket cost will be charged. Substitutions welcome.

THIS EVENT SPONSORED BY



Relevant websites → from Page 1

selves. Doesn't that start to look ridiculous?

There's a better way and others are taking the route. Take tax-services provider H&R Block for instance. The majority of their clients don't want to navigate through detailed forms or tax laws, so they opt for a simple, credible service to help them. They could be senior citizens who need large fonts, or individuals who just need an easy step-by-step method to file their return. They are not CAs who will analyze the fine print and have dog-eared copies of the Income Tax Act under their elbow.

Now, look at how H&R Block designed their home page. Big, bold and dead-easy to navigate.

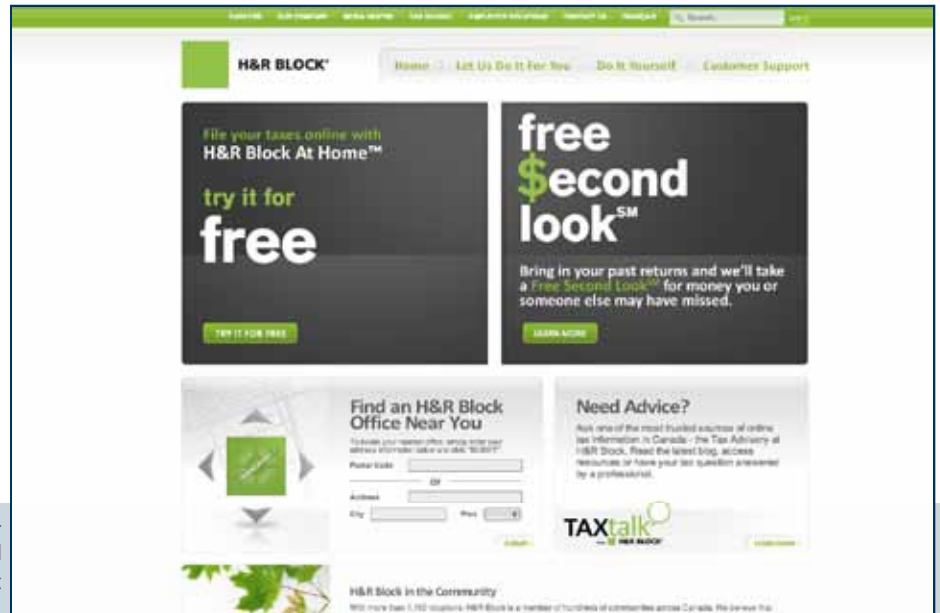
Go deeper into the site and you'll find it just as simple to read and locate infor-

H&R Block's website home page is bold and inviting. It's aimed at intriguing existing, previous and potential customers. Plus, it's simple to navigate at every level, and just as appealing.

mation. The language speaks to me – their visitor – directly, and that's appealing. They don't tell me how many tax filings they've prepared, or how much they've saved their clients. Instead, they entice

their visitors with a 'free' offer. Again, thinking about the audience and their level of fee-sensitivity, 'free' is likely an effective copy strategy to keep visitors on the

Relevant websites → to Page 16



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Phone: 604.685.1078 Toll free: 800.667.0332

www.sai.ca

Relevant websites → from Page 15
 site and navigating deeper to learn more. 'Free' is mentioned not once, but four times on the home page.

The site style and language is client-centric. It demonstrates an acute understanding of the audience's needs, and delivers.

Bring this back to law-firm websites. If your firm specializes in personal injury (just to pick one area of law), what will your clients and prospects need and want from you? They'll likely appreciate details about litigation and settlement procedures. They will also probably be highly fee-sensitive, so outlining the low- (or no-) risk contingency fee model will be important. Same goes for family law, but I'd add some ADR information and links to personal resources, calculators and other useful information to ensure the site is helpful.

Testimonials are effective with all areas of law, but particularly for personal legal

The Canadian home page of the international accounting and management firm, Pricewaterhousecooper. The newsy page design is still organized to help busy executives find their way.

services when we need more personal reassurances that we're choosing the right lawyer.

