

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

**FEEDBACK HELPS CLIENT SERVICE – NO MATTER WHO’S THE CLIENT**

## Know the client but, first, lawyer, know thyself

by Adam Pekarsky, Founding Partner, Pekarsky Stein

I was a perfectly average law student. I have no idea where I ranked in my law school class, though I am certain it was not in the Top Ten.

I’m always surprised by how many people did graduate in the top 10% of their class, though.

I had assumed that only one in ten could do so, but then I was never very good at math. That’s why I went to law school.

Here’s what I didn’t learn at law school. I didn’t learn about the business of law, and I didn’t learn about client service. Concepts such as *WIP* and *A/R*, *Origination* and *Spin*, *Client Teams* and *RFPs*, *Targets*, *Overhead*, *Partnership Track* and *Race Sheets*... none of these things were taught



Adam Pekarsky

alongside *Rule Against Perpetuities*.

Yet, the importance of understanding how a law firm functions is, in my view, directly related to a lawyer’s chances of succeeding in private practice.

For too many newly minted lawyers, marketing is like flossing; an annoying task that someone says you should do even though it’s difficult to find the time, and you don’t really see the immediate benefits. It’s not until you’re trapped in the dentist’s chair enduring multiple root canals that you seriously re-think the value in adding flossing to your daily routine.

It’s no dif- **Know thyself → to Page 6**

**WHEN THE COPS SHOW UP WITH A WARRANT...**

## Dude! Who stole my website – and its server?!

By John Pater, Director of Technology at Davis LLP

It’s 2 o’clock in the morning and you are rudely awakened from your dreams of sun and surf to learn your website just went dark. Gone. Disappeared without notice. *Gulp.*

Upon investigation, you discover the whole server is gone... as in, it’s not physically there!

“But,” you shriek, “...the server is in a secured collocation facility!”

So what happened? Did someone just walk in, pick it up and walk out with it? You ask yourself over and over how this could this have happened. What’s the story?



John Pater

Turns out, local law enforcement arrived in the dead of night and took it. Fiction? Not for one American company we’ll call Capp LLP.

Capp’s server was externally hosted in a secure site with a collocation vendor. In June 2011, the FBI gained entry into a “secured” facility and walked Capp’s server out the door.

They had a warrant. However, the warrant was not for Capp’s server, nor did the warrant have anything to do with Capp at all.

Oh, the FBI did take the server specified in the warrant, but they decided to also take all the neighbouring servers for good measure – one of **Dude! My website’s gone! → to Page 2**

**A challenge test of 4 on 7**

We challenge you to take Paula Butler’s unique test of four HR questions, each with multiple answers, only one of which is correct.



Can you get them all? Win a prize if you do. But bet you can’t. See Page 7...

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## WHO WE ARE

The BCLMA, founded in 1972, is a non-profit organization with 115 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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**Dude! My website's gone!** → from Page 1 which was Capp's. When interviewed, the collocation vendor referred to the neighbouring servers as "stolen" by the FBI since they were not included in the warrant.

The fact is, it does not matter what you call the servers – neighbouring or otherwise – they were gone! All-in-all, several innocent and unsuspecting companies like Capp were negatively impacted and left in the dark.

What would you do? What could you do? After all these were the "good guys." How do you protect yourself from *them*?

This story does not end as badly as it could have. Later that same day, the FBI returned the server unscathed, and the website was back up and running within 24 hours. Nevertheless, this does give you cause to pause. What if the FBI did *not* return it? Ever?

Now ask yourself some pointed questions. Do you host your website externally? Do you host production data servers with an external vendor? What if this was a critical production server other than your web presence? Your email perhaps? How long can your firm go without it? How long will it take you to get back in business?

Is your data backed up elsewhere?

Can you get to it 24/7? Better yet,

do you have a 'hot' or 'warm' redundant collocation site somewhere?

Okay, breathe.

The good news is that a thoughtful disaster recovery (DR) plan covers for the loss of servers and data regardless of the cause, and the reality is, whether it's the "big one" shaking the data out of your servers or someone simply walking away with them – even if it's the good guys – you need to have contingencies in place.

What is *your* contingency plan? Do you know what is absolutely critical to your business? If you are just starting to design your contingency plan, don't take it all on at once. Start with the most critical elements and work backwards from there.

To understand what is most critical to your business, determine how long you can be without a certain product, repository of data, or service before it negatively impacts the business (or your employment!). This will help you determine what, exactly, is critical. From there, you can start to look at the scope of work and size of budget needed to start building the appropriate contingency plan(s).

While on the surface, the case of the FBI and their warrant is a new twist to a business-interruption threat, it is – in

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## THE FIRM



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**Dude! My website's gone! → from Page 2**

fact – an old story. Remember Y2K?

Yes, we have talked about this since the last millennium. This is the story of Business Continuity Planning (BCP) or what I like to strive for, “Business Resilience.”

I first heard the term while attending a disaster-recovery conference in New Orleans prior to Hurricane Katrina.

What does it mean? I define DR as recovery from a problem and primarily an IT function of getting systems back up and running. BCP is a more holistic view of keeping the business running while DR takes place, and it involves all levels of business management and administration.

Business resilience is about getting to the place where there is no interruption. With the use of multiple locations, along with data replication and failover technologies, the business can withstand quite a lot and not be negatively impacted (as least on the client-facing side of the business).

Of course, each level comes with a

cost. Think about it. With enough planning, money and time, you can virtually eliminate the need for any outage, planned or otherwise.

**WHEN CREATING PLANS AND POLICIES, BE SURE THEY CAN BE FOUNDATIONAL LAYERS AS YOU WORK TOWARD ACHIEVING BUSINESS RESILIENCE**

Make contingency planning a mandatory part of every project going forward.

For now, look at what you have, pick the single most critical component and


do everything you need to do to protect it. Is the ‘cloud’ an option? Can you take advantage of multiple offices or collocation facilities?

Location is the big concern here. For many, America’s *Patriot Act* or the privacy aspects of the *Canada Health Act*, or both, causes firms to be cognizant of where their data resides. When creating plans and policies, be sure they can be foundational layers as you work toward achieving Business Resilience. This project will seemingly be a perpetual work in progress.

I pose the question, “Is the cost of not implementing a plan greater than the cost of implementing one?”

In other words, “Can you afford not to have a plan in place?”

So I ask again, “Your server is gone. What do you do?”

Let’s not lose any sleep over it. 

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*John Pater is Director of Technology at Davis LLP. He can be contacted at 604.687.9444, or [JPater@Davis.ca](mailto:JPater@Davis.ca)*

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**Know thyself → from Page 1**

ferent in law firms. Several years after your bar-admission ceremony, you are asked to prepare your business case for partnership, and as you stare blankly at the questionnaire that starts with *Please estimate the approximate billings you expect to originate for the firm in the coming year*, a root canal starts to look pretty good.

Until lawyers truly understand the economics of a law firm and the stark reality that you are a seller of units of time, where the only way to increase revenue is to sell more of them at a higher price, marketing will be akin to flossing; something you need to do to ensure your long-term (financial) health and (revenue generation) viability. The good news is, it need not be arduous or burdensome. In fact, the easiest way to market is to develop great client-service skills at an early stage.

