

BUSINESS DEVELOPMENT COMES FROM RELATIONSHIP DEVELOPMENT Law industry marketing must be focused for firms, for individuals

by Ross Fishman, CEO, Fishman Marketing, Chicago

arketing doesn't have to be complicated. Lawyers all know what they must do to get business: Identify the people most likely to hire you for the type of business you want to do, then work to develop relationships with them until you are in a position to help them achieve their goals.

Business flows from these types of relationships. Look at the mailing list of the top rainmakers and you'll see hundreds of contacts.



Ross Fishman

ter, and Google+.

Many lawyers are active, engaging regu-

hance credibility

and visibility; and

more people face-

tools to expand

targeted blogs,

your reach include

LinkedIn and Face-

book pages, Twit-

to-face.

networking to meet

New technology

FISHMAN'S FIRST RULE OF LAW FIRM MARKETING : NO CONTACTS = NO BUSINESS

Lawyers without business typically have... 10.

By now, most lawyers have become familiar with the traditional marketing tools: Writing articles; giving speeches; sending newsletters; presenting seminars to enlarly in these activities. They get motivat and they write an article. Then they find opportunity to give a speech and they do Of course, those who read the article did see the speech. Focus, focus 🕶 to Pag

ATTACKING TAX TURMOIL – AGAIN Thinking about the return of the PST/GST system

By Pelar Davidson, Oyen Wiggs Green & Mutala LLP and Chair of the BCLMA's Finance Subsection

citizens voted on August 5, 2011 to reinstate the PST, setting in motion a transition back to the old tax system, with a 5% GST and a 7% Social Services tax.

What form that process will take depends on the transition rules of the provincial and federal governments, although in its August 26th news release, the provincial government stated that "the PST will be reinstated ... with all permanent PST exemptions."

A tax report by Ernst & Young called *Turning Back the Clock:*

BC to Extinguish HST and Reinstate Provincial Sales Tax that was published August 30, estimates the PST will be reinstated on April 1, 2013 unless the federal government pushe forward three months to July 1. This means that law firms can use the old PST rules when planning their transition back to the Tax turmoil – again 🔿 to Pag



Trouble in Accounting

The boss's son. The female accounting

clerk. A promotion in the offing. Comments are made, but were they sly? Stress mounts to the breaking point ir HR. Now it's up to you to solve... And, hey, what about that quiz?



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Which is okay, because they were on completely different topics anyway.

The lawyers then go forth and network – with people who didn't read the article or see the speech, or with other practicing lawyers – "to get referrals." Lots of activity, no depth. It's inchdeep, mile-wide marketing.

It turns out to be terribly frustrating for the lawyers that all these marketing activities will never lead to business. In fact, such activities are counterproductive to the extent that they only lead disappointed professionals to the belief that they will never originate their own business.

Business development comes from relationship development, but a scattered flurry of one-shot marketing activities does not lead to the critical network of close relationships.

EMBARRASSMENT OF RICHES

Marketing directors are often asked, "How do you market litigation?" or some other similarly general practice area. The answer, obviously, is that it's very difficult. Lawyers look out the window and realize the audience for their services is nearly unlimited. Almost anyone out that office window is a possible target. They are marketing a general

service to a mas-

sive moving tar-

THE FIRM

get. The prospect is so daunting they become paralyzed by the enormity of the task. They choose between marketing to those they happen to stumble over, or simply quitting in frustration.

But it doesn't have to be that way. The solution is to keep it simple – focus on something small and tangible. Identify a small trade association or industry group and direct all your marketing efforts toward that group.

Develop some synergy among the marketing efforts. When writing articles, write for that organization's newsletter. When giving speeches, speak to this audience. When networking, do it regularly with this group. Find an appropriately small pond, well stocked with clients, and work hard to become an active, highly visible fish. The advice stands for larger firms as well in many cases. Remember, a large firm embraces many small ponds. Even the corporate departments of Fortune 50 companies have their local interests, and their local involvements. Pick one, the right one, and make that your target.