If you're a corporate finance securities firm, you'll want to use succinct, fact-based language for the hyper-busy and detail-oriented COO or CFO, but provide opportunity to drill down in to the site for

details. PricewaterhouseCoopers' website does this well.

Take a look at the Canadian version of its home page. It immediately establishes its expertise with keyword subheading, and engages us with thought-leadership on key topics and newsy items such as emerg-

Relevant websites → to Page 17



MAKING THE MOVES...

WELCOME, NEW & RETURNING AFFILIATES!

Kanchan Thindal of McQuarrie Hunter, **Launa Jung** of Lindsay Kenney LLP and **Helene Dove** of McMillan LLP have all joined those firms as Human Resources Managers... **Lettie Benecke**, Finance, Klein Lyons... **Harmony Cornwell**, Facilities & Services, Blakes... **Eric Sherbine**, Knowledge Management, Fraser Milner Casgrain LLP... and **Christopher Bailey** will lead the Marketing Group at McMillan LLP while **Angela Bolzonello** takes maternity leave..



Launa Jung

WELCOME NEW FIRMS AND THEIR REPRESENTATIVES

Cassandra Xuereb, Coutts Pulver LLP, Vancouver and **David Hunt**, Hammerberg Altman Beaton & Maglio LLP, Vancouver, have both joined the BCLMA.



David Hunt

*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.*

FIRMS ADVERTISE ON JOB BANK FOR LAWYERS, PART OF BCLMA WEBSITE

The BCLMA launched its new online job bank for lawyer positions earlier this year. We've already had several firms advertise there.

The lawyer job board is available to any law firm (BCLMA member or not), company or business that has lawyer roles to fill.

For \$350 plus tax (a fraction of the cost of other, larger job sites), the posting will appear on the website for 30 days. Revenue generated helps cover costs to maintain and update our website.

Posting all other legal-related, non-lawyer positions on the BCLMA website remains a benefit of membership.

As your clients' needs grow and your firm expands, keep the BCLMA online Job Bank in mind! Email your job description in a plain-text document to membership@bclma.org

Relevant websites → from Page 16

ing technologies and Canadian software companies. These abstracts draw us deeper into the site for more detail.

What's more, a busy executive can quickly find the information needed. There are multiple ports into the site with lots of navigation on the top and bottom of the page, as well as throughout the different sections of this home page. Plus, there's drop-down navigation off the main navigational buttons at the top, lessening my frustration should I not immediately see my quest.

This magazine-style format is pleasant enough to view, but helps us find the right information quickly and efficiently.

As a law firm, how you communicate legal issues (beyond the presentation of information) will help connect you with visitors to your site.

Often we get caught up using our own vernacular and alienate readers because we inadvertently require them to translate our terms into plain English. Not only

should we write to our audience's average level of knowledge or understanding, writing with key words is critical to attracting

WEBSITES STILL MATTER AMONGST SOCIAL MEDIA


traffic to your site. Again, choose words and terms your clients use – not those of your colleagues. See which words are most commonly used by visiting Google *Adwords* here: <http://goo.gl/b2kC>

Weave those terms naturally into your writing for your website.

Consider as well the most common information for which your visitors will look. Spend some time thinking about how clients will use your site and how you can map out the content so they can find it easily.

Consider, too, how information relates to other information. Think of it this way: grocery stores put salad dressing reliably in the mayonnaise aisle for when I set out to find it, but it's also placed with the boxes of lettuce to get me thinking about salad dressing, and then salad makings.

A client reading about your real estate practice may not realize that you have complementary contaminated-site expertise. Don't make them hunt for information; place it intuitively in several areas so the site is as relevant and client-centric as possible.

Yep, your website still matters amidst the forest of social media. Don't let anyone tell you otherwise. In the meantime, I hope to see you on Twitter or LinkedIn! 

Susan Van Dyke, Principal, Van Dyke Marketing & Communications is a law-firm marketing consultant based in Vancouver, BC. In her spare time, she enjoys frolicking on Twitter and LinkedIn. She can be reached at 604-876-7769, svandyke@telus.net, twitter.com/lawyerPR

Dye & Durham saves → from Page 13

We found the vendors and service providers who serviced our company and helped us conduct our business during this disruption were a vital part of why our business continuation succeeded.