In fairness, perhaps law school is supposed to be about teaching you the law



Until lawyers truly understand the economics of a law firm and the stark reality that you are a seller of units of time, where the only way to increase revenue is to sell more of them at a higher price, marketing will be akin to flossing; something you need to do to ensure your long-term (financial) health and (revenue generation) viability.

and not about teaching you how to be a lawyer. I came across *The Pheromone of Client Service*, David Freeman, in the May 2008 *Law Journal* newsletter, but it's as true today as then: When *Fortune 1000*

counsel were asked what it took to get a firm short-listed, an overwhelming 75% said they looked for exceptional client focus, whereas only 12.5% stated they were swayed by legal skills. The fact that only 12.5% cared most about legal skills is a bit alarming, but it says a lot about the buying mentality of the primary purchasers of legal knowledge.

So, if lawyers are not taught about the importance of client service whilst in law school and its direct correlation to driving law-firm revenues, then when do they learn these skills?

No doubt there is some osmosis along the journey from student to partner, but what if this process of unconscious assimilation of ideas is coming from a client-service-challenged source?

Here's what I mean by this. When you start your career in a law firm you typically hear two things. First, treat the partners of the firm as though they are your clients. Second, no news is good news.

**Know thyself → to Page 9**

**STAFFING ISSUES?**

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**OUR NEW SCENARIOS –  
TELL US WHAT YOU’D CHOOSE WHEN:**

**ANSWERING FOUR INTERESTING HR QUESTIONS**

**H**ere are some short scenarios with multiple-choice answers. If you get all four answers correct, and comment on why you think so, you’ll be eligible for a draw where you could win a \$25 Starbucks gift card.

❶ The managing partner of a law firm asks the new receptionist to his home on a Friday night. When she arrives at his house, he suggests they have a drink in the hot tub. Uncomfortable, she says that she can’t go in because she doesn’t have a bathing suit. However, he excuses himself and returns with a bathing suit – in her size. They get into the hot tub, and she quickly has to defuse his unmistakably sexual advances. She runs out of his house, sends an e-mail resignation and files a sexual harassment complaint at the BC Human Rights Tribunal. What happens to her complaint?

1. She is likely not successful because she voluntarily went to his house, changed into a bathing suit and climbed into the hot tub.
2. She is likely not successful because the actions occurred away from work and therefore rules regarding employment law don’t apply.
3. She is likely successful because she gave him no suggestion his actions were welcome, and she felt obligated to go to his home because he is her boss.

❷ Brad is a paralegal, working at a law firm for two years. His attendance was fine for the first few months, but he has since missed a significant amount of work. He disclosed to the two lawyers he works with that he has Crohn’s disease.

The firm does not have any medical confirmation, but it has an attendance-management program that involves letters being sent to employees who do not have good attendance. The HR Director decides to put Brad on the program. Step one is to send a warning letter to Brad that his attendance must improve or his employment is in jeopardy. Doing this is:

1. A good idea. Brad needs to be accountable for the time off he has been taking which is causing problems for the lawyers he works with.
2. A bad idea. When an employee is sick it is not fair to bring it up, particularly when the firm knows he has a legitimate illness.
3. A good idea with some changes. The firm needs medical confirmation for his absences and to ensure that Brad is doing all he can do to be at work regularly. Threatening his employment is not a good idea at this point.

❸ Downsizing law firms need to lay off the most recent hires first, as this is required by the *B.C. Employment Standards Act*. This is:

1. True.
2. False.
3. Partially true but with some exceptions.

❹ A law firm must give an employee a leave of absence for educational purposes if the education will benefit a person in their job.

1. True.
2. False.
3. Only true if the course has been mandated by the employer.



# 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?

**WIN!** If you sign your name, you’ll become eligible to win a \$25 gift certificate to London Drugs. And you still remain anonymous to our readers! We never publish winners’ names.

## 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](http://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 MY EMPLOYEE BEING AN IDIOT

**J**ustin 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, [The idiot!](#) → to Page 8

You be the judge → from Page 7

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?*

**YOUR RESPONSE:** *I would fire Justin – he is bad public relations for the firm, and the West Coast Law Group should not be associated with him.*

Hi, this is Paula. While the West Coast Law Group may not want to be associated with Justin and termination of his employment feels like quick fix to an uncomfortable situation, employment law principles may prevent them from firing Justin.

An employee's behaviour outside of work is generally not grounds for terminating an employee, although there are a few exceptions to this.

The first exception: if the employee's actions are prejudicial to the employer's interests such as an employee who works for a forestry company chaining herself to a tree that her employer is trying to log (remember Megan from an earlier *You Be The Judge* article, whose employer was representing the forestry company?)

The second exception: whether the action constitutes a "revelation of character" which is inconsistent with the employee's job, such as an accountant who is caught stealing money from his non-profit volunteer work.

In this case, Justin has been caught smashing windows. While this action is reprehensible, it is hard to argue that this action is prejudicial to West Coast Law Group's business interests, or that it is a revelation of character which is inconsistent with working in the mail room.

In addition, Justin is protected by the *B.C. Human Rights Code*, which prevents the West Coast Law Group from terminating his employment based on a criminal conviction (or pending criminal charges) that is unrelated to his employment.

The decision-makers in the firm will have to ask themselves if the kind of property damage Justin engaged in relates to

his job delivering mail from the mail room.

Is it really likely that smashing in windows during a Stanley Cup riot suggests that he will dam-



age the mail being received by the firm? Factors such as whether Justin is contrite about his actions need to be taken into account as well. It is my guess that the above response would have caused more discomfort to readers had it been published in June. People were understand-

ably disgusted by the Stanley Cup riot and this was sometimes reflected in knee-jerk reactions regarding the people who were involved.

Employers can be subject to the same reactions; it is important to remember in highly-charged situations such as these to take the time to think before acting, and to make sure that all aspects of the situation have been canvassed.

FRANCK BOSTON

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**Know thyself → from Page 6**

Armed with these two arrows in their quiver, fledgling associates carry on under the expectation that so long as the partners for whom they are working continue to use them, then the quality of the work must be acceptable. Similar logic applies to the parallel universe of the actual partner-client relationship in that a

not happy; rather, they are merely tolerant. When was the last time you changed banks? Long-distance providers? Gyms? It's often easier to simply put up with sub-par service than to exert the effort required to switch.

While most clients don't even know when they are getting bad legal advice, they almost certainly know when they are

getting bad service. Add to this the general lack of training and self-awareness around what constitutes great client service, and you have a lawyer who believes they are doing a great job servicing a relationship when, in fact, they are merely being tolerated. No news being good news, everyone carries on, whistling hap-

**Know thyself → to Page 10**

**MOST PARTNERS USE THE SAME ASSOCIATE THEY USED LAST TIME: ONE WHO KNOWS THE CLIENT, UNDERSTANDS THE PAPER AND WILL DO THE TASK WITH LITTLE SUPERVISION**

client who pays his bill and sends the lawyer another file must, *ipso facto*, be happy.

Most partners faced with using the same associate they used last time – one who at least knows the client, generally understands the paper and will do the task with little or no supervision – will prefer this option over one who has never seen the file and will, therefore, require great amounts of hand holding, mentoring and (*Gasp!*) training, even if the latter is seen to be the brighter of the two.

As a result of giving the second file to the same associate, their peer's skills are not developed while they are instilled with the false sense of confidence that their work must be A-1; after all, the 'client' keeps sending them new projects.