SELECTING TARGETS

When I broke my ankle, I needed to hire a professional services provider: a doctor. I knew I needed an orthopedic specialist and found some qualified professionals, Focus, focus - to Page 5





WINTER 2012/11

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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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Tax turmoil – again → from Page 1

PST, which the provincial government has estimated will take at least 18 months to complete.

It would seem like a simple matter, then, to come up with an implementation plan to return to the former PST/GST tax system. Depending on the type of practice and client base, each firm should be able to recreate the tax rules that apply. These rules can then be used when devising the firm's strategy. However, without knowing what specific form the transition rules will take, there are some unknowns that need consideration.

First, the effective date of the transition, which "could be as early as 26 August 2011 - the date the referendum results were announced," according to the Ernst & Young note, is still unknown. Not knowing the effective date adds an element of risk to the planning process. For instance, if the transition date is indeed started last August 26, Ernst & Young says the province could "require businesses to self-assess PST on any capital purchases made on or after that... date," which means that a decision to accelerate capital purchases to take advantage of the HST input tax credits could backfire. Even with this risk in mind and financing issues aside, given that there is the potential for cost savings in the amount of 7% of the capital purchase, it might make sense to budget for capital purchases in the next year or so.

Second, it is probably safe to assume that the relatively new *Place of Supply Rules*, which took effect when BC adopted the HST and which were detailed in the Canada Revenue Agency's technical information bulletin B-103 issued in June 2010, will no longer apply. This is because those rules were used to "determine whether a supply [was]... made in a province for purposes of determining whether the supply [was]... subject to the provincial component of the HST."

If these rules no longer apply, this could impact a law firm's ability to retain Canadian clients who reside outside of BC. That is because those clients would have to pay the BC PST which could not be deducted as an input tax credit (for business clients). For clients who are indi-Tax turmoil – again → to Page 10

Letters to the Editor

LAW SOCIETY EAGER TO ENHANCE THE ROLE OF PARALEGALS UNDER THE SUPERVISION OF LAWYERS

t was with great interest that I read the recent BCLMA Topics article, "What's in a name? Paralegals are applying for, as a start, protection for their occupational title... whatever it turns out to be" by BCPA vice-president Janet Crnkovic (Fall 2011).

In recent years, the Law Society has been particularly focused on finding ways to help people access legal services that they otherwise could not, usually due to cost.

The challenges facing the judicial system in BC, and throughout the world, are well documented. Difficult economic times mean both government and households are stressed. When legal problems arise, more people than ever are representing themselves in court, which accounts for much of the backlog in the system, especially in family law.

The problem of access to legal services is complex and will require the collaborative efforts of the entire justice system including government and related organizations. And like many in the legal community, the Law Society is intent on doing what it can to contribute to the solution.

With regard to paralegals, while the Law Society does not have the jurisdiction to independently regulate and certify paralegals in BC, we do see benefits to increasing the role that paralegals play within the current legal services framework in order to enhance access to legal services. With that in mind, the Law Society's Ethics Committee continues to work on making changes to our rules to expand the services paralegals may provide under the supervision of a lawyer.



Previously, paralegals could not provide legal advice or appear as counsel in court. Now, the Law Society will permit paralegals the opportunity to provide legal advice. Since, paralegals appearing as counsel will require the agree-

Gavin Hume

ment of the courts, the Law Society is in discussions with the BC Supreme Court and BC Provincial Court and it is hoped that agreement can soon be reached.

It is the view of the Law Society that people with legal needs appearing before the courts would be better served through properly trained paralegals appearing as counsel than they would appearing on their own. The public and the courts are also better served by reducing the number of self-representing individuals. The Law Society is also expecting that the provision of counsel by paralegals will reduce the cost to clients.

Both the articled student and paralegal models depend heavily on proper supervision by lawyers, recognizing that the supervising lawyer is best situated to assess the competencies of a paralegal to run with a file. Lawyers also have heightened accountability where the lawyer has failed to properly supervise or has improperly delegated work. The public is further protected by the mandatory negligence insurance that all lawyers carry.

The broader questions about whether the regulatory powers of the Law Society should be specifically extended to non-lawyers – something that would require legislative change – do not need to be engaged at this time.