The primary vendors supporting our organization were fluid in the way that they serviced us, were willing to accommodate sudden changes in the way we ordinarily conducted business and, most importantly, were available, accessible and helpful during off-hours.

It was helpful during our planning discussions to discover which vendors had a sound Business Continuity Plan in place themselves.

Had they not been prepared, our clients would have felt more of the impact of the evacuation.

Lastly, superstars always emerge during a crisis. At Dye & Durham, we talk often about the corporate Guiding Principles we believe in within our organization. Our staff members were the real heroes in this disruption.

Leaders emerged on the front lines, stepping up and embracing our values of accountability, ownership of challenges

and innovation in finding solutions. If it weren't for them, we wouldn't have fared as we did. I am indeed lucky to have the dedication of this group of employees.

Date: September 27, 2010 - Now

Place: Offices of Dye & Durham, Electra Building

What: Business as Usual

The evacuation order at the Electra building, although not a disaster, was a disruption and provided Dye & Durham with a chance to test the Business Continuity Plan whose key components had been finalized only a short time earlier in the year.

Planning takes a little effort in comparison to starting from scratch in situations of uncertainty and you definitely can't plan for everything. There will always be surprises.


Keep in mind, we also had some luck on our side; the initial building evacuation happened over a weekend giving us some time to prepare, the closure was at a branch office not our head office, and we had staff we could move from one location to another.

Nonetheless, after a debrief session with our staff, we have taken what we've learned from that week-long business disruption and made some tweaks to our plan to encompass its lessons.

We also realize we have more work yet to do regarding planning for a real-life disaster.

For those seven days in September, our staff and vendors confidently stepped into their roles and performed well. The technology we implemented and relied upon worked as intended.

Most importantly, our clients felt little or no impact to our service levels. It was the greatest compliment in speaking with several of our BCLMA clients later in the year to learn they hadn't even realized there had been a business disruption.

Thanks to our plan and our people, it remains business as usual at Dye & Durham. 

Connie Fenyo is the President of Dye & Durham Corporation. Contact her to discuss Dye & Durham's method of maintaining business continuity throughout this disruption in more detail at 604-257-1822 or cfenyo@dyedurhambc.com

AND THE CLOUDS HELD OFF, TOO

More people, more fun at Summer Social

Photos by Dennison Lee, Harper Grey LLP

The BCLMA's annual Summer Social was held on June 9 at Bridges Restaurant overlooking False Creek.

There were 105 Representatives and Affiliates and Alumni members attending the event, setting yet another attendance record – up 10% from last years' record attendance of 95. This event consistently grows year after year.

The skies were clear and the temperature was cool, but most braved the slight
[Summer Social](#) → to [Page 20](#)



The crowd, a portion shown here, bursts into applause as the Summer Social event begins



Gurjinder Sandhu of Alexander Holburn; Emelina Fajardo of Whitelaw Twining



Heather Walker of Slater Vecchio, Dan Phung of Stikeman Elliott; Janette Cooke of Legacy Tax & Trust Lawyers; and Aimee Kunzli of Slater Vecchio



Gary Saretsky of Ricoh and Janice McAuley of Lawson Lundell



More Summer Social pix on Page 20

Shawn Gregson, Maggie Edwards and Harmony Cornwell, all of Blake, Cassels & Graydon

BCLMA Educational Event

NICHE AND INDUSTRY MARKETING

Branding for Individuals, Practices and Firms like yours.

Looking to jump-start your marketing efforts? Want to generate tangible results more quickly? In one fast-paced session, you'll learn all you need to know to advance your marketing efforts.

These cutting-edge branding strategies work equally well for individuals, practice areas and firms.

Designed for skilled lawyers and marketers, this simple, practical and wildly effective process is among the fastest routes to client-development success.

We guarantee you will leave feeling energized, educated and entertained, with a clear understanding of exactly how to market most efficiently.