The problem is that as these associates grow up and mature into partners, they take the same performance metrics and apply them to their real clients. No news being good news, they take comfort in the fact that the client pays their bill and continues to send them work.

Often, though, the client is actually

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pily through the graveyard.

Proof of this disconnect can be found in a recent *Inside Counsel Magazine* survey of general counsels and their external lawyers, where respondents were asked to evaluate levels of client service. Fifty-two percent of external lawyers gave themselves an “A” rating, while only 21% of clients agreed. When asked if levels of client satisfaction had improved over time, 68% of the lawyers said “Yes” while only 32% of clients were of the same opinion. While it could be argued that this speaks to a stunning lack of self-awareness, I would submit that it is a product of the unique lawyer upbringing.

How often do we work with recently admitted lawyers who have been let go after articles or at some point during their early years of practice, who come to us like a deer in the headlights for having been turfed by their firms even though they’d never received a negative review? They thought they were doing great and then, all of a sudden, out the blue, *wham*, they’re fired.

Is this any different than a client firing a firm without any notice? Not really, except that it often takes a law firm several months to realize what’s happened.

Let’s take this parallel argument a step further. If associates in law firms treat partners as clients, and if those partners regularly provide feedback to those associates (which most say they do), then why shouldn’t real clients be given the opportunity to provide feedback to the partners beyond a beer at a hockey game or a chat on the walk from tee box to green? After all, providing formal feedback to associates in a law firm has become commonplace, though oftentimes the feedback relates more to the finer points of the law (e.g., a missed case, a poorly proofed contract, a secondary source not considered) than it does to the actual lawyer-client relationship. How did the associate communicate with the partner? Were expectations around timing managed? Deal with difficult issues up front? Keep the partner constantly in the loop? Spend the appropriate amount of time on the file?



Seek guidance as to what they could have done better? And, it could fairly be asked in return: Did the partner provide clear expectations as to how much time they wanted the associate to spend on the matter? The form of communication they preferred?

The method of delivery of the final product? In short, a dialogue around the service provided as much as the analysis undertaken.

And yet, there’s a difference between our two universes. Associates crave feedback from their ‘clients’ (aka the partners of the firm) and often lament that they don’t get

nearly enough. Partners, who manage real clients, not only don’t seek it, but typically fear doing so lest they don’t like the answers they hear. In fact, according to some consultants in the client-interview business – such as Altman Weil and Marci Krufka, in their 2005 article, “Client Surveys Can Demonstrate Your Law Department’s Value” – lawyer personality data reveal that their aversion to feedback may not be due to a lack of concern for clients, but rather to unique characteristics in the lawyer personality. Perhaps the ambivalence of the partner generation toward feedback on the service they provide suggests that these “unique characteristics,” err, mature with the passage of time.

Law firms have hired Directors of Professional Development – a role I held for three and a half years at a national law firm – to act as intermediaries between

**Know thyself → to Page 12**

# BCLMA Educational Event

## FOCUSED MARKETING

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The BCLMA Board of Directors, in partnership with the Legal Marketing Association, Vancouver, invites all representatives and affiliates, lawyers and marketing professionals, including Partners, committee members and in-house legal marketers, to attend this special event.

**Thursday, November 3, 2011**  
**11:30 – Noon | Registration & Lunch**  
**Noon–2pm | Presentation**

**Four Seasons Hotel,**  
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To register, please contact Jane Kennedy at  
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Registration deadline: October 31, 2011

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\* 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.

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partner and associate at performance-review time. So too has the profession seen the recent emergence of third parties conducting client audits on behalf of firms big and small.

And, just as law firms hope that by providing feedback to their associates they can retain the best and brightest, give them the tools necessary for greater success and create a culture where the absence of feedback should be construed as a negative and not a neutral, so too are Canadian law firms starting to embrace the importance of seeking feedback from real clients with the same goals in mind.


Research studies show that simply asking clients for their opinions and feedback typically creates an enhanced image of the law firm that endures for several months to a year following the survey.

Conducting satisfaction surveys seems to create a halo effect for the firm resulting in enhanced client loyalty and profitability,

according to Paul M. Dholakia, of Rice University's Jesse H. Jones Graduate School of Management, and Vicki G. Morwitz of New York's Stern School of Business. Not surprisingly, then – an observation that is supported more anecdotally

than through any formal research of mine – associates in law firms appreciate feedback too, and routinely comment on how well any such process reflects on the firm.

So to sum up: I'm okay with the 'your clients are the partners of the firm' concept, but I think the 'no news is good news' mantra is very 1987. We live in a time of instant news and constant feedback. In addition to being expected, thoughtful and timely feedback actually constitutes good service.

And good service enables sellers of time to sell more of it, which is where this all started. The best part is, you don't need to have finished in the top 10% of your class to be good at it. 

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*Adam Pekarosky, a former lawyer, is the Founding Partner of Pekarosky Stein. It is a specialized consulting and recruitment firm, and a local provider of third-party, client-satisfaction programs in Western Canada. Click here for the firm's White Paper on the topic: <http://goo.gl/p3j9v>*

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**RFP. SOQ. EOI. WHY?**

**Write a better proposal by working out the ‘Why’**

By **Stephanie Marsh**,  
Proposal Manager, KPMG Vancouver

**W**e all know that business relationships are extremely important. Whether it’s between a shopper and a department store, or a client and a law firm, we understand both sides of developing and maintaining a business relationship – to get and keep work, or enjoy savings and excellent service, depending on which side of the relationship you’re on.

Store chains set up loyalty programs to keep their customers returning. They keep customers informed through flyers and e-alerts. They make them feel special by inviting them to advance-sales events and offering additional savings.

Law firms do it by inviting clients to high-end or high-profile activities such as golf tournaments, hockey games in private suites or evenings at cultural, trade or association events.

They make donations to the client’s favourite charity or sponsor fundraisers. The goal is to create a sturdy relationship based on trust and integrity such that when opportunities come along, your



**Stephanie Marsh**

firm will naturally get the work.

And yet, answering Requests for Proposals (RFPs) is inevitable. That’s not the same thing as saying business development is all for naught. When it comes to RFPs, it’s simply a part of that process. If you’ve done a good job building the relationship, then answering the RFP becomes a cinch.

David G. Pugh and Terry R. Bacon, authors of *Winning Behavior, Behavioral Advantage and Powerful Proposals*, refer to the chess game of business development.

They suggest that a strong opening game and middle game significantly increases your chances winning the endgame, aka winning the work. Their opening game is market analysis, strategic and business planning as well as strong branding. Their powerful middle game involves initiating contact, developing the relationship, obtaining a solid understanding of a client’s business and their needs, and establishing a solid track record of delivering on your

promises – even exceeding their expectations. Opening, middle and end games. All three components are important and necessary.

Besides being part of the process, there are definitely situations where RFPs are unavoidable. Some of those include:

**Government rationale:** Some public-sector organizations are obligated to go to RFP for certain projects, say once every five years (e.g. audit). They need to shop for the best current price. Or, they are obligated from an optics perspective; they can’t be perceived by the public to show favouritism by re-appointing the same vendor over and over, or by not openly inviting a cross-section of vendors to bid.

The public sector must also go to an RFP when really big taxpayer bucks are involved and the project will affect a very high number of stakeholders (e.g. building a dam that will provide hydro-electric power for 100,000 citizens).