However, as the Society has the power to amend its rules and the Professional Conduct Handbook to permit the enhanced provision of services by paralegals, it has, and will continue to take, steps to improve to some degree the ability of individuals to access legal services. The extent to which paralegals can perform legal duties within the courtroom is up to the courts to decide, but the Law Society remains optimistic that options will be available to paralegals, and the public, in the future.

At that point, it will be up to the legal profession and paralegals to work together in providing more economical professional legal services to the public.

> Gavin Hume, QC, President of the Law Society of BC

Comments on any Topics article can be sent to Topics Editor Stephanie Marsh: SCMarsh@KPMG.ca

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highly recommended by people I trusted.

After looking into them, I found a doctor who specialized in joint injuries. I later found one who focused on foot and ankle injuries. Which doctor did I select? Which one would you select? The ankle expert, of course. I had a focused need and she focused her practice (or at least her marketing) in this niche. This specialization offered greater comfort because I perceived that it meant greater expertise. Could a general family practitioner set a simple broken ankle? Probably, but given the choice, people hire narrowly specialized experts. It just makes more sense.

Lawyers should take the same approach with their practices. Most lawyers have general practices. Who is your audience? Nearly everyone: bankers, accountants, real estate brokers, other lawyers, former clients, business executives...? How can you build a business that way? If the statistics are correct, that it takes between seven and 20 face-to-face contacts with someone before you develop enough of a relationship to get business from them, how much time will it take if your prospect audience is nearly infinite?

It is much more effective to create overlap with the targets in order to maximize the number of face-to-face contacts within the group.

This strategy can work for anyone. When law firms are trained in this niche marketing, inevitably someone in the room is nodding knowingly. Others in the room are looking at him and smiling. During training at one large East Coast firm, one lawyer piped up, "I'm the beer lawyer." Apparently he'd been assigned a beer-industry case as a young associate, which caused him to learn about the in-

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Internationally known marketing expert works with BCLMA

he BCLMA hosted the annual Managing Partner's Event at the Four Seasons Hotel in Vancouver on November 3.

Special guest Ross Fishman, CEO of Fishman Marketing of Highland, Illinois, near Chicago, gave an engaging presentation entitled, **Why your Marketing isn't generating revenue** – **and how it can.** Seventy guests attended the event, which was generously sponsored by Dye & Durham, Pekarsky Stein, and Worldox.

Earlier that day, the BCLMA, in partnership with LMA Vancouver, organized a lunch presentation on **Focused Marketing** with Fishman. The event was well attended by a group of 40 professionals, including lawyers, administrators and marketing directors from across the Lower Mainland. Attendees said they gained great insight on how to approach and re-evaluate their firms' marketing. We also asked Ross to contribute to Topics, and the result is his article.

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Focus, focus from Page 5

dustry. Later, the client sent over another matter. One client moved to a competitor and he started representing them too.

Now, he's among a handful of nationwide experts in this area, and industry rep-



The market's wide open in these focused little trade groups. There is an unlimited number of them that have not yet reached the radar screen of most lawyers.

resentatives seek his superior knowledge. He knows as much about this industry as the insiders do; he can literally brew the beer.

He knows about distribution channels, import issues, franchising, taxation, and all the competition. If clients knew that a lawyer was out there with this type of understanding, why would they go to any other firm? The answer, of course, is that they don't. When lawyers publicize this level of nuanced expertise, they are usually swamped with work.

The market's wide open in these focused little trade groups. There is an unlimited number of them that have not yet reached the radar screen of most lawyers.

Find something small, that's still under the radar of other firms, and exploit that opportunity.

If your marketing strategy is currently

bearing more fruit than you can handle, keep up the good work. If you're in need of a little direction, try this. It works.

Ross Fishman is the CEO of Fishman Marketing, an award-winning strategy and marketing firm that helps law firms develop websites, marketing campaigns... and generally dominate their markets. Contact him at 1.847.432.3546 or ross@fishmanmarketing.com. Web: Fishman-Marketing.com. Blog: RossFishman.com



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

THE BOSS'S SON AND THE PROMOTION

Bill Sutton is the Director of Administration at Burris and Company. His son Jason, who has just finished a business degree, is having trouble finding a job.