The BCLMA Board of Directors invites all Representatives and Affiliates, as well as lawyers, Marketing Partners or Committees, and members of other Associations (LMA Vancouver, CBA), to attend this special event.

- Thursday, November 3, 2011
- 11:30 – Noon | Registration & Lunch
- Noon–2pm | Guest Speaker
- Four Seasons Hotel,
791 West Georgia, Vancouver
- To register, please contact
Jane Kennedy at membership@bclma.org
- Registration deadline: October 31, 2011
- All registrants: \$99 inclusive per person*



ROSS FISHMAN

Guest Speaker Ross Fishman, the CEO of Fishman Marketing and former litigator, is among the legal profession's most engaging and informative speakers.

Ross Fishman has an international reputation as one of the legal profession's most experienced and innovative marketing strategists. He helps law firms dominate their markets and drive millions of dollars of additional revenue.

Fishman Marketing has designed campaigns for nearly 100 firms worldwide, and presented at over 250 marketing programs & firm retreats.

- Phone: 1-847.432.3546
- Email: ross@fishmanmarketing.com
- Twitter: [rossfishman](https://twitter.com/rossfishman)
- Web: FishmanMarketing.com
- Blogs: RossFishman.com; LawFirmSpeakers.com

* Cancellation Policy: Due to the financial commitments the BCLMA must incur to the hotel, we require 72 hours' cancellation notice or full ticket cost will be charged. Substitutions welcome.

Summer Social → from Page 18

chill to indulge in drinks and canapés on the patio.

Due to the slightly smaller venue, we strayed from the usual buffet dinner this year to enjoy a plated dinner with a choice of three entrées. The food and service were very well received.

ZSA Legal Recruitment, represented by Elizabeth Borrill and Joanne Todgham, attended once again as a long-time event sponsor. In fact, this is the fifth consecutive year ZSA has generously supported this summertime affair. ZSA also donated a beautiful insulated picnic bag filled with goodies as a draw prize which was won by Ruth-Ann Spencer, Bull Houser & Tupper LLP.

Summer Social → to Page 21



Carol Gielens and Sandy Delayen, both of Bull Houser & Tupper;
Euan Sinclair of Lawson Lundell



Caitlin Spelliscy and Kerri Antifaev, both of
Alexander Holburn Beaudin & Lang



JoAnne Todgham and Elizabeth Borrill, both of ZSA Legal Recruitment
and Kimberly MacMillan of Simpson Thomas & Associates



Colin Cameron, Alumni, and
Tim Wurtz of Baker Newby



More Summer Social pix on Page 21

Alicia Bond and Ruth-Ann Spencer, both of Bull Houser & Tupper
and George Lo of Alexander Holburn Beaudin Lang

Summer Social → from Page 20

Also joining us this year as a summer sponsor was Ricoh Canada. Todd Mulherin and Gary Saretsky represented the popular document-management and image-communications company. Ricoh also donated a draw prize of four tickets to a White Caps soccer game, won by Colin Lydell of McCarthy Tetrault LLP.

Thank you to both sponsors! We greatly appreciate the ongoing support of ZSA and Ricoh. The emcee was our newly elected President, Ernie Gauvreau. Ernie opened the night by acknowledging BCLMA's commitment to recycling: our name badges... and presidents!

This is Ernie's second time in the role for BCLMA; he also served during the

Summer Social → to Page 22



(l-r) Jane Kennedy, BCLMA; Don Zarowny; BCLMA director Paula Kiess of McCullough O'Connor Irwin; Angela Zarowny, BCLMA treasurer; Stephanie Marsh, former BCLMA president; Ernie Gauvreau, current BCLMA president



Colin Lydell of McCarthy Tetrault and Todd Mulherin of Ricoh



John Pater of Davis; Gary Carter of Paine Edmonds and Bob Waterman of Richards Buell Sutton



Jonathan Steele of Harper Grey



More Summer Social pix on Page 22

Agustino doSouto, Leslie Morgan and Donna Clarke, all of Harper Grey

Summer Social → from Page 21

2006/07 term. The BCLMA donated a number of gift cards as draw prizes.