Some RFPs are sole-sourced, of course, but crown corporations, ministries and an assortment of public sector organizations often post their RFP on a public bid website such as BC Bid or MERX; they cannot only invite proposals from firms they want to work with or those with the most applicable and impressive credentials.

**Questioning:** Some private companies branching into uncharted territory (e.g. global expansion) haven’t a clue what firms can provide the best and most comprehensive services. They issue the RFP to find out.

**Questioning:** Some companies are considering something so new, they don’t know what they don’t know. They use the RFP process to see what all the service providers define as their response.

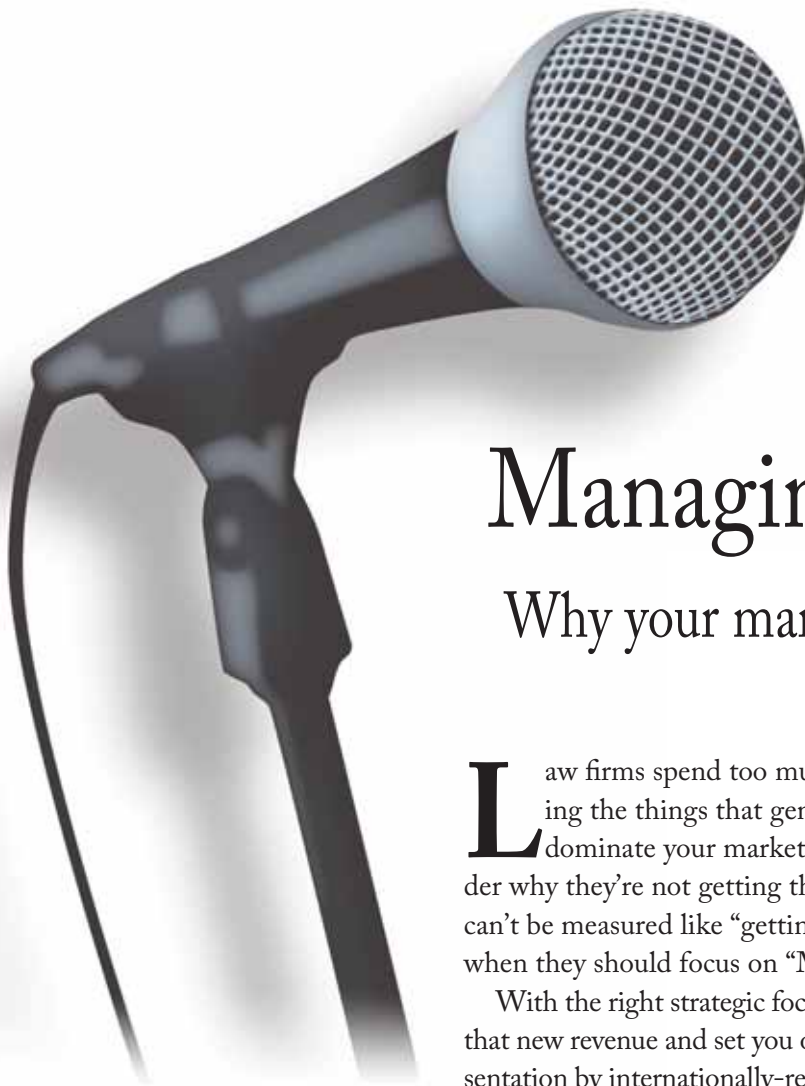
Depending on those submissions, they might redefine the scope of work, scale it back, ramp it up – or cancel it

**The FAQs of RFPs → to Page 15**

**THE FIRM**



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# BCLMA Annual

## Managing Partners Event

Why your marketing isn't generating revenue.  
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**L**aw 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](mailto: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.

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**The FAQs of RFPs → from Page 13**

altogether once they see what it can cost. (If you've ever read the results of an RFP's Q&A series, or read through the amendments, you've probably noted how many proponents can read the same RFP in very different ways, particularly when the RFP is poorly written or purposely vague.)

- ▮ *Expansion:* Some companies experience exponential growth and their current provider can't keep up. For example, Grandma's Apple Pie & Catering would never get a contract to cater an event at the convention centre. The client needs to shop the market and find a provider – maybe even more than one – who can cover all the bases effectively and efficiently.
- ▮ *Noblesse oblige:* An organization might appoint a new Chair or CEO who wants to continue their own professional-services relationships. While

frustrating from your perspective, it's completely understandable from theirs.

Think about when you've changed jobs and wanted to continue working with the same printer or copier sales representative or insurance agent. The new Executive Member will initiate an RFP process to compare their experiences with those of the Board or Management. Ideally, they make a decision in the organization's best interest.

- ▮ *Conflict of interest:* Some professional-service firms will be naturally conflicted out of undertaking an assignment due to other work they are already doing for the client. An RFP becomes necessary.
- ▮ *Frustration:* Some organizations feel dissatisfied (a little or a lot) with their current service provider, and are only just thinking about switching. They want to know what else is available, while

giving their current provider another crack at it by issuing an RFP.

- ▮ *A new leaf:* Some organizations have been with their current service provider so long, they wonder if the work is getting stale. Is the service provider still coming up with new ideas and strategies? Are they changing with the times? An RFP process can present fresh ideas.

Lucky for you, you've already completed 80% of the up-front work (i.e. business development) to clinch the deal! Now you just have to put a few things in writing.

**NOT ALL SERVICES ADD VALUE**

Once you've responded to all of the requirements of the RFP, don't overlook additional services you can provide. *But be picky.* Don't create a section that describes *all* of your other practice areas –

**The FAQs of RFPs → to Page 16**



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**FAQs of RFPs → from Page 15**

you will only annoy your reader.

If you've already told them you're a full-service firm, they will understand what that means without you having to list every single practice group and subgroup. Only include what you know is relevant.

Examine the whole picture. Perhaps you have other services to offer that will complement their business, even though they haven't asked for it in their request. Yes, they're looking to do a merger, but you also know that if the merger is successful, they will need bigger premises to blend in the new company. Bring in your real estate team, and describe how their expertise can benefit the engagement.

Using the same scenario, it's likely the two merged companies use different IT systems, or two different payroll systems. Bring in your IT team to talk about streamlining systems and service optimization.

When you fold in these value-added services, that's the time and place to talk about your qualifications in those practice areas. There's not much point talking about the recognition your IT lawyers have received from *Lexpert* in the Executive Summary of an M&A proposal. Keep apples with apples and oranges with oranges.

Offer a free seminar or workshop on topics that interest them. If they take you up on it, offer to host it at their workplace. Don't inconvenience them by asking them to travel. Make sure *you* invest the time and money.

**SCORE WITH THE EVALUATION**

When writing your proposal, keep in mind the Evaluation Table (aka score card), if provided. It outlines how many possible points you can score in each section. Demonstrating your understanding of the project gets discussed in your approach and methodology, and initially introduced in your Executive Summary. Don't miss any chances to score valuable points.

Some clients award points for going above and beyond: "Tell us what we haven't thought of. Share your innovative ideas and additional services that comple-

**The FAQs of RFPs → to Page 19**

**MAKING THE MOVES...**

**WELCOME, NEW & RETURNING AFFILIATES!**

**N**ew members joining the Human Resources subsection... **Charmaine Hall** of Borden Ladner Gervais LLP and **Suzanne Drost** of McCarthy Tetraault.