There is a vacant position, which is being advertised in the local papers, in the accounting department of the firm. Jason applies for the job.

While Bill is not involved in the recruitment process, he mentions to two of his subordinates, the Human Resources Manager and

the Accounting Manager, that he thinks Jason would be a great fit in the department. Jason gets the job.

About six months later, Jason and his co-worker Sara apply for a promotion in the accounting department. Jason is almost immediately awarded the job. Sara then sends a complaint letter to the Human Resources Manager citing an unfair advantage for Jason as

vantage for Jason as his Dad is the Director of Administration. Before responding to the letter, the Human Resources Manager goes on stress leave.

You are the temporary Human Resources Manager, recently hired on a six-month contract. *What do you do?*

PAULA BUTLER'S ADVICE ON LAST ISSUE'S SCENARIOS: ANSWERING FOUR INTERESTING HUMAN RESOURCE QUESTIONS

Paula provided four short scenarios with multiple-choice answers in our last issue. Here are the quiz questions and her answers for each of them. How well did you do?

• 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 email resignation and files a sexual harassment complaint at the BC Human Rights

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.

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?



By Paula Butler, LL.B

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

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.

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.

Paula's answer is #3. The receptionist is a new employee and the managing partner is in a position of power at the firm. While his home is not the workplace, tribunals and courts have increasingly recognized the connection between the workplace and social events that have some connection to the workplace.

In this instance, the receptionist would likely feel obligated to go to his house if asked because of the employment relationship. If there has been no indication to him that his sexual advance was welcome, his behaviour would likely be considered unwelcome behaviour of a sexual nature You be the Judge -> to Page 9

You be the judge → from Page 8

which ought reasonably be known to be objectionable, that would detrimentally affect her in the work environment. As a result, her complaint at the Tribunal would likely be successful.

• 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 attendancemanagement 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.

Paula's answer is #3. While attendance management programs can be very effective at dealing with employees who miss a lot of work, employers must be careful when dealing with employees who have a chronic illness.

In a 2010 decision, the British Columbia Court of Appeal found that a company's attendance-management program discriminated against employees with disabilities for two primary reasons.

The first was that under the company's program, employees with disabilities would advance more quickly through the program steps towards termination of employment as a result of incurring absences caused by the disability.

Secondly, employees were all held to the same standard based upon averageabsences rates which did not take into account that a disability may cause elevated absence rates.

As a result, attendance management programs must impose a standard that takes the disability into account, and employees with disabilities must be reviewed and considered on a case-by-case basis.

• 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.

Paula's answer is #2. There is no requirement in the *Employment Standards Act* to lay off the most recent hires first.

Many unionized employers have collective agreements that require this, but absent a collective agreement term or employer policy, employers can choose the employees that will be laid off.

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

9

- 1. True.
- 2. False

3. Only true if the course has been mandated by the employer.

Paula's answer is #3. If an employer requires an employee to take a course, and that course occurs during working hours, the employer must give the employee time off work and pay them for the time.

If the employee chooses to take a course that would benefit the employer, the employer is not obligated to pay for the time or the course (but may do so).

Don't forget to respond to Paula's latest HR challenge, because we'd like to know what you would do in her new scenario on page 8!

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need more information.

Tax turmoil – again → from Page 3

viduals, consideration of the total tax payable could also affect their decision to retain a BC law firm.

Moreover, a return to the PST could influence the timing of legal-service requests. For instance, business clients who are able to take advantage of the deductibility of the provincial portion of the HST might prioritize their legal-service requirements while clients, who are individuals, could defer legal services, even though the cost savings would only be 7% of taxable disbursements.

NEW LAW FIRMS WITHOUT PST REGISTRATION NUMBERS WILL HAVE TO ENSURE THAT THEY REGISTER

Once the transition rules are known, law firms can prepare procedures to govern the transition back to the PST. That implementation plan would include either an accounting program upgrade or some other accounting program modification to accommodate the transition back to the PST. It would also need to include a training plan and a plan for extra human resources, if needed, to effect a smooth transition. New law firms that do not have PST registration numbers will have to ensure that they register in time to remit PST.