Congratulations to our winners:

Liquor Store:

- ✓ Lorraine Burchynsky, Boughton Law Corporation
- ✓ Corinne Paulin, Lunny MacInnes Dawson Shannon Law Corporation

Joey Restaurants

- ✓ Launa Jung, Lindsay Kenney LLP

Bed Bath & Beyond

- ✓ Eric Pedersen, Farris LLP

The Bay

- ✓ Dirk Fleming, Lindsay Kenney LLP

Indigo Books

- ✓ Alicia Bond, Bull Housser & Tupper LLP

Starbucks

- ✓ Kris Shobridge, Boughton Law Corp.

Visa

- ✓ Harmony Cornwell, Blakes LLP

Mark your calendars now for the annual Winter Social! Thursday, December 1 at the Terminal City Club.

The BCLMA Board of Directors thanks everyone who attended our annual Summer Social, it was another successful event.



Sh'eli Mullin of Camp Fiorante Matthews and Andrea Pantages of Mandell Pinder



Sonia Kenward of Fasken, Carol Hastie of McCarthy Tetrault and Brenda Plowman, also of Fasken



Gillian Crabtree of Edward Kenny and Kate Melville of Farris Vaughn



Rob Walls, Boughton Law Corporation

LAWYERS ASSISTANCE PROGRAM SOCIETY OF B.C. NOT JUST FOR LAWYERS

A call for you to be part of the solution, not part of the problem

By **Derek LaCroix QC, Executive Director, Lawyers Assistance Program**

I want to make clear that the Lawyers Assistance Program is available to *all* legal-support staff. We want to hear from all members of our legal community.

The Lawyers Assistance Program Society of B.C. is an independent organization of members of the legal community (lawyers, judges, support staff, and families).

We provide peer support and referral services to help people deal with personal problems, including alcohol and drug dependence, stress, anxiety and depression.

We are volunteers and staff committed to providing confidential, compassionate, and knowledgeable outreach, support and education. We seek to foster collegiality among our peers and to promote health and well-being in our community.

There are several ways you can become involved with the LAP:

- 1 Ask for assistance for yourself;
- 2 Attend one of our *Healthy Living* seminars, or one of our ongoing support groups;
- 3 Volunteer to help others;
- 4 Call in and let us know if you observe another member who may be in distress.

Each call we receive is treated as confidential. We treat each communication as having solicitor/client confidentiality.

Once we receive two independent calls or referrals about a person who is exhibiting behaviours that are causing concern to others, we approach the person.

Myself or other volunteers or both, all



Derek LaCroix

of whom have worked through our own difficulties and are in a position to have compassion for the individual, make the approach.

We are non-judgmental; we do not prejudice or pre-assess the person. We are concerned with observations of be-

haviours and conduct, not with conclusions about the cause of those behaviours. We are non-disciplinary. We are respectful of each person.

concern for our profession and a lot of good will among our members. There does, however, seem to be a reluctance to interfere in others' lives, perhaps to risk confrontation. LAP is not asking you to interfere in anyone's life, nor to jeopardize anyone in any way

If you find yourself talking about someone you think is facing challenges, be constructive and share your concerns with the LAP. Call me or call one of the local LAP representatives.

We will not contribute in any way to spreading gossip. We will provide the individual with an opportunity to understand the impression they are making on others and to offer information and assistance—which can be life-saving.

No harm will be done and possibly a great deal of good can be accomplished.

Many times I have called to ask about a person and to offer help, and have been greeted by a welcoming and sometimes even a re-

lieved person.

Don't be part of the problem: Avoidance and gossip. Be part of the solution: Compassionate outreach.

Derek LaCroix, QC, Ph.D. joined LAP as Executive Director in 1996. With more than 30 years of work experience, he brings a sincere and valued perspective to his commitment to both the organization and to the BC legal profession.

Derek practiced law for 18 years then expanded his skills in business and counseling. This diverse range of interests has helped him become a respected leader in the legal, health care and recovery communities. Contact the LAP: 604.685.2171 | (Toll free) 1.888.685.2171 info@lapbc.com or www.lapbc.com



haviours and conduct, not with conclusions about the cause of those behaviours.