**WELCOME NEW FIRMS AND THEIR REPRESENTATIVES**

**J**ohn Hawke, a well known personality at BCLMA as past president (2010/11) and former COO with Lang Michener, has taken a new position as COO with the firm of McLeod & Company based in Calgary... **Jane Bracken** retired from her position as Administrator at Hastings Labour Law Office and **Danuta Malarski**, formerly with J.R. Hay & Co., has taken over Jane's former responsibilities... **Lydia Cheng** has moved to Paterson Law Office; both Lydia and Paterson Law Office are new to the BCLMA.



**John Hawke**

*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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**BCLMA SATISFACTION SURVEY**

# Taking the measure of people like us is a fascinating job

By Gary Carter, BCLMA, Paine Edmonds LLP

Surveys are an important tool for the BCLMA. We collect data on behalf of the association, sometimes with a partner like the CBA, and then organize, analyze and distribute the data.

Surveys that we take help our law firm managers set salaries and staff ratios, for example. Boards within the BCLMA generate surveys to gauge your own satisfaction of our services and benefits.



Gary Carter

Earlier this year, the Board of Directors issued a *Satisfaction Survey* to gauge your overall experience with the BCLMA. We asked about everything, from subsection meetings to conferences to social events.

The Board has already begun to consider this feedback and will use it to a greater depth as they get set to plan the 2012 calendar.

The BCLMA Board of Directors thanks everyone for their time to provide candid feedback. We value your comments.

Here, we have provided a brief summary of the results from the BCLMA 2011 Satisfaction Survey.

**GENERAL**

- ✓ 128 out of 337 members participated in the survey. This is a lower-than-expected rate of participation – a little more than one third of the membership. This led me to believe that either the Board is doing an excellent job of keeping our members happy or our members are suffering from survey overload. It's likely a bit of both. However, I'm leaning towards the former!
- ✓ 92% of participants work in the Metro Vancouver Area.
- ✓ 55% of participants work in firms with more than 40 lawyers. An interesting statistic, given that 80% of our members work in firms with less than 40 lawyers.

- ✓ 60% of law firm Administrators wear multiple hats. No surprise there!
- ✓ The two top-ranked enrolment benefits were (1) the Topics Newsletter and (2) Networking and Subsection meetings (84% and 79% respectively).
- ✓ 88% of participants said that the BCLMA communicated and connected well with its members. 9% had no opinion while just 3% of respondents felt that the communication level was lacking.

**EDUCATIONAL EVENTS**

- ✓ 74% of participants voted to have two educational events per year.
- ✓ How do we improve attendance at our BCLMA Educational Conferences? 59% of respondents voted to hold the conference in either Downtown Vancouver or in the Greater Vancouver Area.
- ✓ One third expressed that getting Firm approval to attend a conference was an issue for them.
- ✓ 48% of participants want a conference that spans two full working days, while 34% voted for one working day and one weekend day.

**SOCIAL EVENTS**

- ✓ Why do our members attend our social events? 91% responded that they attend to network with other management professionals in the legal community. And as you've seen from previous event reports in *Topics*, more and more people attend the Winter and Summer Socials every year – about one-third of the entire membership in recent years.

**TOPICS NEWSLETTER**

- ✓ 96% of participants responded that they read *Topics* either always or sometimes, with three-quarters of them reading it online at work.
- This year, 25% of the BCLMA population received a feedback survey within two weeks of receiving each edition of our quarterly *Topics* newsletter. By the end of the year, everyone will have received the survey once.
- The editorial board has already started

to analyze that data, the results of which will help ensure the BCLMA continues to bring you information and updates that are most important and valuable to you. (Just one more *Topics* survey to go! If you haven't received one yet, watch for it in about two weeks!).



We'll report on the results to you in the Winter issue.

**SUBSECTION MEETINGS**

- ✓ 73% of participants responded that they either regularly or usually attend subsection meetings.

**VENDORS AND SPONSORS**

- ✓ 96% of participants responded positively to the presence of vendor sponsors at our member events. Certainly, the BCLMA appreciates vendor support at our events and we always encourage you to reach out to them at events and express your personal gratitude to them for their support.

Thanks again to everyone who participated in this year's survey. To those who did not participate, we can only assume that we're doing a great job!

If you have any questions about the survey, please contact me for more information.



**WORLDOX MEETS THE CLOUD**

# The benefits of running a law firm's Document Management Systems within a Hosted Virtual Desktop are tantalizing

**O**ur editorial surveys this year show us that a large majority of you are intrigued by the implications of technology's influence over the legal industry. For the last couple of years, the steady growth of cloud computing, where our computers are talking to storage computers perhaps thousands of kilometres away, not just in the next room, has begun making inroads into the management and executive levels beyond those of the IT section.

*In this intriguing article, we've asked the key people of two firms that are friends of the BCLMA and which are deeply involved in cloud computing to tell us about the benefits beyond simple administration software of one of the key items for a law firm, document management. Is cloud computing, we asked, really ready to take on this intensive task? And what about the political and legal issues of where such data is located?*

**By Andre Coetzee, i-worx, and Bill Baker, Baker + Cadence Solutions**

**T**he advent and adoption of the personal computer in the 1970's and the Internet in the 1990's gave us unprecedented access to information and knowledge, particularly in the workplace. The Information Age revolutionized how law-firm workers access and share information.

Thousands of documents were stored and shared on servers located within the law firm's offices. As time went on, the amount of data stored there increased exponentially, until we evolved from the information age to the information-overload age.

Today's law firms need to manage and securely access the large amount of digital information they have, such as agreements in scanned files, emails or court precedents. How do they do it? Simple.

Document Management System (DMS), meet The Cloud.

Due diligence and compliance when opting for a cloud service-provider is something currently being discussed and reviewed by The Law Society of British Columbia. Some of the critical issues deliberated arise from most recent studies

and reports. They refer to the importance of due diligence when choosing and handing over the firm's data for storage and processing to cloud service providers – particularly about jurisdictional issues, i.e.

where is the data located? Who has access to the data? What measures are being taken to secure the data?

Lawyers and staff log on to their hosted virtual desktops via the Internet using a secure, encrypted, secure-socket layer connection. And, jurisdictionally the law firm's data and applications reside in a secure data-centre located in British Columbia.

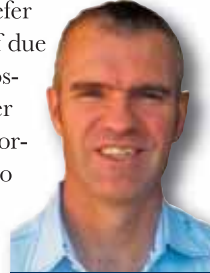
Once users have logged onto their hosted virtual desktop, as we call it, permissions are set on files and folders to allow authorized access only to specific users. Besides implementing security features to restrict access to files and folders, a DMS will also be able to use the standard permissions that are set up on files and folders that include Microsoft Active Directory.

Most law firms have some form of homegrown system used to organize the plethora of documents being stored. Most of these systems are manual, and result in copious amounts of time wasted searching for documents buried on the shared drive, within emails, scans inside folders and so on. Sometimes they must even recreate a document if it could not be found.

A DMS systematically organizes and indexes files, enabling quicker and easier searching and retrieval of documents.

For example, you can do a text search for a word or phrase that will return a list of all the documents and emails with those words, and you can refine the search to a particular lawyer, date range, or type of document.