Our approach involves presenting information (without identifying the source) to the individual, asking them what is going on, and offering assistance or information or both.

This is all done in the strictest of confidence. We base our approach on empathy and compassion.

We are non-disciplinary. We are respectful of each person.

We offer short-term counseling, practical assistance, referrals, assessments, information and ongoing support.

In talking with many members of the legal community, I have found a lot of

TIPS AND TRICKS TO HELP YOU...

Succeed at challenging conversations

By Diane A. Ross, speaker, facilitator and executive coach

Our ability to successfully engage in challenging conversations is critical to creating the kinds of results and having the kinds of relationships we want in both our professional and personal life.

Challenging conversations are those hand-wringing discussions you worry about and lose sleep over. You imagine having to confront poor performance, deal with offensive or disrespectful behaviour, deliver difficult news, or say no to your employees, boss... even your mother!

Many of us go to great lengths to avoid these conversations. We tell ourselves all sorts of stories to try to convince ourselves it is not worth having the conversation, yet if we don't step up, nothing changes.

So how can we approach these talks to improve our chances for a successful outcome? Let's look at a situation and break it down:

Imagine that your boss, Jim, has a habit of cutting you off whenever you share your ideas at meetings. You haven't said anything to date because you didn't want to rock the boat. After all, he is your boss! Lately though, it has really started to bother you, and you wonder whether you should bring it up.

PREPARATION

❶ *What is happening?* What are the facts and what are your assumptions or beliefs about what is going on? Fact: Jim stops you from sharing your ideas in meetings. Belief: Jim is arrogant and condescending. Assumption: he is not interested in anything that people have to say.

❷ *To engage or not to engage?* Ask yourself what is at stake for yourself and others. For you, it might be your reputation and your sense of worth. For the team, it may be having the opportunity to hear all perspectives on an issue in order to make the

best possible decisions.

❸ *Adopt your purpose for having the conversation.* This really requires asking yourself what is within your control and what you are hoping to achieve. It is also helpful to be clear about your bottom line. Perhaps you want to educate Jim about how his behaviour impacts you. Perhaps it's about how you want to improve communication and decision-making in your team meetings.

❹ *Anticipate the reaction.* How will the other person react? Will they become angry, defensive, or combative? Preparing yourself for their reaction will help you hold your ground, and stop you from



backing down or responding in kind.

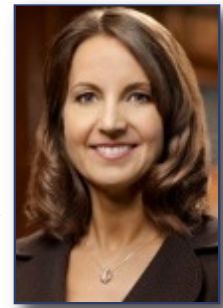
HAVE THE TALK

Remember your abc's. Prepare and deliver a message that is accurate, brief and clear. It is important when having these conversations that you get to the essence of what matters most without delay. Be specific and factual. Avoid shame and blame.

Motto: Be clear. Be concise. Be confident.

The message may be something like: "I would like to talk to you about something that is bothering me. In our last team meeting, when I started to share my ideas on the X project, you interjected with your own view, and I did not

have the opportunity to finish. I feel discouraged because I have put a great deal of work into the X project. I get the sense that you are not interested in my ideas or perspective. Have I got it right?"



Diane A. Ross

NAVIGATE THE CONVERSATION

❺ *Inquire and listen attentively.* Once you have delivered your message, be prepared to listen to understand how the other person is thinking and feeling. Ask yourself: "What is going on for Jim?" Be curious about why he is behaving this way. Your goal is to question your as-

sumptions about Jim and his behaviour. Ask "TED" type questions that seek to clarify: Tell me, Explain to me, Describe to me.

❻ *Allow for silence.* The moments following the delivery of the message are often the most difficult. You may be tempted to back down or compromise on your position. Hold your ground!

❼ *Listen up!* Understand how the other person is thinking and feeling by listening. It's more than not talking; it's about being present and curious. Resist the temptation to interrupt and refute. Stop

yourself from giving advice or trying to problem-solve. When you feel like making a statement, ask a question instead.

❽ *Acknowledge the other's perspective and feelings.* Acknowledging Jim does not mean that you agree with him. It is about appreciation and respect. How can you acknowledge the other person? You can convey your understanding of what you hear the other person saying without parroting their words. Parroting is for birds! You can show empathy or understanding for their feelings, rather than sympathy.

❾ *Wait for an opportunity to clarify if necessary.* Go back to ask further open-ended, TED-type questions if needed. Continue

Walking the talk → to Page 25

Walking the talk → from Page 24

the loop of questioning, listening and acknowledging as needed.

Depending on Jim's response you could say: "I am hearing that it is not your intention to shut me down or send a message that you are not interested in my ideas, yet when you interrupted me when I was talking, the impact on me was to feel discounted. I am also concerned that when the discussions end so quickly, we may not be making the best possible decisions. Is there another way we can share ideas at these team meetings so that peo-

ple feel that their input is valued?"

10 Stay cool and manage emotional reactions.

Be prepared for a strong emotional reaction. Remember their reaction is about them, not you.

Choose not to react. Resist the temptation to respond in kind, back down, become defensive, justify or problem-solve. Instead listen and acknowledge; it will take the wind out of their sails.

Remember that becoming defensive or argumentative will only add fuel to the conflict. Be calm and neutral. Choose to stay cool!

END WELL

1. Clarify what you have both understood
2. Clarify what you've agreed to
3. Next steps – Decide who will do what by when.



Diane is an experienced speaker, facilitator and executive coach. She works with leaders, managers and professionals helping them to succeed in their challenging conversations and negotiations. She is also non-practicing lawyer with the Law Society of British Columbia.

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LAW ALUMNUS DONATES \$11.86 MILLION TO UBC FACULTY OF LAW

The University of British Columbia has received an \$11.86 million gift from law alumnus Peter Allard, which will support the UBC Faculty of Law's new building, establish an international prize that supports freedom, integrity and human rights, and create an online historical faculty archive.

The gift is the single largest donation to UBC's Faculty of Law and one of the largest donations ever to a Canadian law school. In honour of Allard's generosity, the university will name its soon-to-be-completed law building Allard Hall.

A lawyer, businessman and philanthropist, Allard leads investment company Peterco Holdings Ltd. and previously founded his own law firm Allard and Co. In 1993, he established the Highbury Foundation, which has supported medical research, equipment and scholarships for universities and colleges in Western Canada.

"I am a proud UBC alumnus," says Allard, who received his Bachelor of Arts and Law degrees from UBC in 1968 and 1971, respectively. "Ever since my days at UBC, I have possessed a strong belief in the enduring and transformative power of a legal education, and I believe this profession provides for the long term greater good of society.

"Peter Allard's generosity reflects a defining characteristic of UBC Faculty of Law graduates: a commitment to the pursuit of justice," says Prof. Stephen Toope, President of UBC. "Like others before him, Mr. Allard has sought to inspire and provoke, persuade and persevere, and to pursue justice at the local and international levels. UBC is grateful for his passion and leadership."

Inspired by the strong support from the legal community for the law building campaign, Allard directed \$9.825 million of his gift towards the completion of the new building. Private fundraising for the building will thus total nearly \$35 million, making the campaign the most successful private fundraising effort in history for a Canadian law school building. The University has committed the remaining \$21 million toward the building's \$56 million cost. "With the funding for the building now in place," said Toope, "UBC Law, in its new home at Allard Hall, will be able to focus its talented faculty, staff and students on



Donor Peter Allard (left) and Mary Anne Bobinski, Dean of the Faculty of Law at the signing ceremony. Allard founded Allard & Co, a law firm, but currently heads an investment company, Peterco Holdings.

DON ERHARDT

carrying out its strategic plan to be one of the world's great centres for legal education and research."

"The UBC Faculty of Law is extremely proud that our new building will bear the Allard name," said Mary Anne Bobinski, Dean of the Faculty of Law. "Allard's generous contributions to the Faculty of Law will support legal education in British Columbia for many generations to come."