There are many vendors that provide DMS. Worldox, however, specializes in helping small- to medium-sized law firms,



**Andre Coetzee**



**Bill Baker**

proving that cloud computing can be effective no matter the size of firm; that it is not just for large firms with IT departments.

Worldox has structured its DMS solution so that law firms can:

- ✓ Reduce implementation costs. Worldox does not require a dedicated server for the application, or an SQL server database, nor SQL user licenses to access the database. It also requires less time for configuration of the Worldox system.
- ✓ *Horizontal:* Move or copy emails to *Worldox* from *Outlook*. These emails are text-indexed and become searchable and are easily shared and accessed by employees within the firm. Emails are stored with the other electronic documents for the case.
- ✓ *Search quicker.* There is a productivity gain to the firm because users can quickly find documents and emails usually within seconds rather than minutes or hours.
- ✓ *Implement security.* You can apply different levels of security and rights on documents, from the ability to edit to accessing a read-only file.

Document-management systems have traditionally been implemented on law firm's servers and computers that reside on the premises.

Although users can reap the benefits of a much more structured and organized way of storing and accessing their documents leading to higher productivity, there are still challenges for users, especially lawyers who want to connect remotely to access documents.

Traditionally, the solution for accessing documents and the DMS remotely were varied, and came with their own challenges. Some used VPN, *Remote Desktop*, or *LogMeIn*. However, all these solutions had

**DMS in the cloud → to Page 19**

**FAQs of RFPs → from Page 16**

ment your proposal.” Your Value-added Services section will address this request perfectly.

A lot of partners will say that clients only flip to the Fees page and ignore everything else. “Keep it short and sweet and let’s just concentrate on the fees.” While you must always ensure your proposal is succinct, you mustn’t skip or ignore anything the RFP asks for, either. Every request is there for a reason to the potential client; address all points, no matter how redundant or irrelevant it might seem.

**If anything seems questionable or unclear in the RFP, and you have the opportunity, ask**

Indeed, some RFPs *are* poorly written, or you can tell they’ve obviously re-purposed it and simply substituted names and numbers. It doesn’t matter. You must address everything.

Firstly, it demonstrates that you’ve read the entire request and you’ve made the effort to deliver. Secondly, assume your competition will address everything. Don’t miss out!

If anything seems questionable or unclear in the RFP, and you have the opportunity to ask clarifying questions – ask. Again, it shows your commitment to providing a good proposal and may even reveal anomalies the client will want to amend.

Occasionally, RFPs ask that the Fees section be submitted separately from the proposal so that the RFP readers can evaluate all of the facts first, without being swayed by numbers.

So, do your words count? You bet they do!

**AIM TO WIN**

RFPs are an intrinsic part of business and business development. Invest the time and resources you need to win.

*Stephanie Marsh is Proposal Manager at KPMG in Vancouver. Contact her at 604.691.3367 or SCMmarsh@KPMG.ca*

**DMS in the cloud → from Page 18**

their own security issues regarding document access and document removal from the firm’s document repository.

There is a paradigm shift taking place. Instead of investing in IT Infrastructure, law firms have begun to host their data and desktops in the cloud. i-worx Cloud-based solution, *OfficeOneLive* (hosted virtual desktop) includes Microsoft *Office* and *Outlook Exchange* as well as all the law firm’s business legal-software applications, located in a private and secure data centre. The benefits of hosting a DMS in the cloud are far-reaching, as you will see here.

Lawyers working on cases remotely (from home, a hotel, Hawaii...) can access their hosted virtual desktops for their data and DMS. This increases their productivity significantly as they can work as if they were in the office. If they need to perform a search in their DMS for files and/or emails, they can do so as long as they have an Internet connection.

Wendy Allan, Office Manager at Digby Leigh & Company, a law firm in North Vancouver, says, “Our firm uses both *OfficeOneLive* and *Worldox*. For us, the combination of a hosted virtual desktop with a DMS creates a seamless transition between working in the office and working from a remote location.”

**Installing and configuring a DMS is simplified and standardized across the law firm**

Installing a DMS on a hosted virtual desktop makes a secure collaboration with others more readily possible and much easier. For this to occur efficiently and securely, access privileges need to be set up to ensure that users only work with case-specific data.

Installing and configuring a DMS is simplified and standardized across the law firm because it is installed on the hosted virtual desktops that reside in a data centre as opposed to individual workstations or laptops.

This ensures that all users have access to the same version of the DMS. When

**DMS in the cloud → to Page 20**



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**DMS in the cloud → from Page 19**

upgrades are required, all staff use the latest version at the same time. This will save a lot of time and money in the cost of IT management and support.

World Software Corporation, maker of the *Worldox* software, also has a cloud-based model, *Worldox Complete Cloud*, whereby law firms have access to the

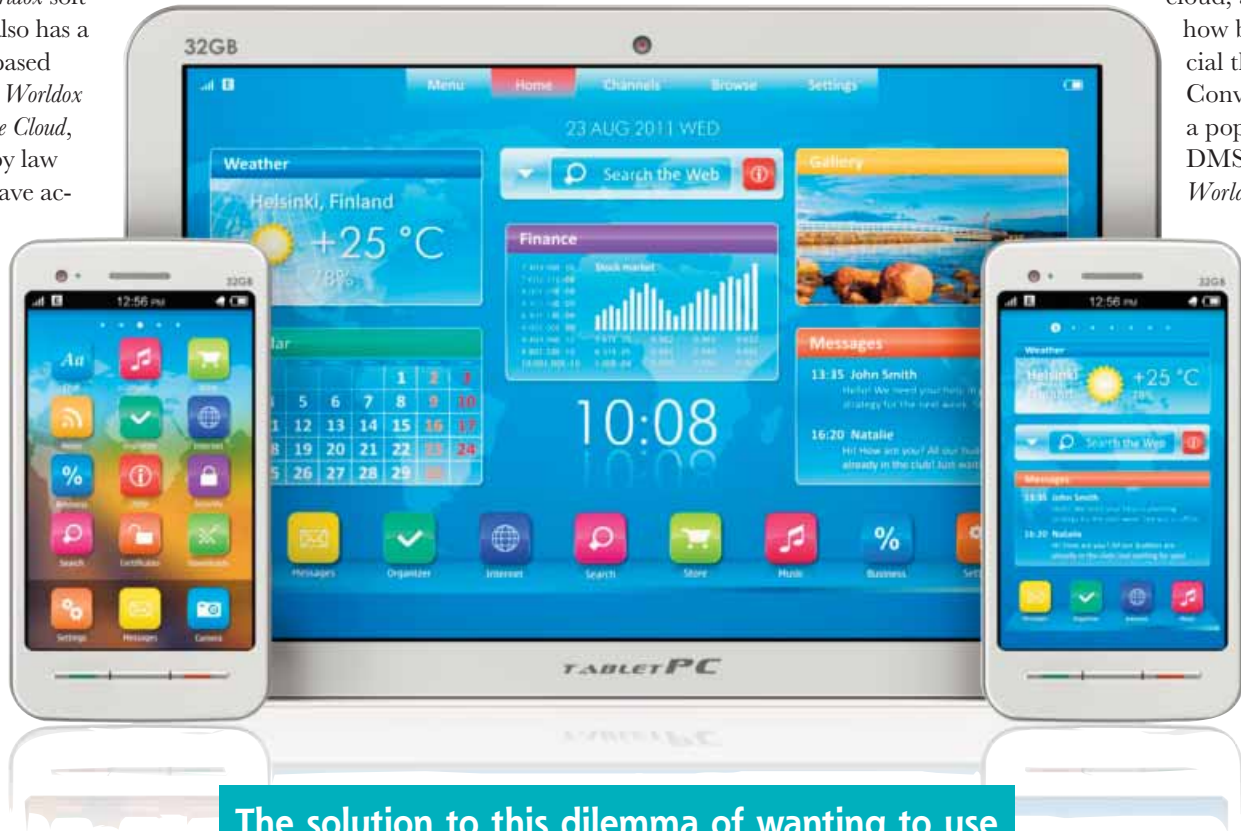
to access the firm's data without permission.