An amount of up to \$1.75 million will establish the annual Allard Prize for International Integrity, which will recognize one or more individuals or entities worldwide for their fight for freedom, human rights and against corruption. "This prize will enable UBC Law at Allard Hall to take a leadership role in promoting the transparency, accountability and checks and balances necessary to establish human rights and economic development around the world," Allard says. "In looking back over my many years in law, there is no more important class in my mind than the first year course in ethics. Honesty, integrity and the unofficial 'smell test' are the hallmarks of the Rule of Law, and with the Rule of Law comes justice."



PERFORMANCE IMPROVEMENT PLANNING: PART 2 OF 2

Tips to get action from employees who don't always do what you want them to do

By Lisa Dawson, Administrator,
Oyen Wiggs Green & Mutala LLP

Last issue, I wrote the first of a two-part summary of performance improvement tips for a supervisor. That part showed how to diagnose a performance issue; the opportunity to improve is the first step.

Once you've answered those FAQs and determined what you, as a supervisor or hands-on manager, need to do, how do you do it?

There is no sure-fire method that works for all staff; that's because personalities and social intelligence come into play. However, in this final section of my two-part article are five popular tips worth discussion.

1 **Recognize efforts & accomplishments:** Every survey ever done on motivation has repeatedly highlighted the fact that money doesn't rank as the biggest motivator for humans; it's recognition. After all, we are all competitive with our salary. There is an art to recognition. Praising your staff's effort in public is much more effective than doing it in your office.

Example: You are in a department meeting and you praise an employee for their efforts to cross-train. Now this employee is forced to maintain their new-found image, and, what's more, they will appreciate you for doing that!

2 **Make deposits:** Books on motivation claim that managing people is not as complicated as it seems.

Most use the metaphor of

the human relationship as a bank account. To withdraw from it, you must first deposit into the account, and there is no overdraft facility. Whenever you can accommodate your employees' special requests, do it. Take every opportunity to increase your account. Spend some time socializing with them after hours. Be the

first one to send them cards on their birthday, or to mark years of service with recognition or to inquire into the well-being of their nearest and dearest. If you go the extra yard for them, they will go the extra mile for you.

3 **Feeling of importance:** Many supervisors, for some strange reason, hide information from their employees. Maybe these supervisors feel that their team or department members have no use for or entitlement to that important information.

Ian J. Cook, the Director of Research & Learning for the BC Human Resources Management Association, wrote about the reality of this under the heading Developing Great Performance in the September 15, 2009 issue of his blog: "Without sharing your vision/goal, you will never have the full commitment of your team."

Leadership is not successful if you do not command the commitment of your team.

Make every team member feel important by communicating your goals, strategies and vision. It's amazing what people will do when you tell them that you depend on them to accomplish the organization's goals.

4 **Art of criticism:** Most supervi-

sors feel they have mastered this art, at least. Not me! This is a never-ending attempt at success. As much as I read, learn and try, experience has taught me a few things I'd like to share here, among many, many others.

- ✓ Never criticize the person; instead, focus your criticism on the action.
- ✓ Let the criticism be constructive.
- ✓ Always criticize in private.
- ✓ Use the "sandwich technique." Sandwich the criticism within two encouraging statements.

5 **Blame Game:** Despite the best efforts of your department, it is possible you missed a deadline and there is a problem with



Lisa Dawson



five tips

1. Recognize efforts
2. Make deposits
3. Feeling of importance
4. Art of criticism
5. Blame game

**WITHOUT SHARING
YOUR VISION/GOAL,
YOU WILL NEVER
HAVE THE FULL
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quality of the product. As a leader, accept the blame and resist the temptation to put the blame on department members. Do not turn the meeting into a "blame-storming" session.

If one cannot accept responsibly for failures, one should not accept the responsible position itself. It is humility rather than ego that will earn you the respect and commitment of the entire team.

Keep these tips in mind and you'll find yourself well on your way to improving the performance of your team, and your firm! Good Luck!

Lisa Dawson, Administrator at Oyen Wiggs Green & Mutala LLP, has more than 25 years of experience leading staff in various management roles. Contact her at ldawson@patentable.com

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