The ability to access your corporate desktop from smartphones and/or tablet PC's is a growing trend.

Virtual desktop users securely connect

goodbye to licensing costs too. Our system includes Microsoft *Office & O/S (Windows 7) Software Assurance*. and is supported with a live help-desk for support.

There are many opinions regarding the myriad of service offerings in the cloud, and how beneficial they are. Converging a popular DMS like *Worldox* in an *Of-*



**The solution to this dilemma of wanting to use Worldox in the cloud on servers in Canada is solved by opting to purchase Worldox outright and having it installed, managed and supported on an OfficeOneLive-hosted virtual desktop that resides in a British Columbian data centre.**

Worldox applications via the Internet on a pay-per-user monthly fee. Many US law firms find this option appealing as it alleviates them from having to implement, manage and support the application themselves.


Although *Worldox Complete Cloud* is enticing, the data is stored on servers in jurisdictions other than Canada. The solution to this dilemma of wanting to use *Worldox* in the cloud on servers in Canada is solved by opting to purchase *Worldox* outright and having it installed, managed and supported on an *OfficeOneLive*-hosted virtual desktop that resides in a British Columbian data centre. There has also been interest in hosting virtual desktops that reside in Canada from U.S.-based firms due to regulations that allow their government

to their entire corporate desktop, including DMS, using any device (e.g. an Apple *iPad*, a Samsung *Galaxy* smartphone, etc.) and get full functionality from all their law-firm software.

There may be a situation where you need to access a document, and the only device available is an *iPad*, a tablet, an *iPhone* or the like, which means access from outside of the office is now possible. And quick! *i-worx* can provide demonstrations to show the speed of data transfer between the firm and the cloud.

What about cost? There is a one-time set-up fee, but you do not need to replace physical hardware every five years. Say

*OfficeOneLive* hosted virtual desktop makes for a powerful and compelling cloud solution. This solution provides user-access – anywhere, anytime, using any device – to their cor-

porate desktop and data for increased productivity. 

*Andre Coetzee is a Director and a founding member of i-worx of North Vancouver, a Premium Managed Service Provider with a focus on cloud computing. For more information or to learn more about real cost savings and how OfficeOneLive could benefit your firm, contact Andre at 604.639.6300, or andre@i-worx.ca*

*Bill Baker is founder and owner of Baker+Cadence Solutions of California. He is a Certified Worldox integrator. Baker+Cadence Solutions has completed about 180 Worldox installations in the U.S. and Canada. Contact him at 916-677-4277, or bbaker@bakercadence.com*

DESIGN GRAPHIC (NOT A DMS) BY OLEKSIY MARK

**BC PARALEGAL ASSOCIATION**

# What's in a name? Paralegals are applying for, as a start, protection for their occupational title... whatever it turns out to be

By Janet Crnkovic, BCPA's Vice President of Education & Certification

Paralegals across the province have long hoped for a certification and/or regulation of our profession.

We look to the Law Society of British Columbia with hope and, perhaps, the belief that a certification scheme would become a reality in light of numerous reports of various paralegal task forces dating back as early 1989 and culminating in the final report issued in 2006.

Unfortunately, the Law Society has not been able to formulate any practical manner in which to implement any of the various recommendations.

The BCPA has repeatedly faced the question of independent paralegals versus self-regulated paralegals versus 'certified' paralegals. Most often, the case of Ontario paralegals and law clerks is the cited example of what should happen in BC.

✓ *Paralegals* in Ontario are independent practitioners who are regulated, licensed and insured by the Law Society of Upper Canada.

✓ *Law Clerks* are paralegals who do not practice independently but under the supervision of a lawyer.

In my view, an Ontario paralegal can be said to be more or less analogous to the practice of BC notary publics, and an Ontario law clerk to BC paralegals practicing pursuant to Chapter 12 of the *Professional Conduct Handbook* of the Law Society.

It may appear that the analogies are so close BC should simply follow Ontario's lead. I happen to disagree and believe that this cannot be the case.

Paralegal regulation in Ontario arose from the rampant and unregulated practice of paralegals in that province prior to regulation. The defining difference between BC and Ontario is BC's protective and restrictive *Legal Profession Act* and, in particular, s. 15 (see box).

Whereas, in Ontario, such restrictive – and some say protective – legislation of the legal profession does not exist. In fact, I re-

call reading several papers where the Ontario Bench continually bemoaned this "oversight" in their legislation.

Ontario's Law Society is in the situation of reacting to those who practice law (as the case with the previously unregulated paralegals) where as BC legislation puts the practice of law clearly in the power of Law Society.

**BC & ONTARIO: AT A GLANCE**

The equivalents below set out the lay of the land in both provinces and where – I believe – BCPA's direction lies.

**Equivalents**

**Ontario: Lawyers: Paralegals**

Ontario paralegals practice in "simple" litigation areas, such as Small Claims Court under the *Provincial Offences Act*. This involves summary-conviction offences where the maximum penalty does not exceed six months of imprisonment, or before administrative tribunals, including the Financial Services Commission of Ontario. For details, see the Ontario Paralegal Association at this link:

<http://www.paralegalsociety.on.ca>

**BC: Lawyers: Notary Publics**

Practice is restricted to conveyancing

and commercial matters. See the BC Notary website (click here for the complete list: <http://bit.ly/o6F0A1>)

**Equivalents**

**Ontario: Lawyers: Law Clerks**

ILCO is the Ontario professional body representing Law Clerks in Ontario. It defines a Law Clerk as a trained professional doing independent legal work, which may include managerial duties under the direction and guidance of a lawyer and whose function. See the ILCO website here:

<http://www.ilco.on.ca>

**BC: Lawyers: Paralegals**

That's not so easy to sum up as the other items in this section.

It is my view that BCPA's position on paralegal practice is best reflected by the situation of Law Clerks in Ontario.

In other words, there is no movement to promote independent paralegal practice, nor does BCPA have the intent to do so; the BCPA wishes paralegals to work under the supervision of lawyers.

Most recently, the Law Society's *Delivery of Legal Services Report* recommended expanding the scope of practice for arti-

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## An excerpt from the Legal Professions Act

**Authority to practice law**

15 (1) No person, other than a practising lawyer, is permitted to engage in the practice of law, except

- (a) a person who is an individual party to a proceeding acting without counsel solely on his or her own behalf,
- (b) as permitted by the Court Agent Act,
- (c) an articled student, to the extent permitted by the benchers,
- (d) an individual or articled student referred to in section 12 of the Legal Services Society Act, to the extent permitted under that Act,
- (e) a lawyer of another jurisdiction permitted to practise law in British Columbia under section 16 (2) (a), to the extent permitted under that section, and
- (f) a practitioner of foreign law holding a permit under section 17 (1) (a), to the extent permitted under that section.

(2) A person who is employed by a practising lawyer, a law firm, a law corporation or the government and who acts under the supervision of a practising lawyer does not contravene subsection (1).

**Occupational Title Protection** → from Page 21  
 cled students and paralegals.

We understand that the Benchers have accepted this recommendation, and have begun to explore it with the judiciary. Interestingly and surprisingly quickly, the process for articulated students is being implemented this month, with amendments to the *Law Society Rules* to read:

*Effective September 1, 2011, an articulated student who is not enrolled in temporary articles may provide all the legal services that a lawyer does, if certain conditions are met and with a few stated exceptions (Rules 2-32.01 and 2-43(1) and (2)).*

The various reports of the Law Society’s task forces clearly set out what may be required if ‘regulation’ ever comes into effect. The financial and administrative requirements are immense; an endeavour that the Law Society, despite its relatively immense resources, has chosen not to undertake, and one that BCPA, with its significantly limited resources, cannot undertake.

For these reasons, the BCPA has determined that occupational-title protection is something that will assist our profession as well as something that BCPA can commence. At present, one of the most pressing issues for the BCPA and everyone else generally is, “Who can call themselves a Paralegal?”

Presently, anyone can call themselves a paralegal, although an actual job title is in the realm of the employer (lawyer and law firms).

Title protection will give the profession, the public and stakeholders a clear understanding of what a *certified paralegal* or *registered paralegal* means; the type of training and/or education will regulate – to some extent – who can be called a *certified paralegal*.

The exact title is yet to be determined, recognizing that some will choose to remain with the title *Paralegal*.

**BCPA’S ACTION PLAN**

- 1 Define and set out the requirements for membership as a title-protected paralegal during this past summer.
- 2 Consider the business plan and implications for BCPA in administration terms as we move towards title protection (e.g. Fee increase? Office require-


ments including, possibly, paid administrative support).

- 3 Thereafter, identify stakeholders and hold information meetings with stakeholders this fall.
- 4 Consider what, if any, CLE requirements will be required by title-protected CLEs.
- 5 Continue to draft and work on title protection, heading towards a full application next spring.

BCPAs are hopefully involved at the grassroots level, by understanding the issues. This could be as simple as ensuring that they know the current terminology. (It continually surprises me that members still use *Legal Assistant* when they should

use *Legal Administrative Assistant!*)

BCPA’s position is that the terms *Paralegal* and *Legal Assistant* are interchangeable job titles (with *Paralegal* being preferable) and that *Legal Administrative Assistants*, *Assistants* and *Legal Secretaries* are interchangeable.

They are also being asked to inform and educate their firm, their colleagues and their HR department.. 

*Janet Crnkovic, BCPA’s Vice President of Education & Certification, has worked as a Paralegal for more than 20 years. Contact her at [jc.crnkovic@gmail.com](mailto:jc.crnkovic@gmail.com)*

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**New UBC law building opens**

The University of British Columbia opened the country’s first new purpose-built university law school building in 30 years in September, a \$56-million facility.

Allard Hall – named after donor and alumnus Peter A. Allard – is expected to help advance legal research and education in Canada and, expand the UBC Faculty of Law’s presence in the community.

“From human rights to environmental protections, a passion for law and justice is crucial for civil society,” says Prof. Stephen Toope, UBC President. “As a leading global centre for law education and research, Allard Hall will provide UBC students and scholars with an exceptional environment to learn, teach and conduct research that advances social justice and the rule of law worldwide.”

Inspired by the legal community’s strong support for the law building campaign – including two foundational grants from The Law Foundation of BC which totaled \$12 million – lawyer, businessman and philanthropist Peter A. Allard donated \$11.86 million to the faculty, one of the largest individual gifts to a Canadian law school.

Other donors, who gave at least \$1 million each during UBC’s fund-raising campaign, include:

- ✓ Borden Ladner Gervais LLP and the Ladner family
- ✓ Davis LLP and Irwin Davis
- ✓ Farris, Vaughan, Wills & Murphy LLP
- ✓ Richards Buell Sutton LLP



**Allard Hall Forum**

Hundreds of gifts from the legal community, alumni and friends of UBC Law drove the fundraising campaign to surpass an initial \$24-million goal by more than \$10 million.

The building is the first purpose-built, new law building for a Canadian law school in 30 years. It replaces a building that first opened in 1951, which was expanded and renamed in 1976 after George F. Curtis, UBC Law’s founding dean.

Allard Hall has expanded space for public resources that include a state-of-the-art UBC Law Library, which is an academic hub for students and the legal community, and the UBC Law Student’s Legal Advice Program (LSLAP) and the UBC chapter of Pro Bono Students Canada, where law students provide more than 200,000 hours of free legal services to the community and non-profit groups annually. Law reform organizations in the building include: the International Centre for Criminal Law Reform and Criminal Justice Policy and the BC Law Institute.

DON ERHARDT

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Ernie.Gauvreau@Gowlings.com

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D: 604.661.9267  
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D: 604.351.0124  
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## ADMINISTRATION

### Jane Kennedy, *BCLMA Administrator & Membership Services*

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



## SUBSECTION CHAIRS

### *Facilities & Service Management*

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Boughton Law Corporation  
Direct: 604.647.4162  
LBurchynsky@Boughton.ca

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Bull Housser & Tupper LLP  
D: 604.641.4520  
ALB@BHT.com

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Watson Goepel Maledy LLP  
D: 604.688.1301  
STham@WGMLaw.com

#### Pelar Davidson, *Co-Chair*



Oyen Wiggs Green & Mutala LLP  
D: 604.676.9071  
PDavidson@Patentable.com

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Alexander Holburn Beaudin & Lang LLP  
D: 604-628-2723  
KAntifaev@AHBL.ca

#### Sonia Kenward, *Co-Chair*



Fasken Martineau DuMoulin LLP  
D: 604.631.4959  
SKenward@Fasken.com

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D: 604.661.1723  
KBarry@Farris.com

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McMillan LLP  
D: 604.893.7648  
Sarah.Sutherland@McMillan.ca

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Simpson Thomas & Associates  
D: 604.689.8888  
MacMillan@SimpsonThomas.com

#### Lisa Dawson, *Co-Chair*



Oyen Wiggs Green & Mutala LLP  
D: 604.676.9066  
LDawson@Patentable.com

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Alexander Holburn Beaudin Lang LLP  
D: 604.643.2168  
GLo@AHBL.ca

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Clark Wilson LLP  
D: 604.891.7746  
TVC@CWilson.com

#### She'li Mullin, *Co-Chair*



Camp Fiorante Matthews  
D: 604.689.7555  
SMullin@CFMLawyers.ca

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Richards Buell Sutton LLP  
D: 604.661.9241  
BWaterman@RBS.ca

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Boughton Law Corporation  
D: 604.647.4162  
LBurchynsky@Boughton.com

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P: 604.782.0373  
PButler@PaulaButler.com

#### Sunita March



Camp Fiorante Matthews  
D: 604.331.9535  
SMarch@CFMLawyers.ca

#### Stephanie Marsh



D: 604.691.3367  
SCMarsh@KPMG.ca

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Morgan:Newsletters  
P: 604.683.3241  
PMorgan@Morgan-News.com