The small segment of law firms that were unable to bill or write off all fee work-in-progress dated prior to July 1, 2010 by that year-end will not only have to ensure that PST is not paid twice on those older time entries, but also that PST is billed on time entries for which it was already remitted.

Other implementation considerations include: changes to client matter/file information, changes to billing templates and formats, and new procedures for billing and accounts payable. To ensure that the transition back to the PST takes place in a proper manner, each firm will have to prepare a timeline that meets any transition-rule requirements and which takes into account the availability of the law firm's resources.

Cost savings can be realized through a deliberate implementation plan, but law firms will have to wait until the transition rules are published this year or in 2013 to find out if their decisions result in any savings. Until that time, law firms will still need to keep this upcoming transition in mind while making plans and drawing up budgets.

Pelar Davidson is the Controller at Oyen Wiggs Green & Mutala LLP and Chair of the BCLMA's Finance Subsection. Pelar's contact information is on this issue's last page.

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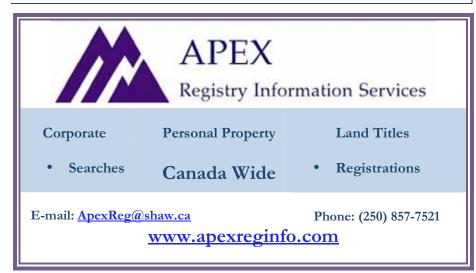
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A PROACTIVE APPROACH GENERATED REWARDS FOR LAWYERS, STAFF AND FIRM

Work-life balance doesn't just exist in BC's legal industry, it thrives at the Vancouver law firm of Stevens Virgin

by Megan Hamilton, Director of Operations, Stevens Virgin

A t a recent "Call and Admission Ceremony" in Vancouver, the Honourable Mr. Justice Randall S. K. Wong advised newly called lawyers to balance their professional and personal lives, and to remember to take time for themselves.

Gavin Hume, QC, President of the Law Society of British Columbia, echoed Justice Wong's message, explaining that the quality of anyone's practice does necessarily equate to quantity of hours spent at the office. Their words of wisdom suggested that too much focus on either – work or life – will lead to dissatisfaction in both.

But in such a demanding profession as law, is it really possible to maintain balance at work, in your personal life, and for your health? Absolutely! Not only is it possible, it's measurable. Work-life balance initiatives can improve a firm's focus, motivation, retention, and even your many new professionals having joined the firm, we needed a way to introduce coworkers to one another and build a stronger team. We wanted to go a little beyond lunch-andlearns and familiar



Megan Hamilton

fitness challenges. So we hired a workplace health and wellness consultant to advise on everything from firm-wide "boot camps" to how to change healthcare providers to improve our benefits package. The firm took a proactive approach as opposed to a more traditional, reactive one.

With the support of firm leadership, we hired a boot-camp style fitness instructor to lead private, noon-hour classes. The firm paid for each employee who wished to participate, but if an employee missed a class for a reason unrelated to



KZENON

bottom-line. At Stevens Virgin, we've witnessed – first-hand – how improving the health of the firm has reduced stress for our valued personnel, reduced the number of sick days incurred, and reduced the number of benefits claims submitted.

Our work-life balance initiatives began as the firm went through a period of significant growth and change. With staff and management – to interact in a fun and healthy atmosphere. It also encouraged employees to make positive lifestyle changes and take an interest in the successes of co-workers, thereby generating enthusiasm, productivity, and camaraderie.

Later, our firm initiated lunch-andlearns, offered health screenings and flexible work schedules, and encouraged participation in fundraisers and charity events. Most employees have embraced these activities; we've seen 65% participation rate among lawyers and staff combined so far. Job satisfaction has improved significantly for the firm's 16 lawyers, 15 paralegals and other staff.

In 2007, the Canadian Bar Association established the "Work-Life Balance Awards" to recognize lawyers and law firms that demonstrate leadership in promoting healthier living within the practice of law. In 2011, Stevens Virgin received recognition by the CBA for exemplifying how promoting a healthier lifestyle for lawyers and staff has improved not only the health of individuals, but has also helped create a healthier bottom line.

At Stevens Virgin, we know that worklife balance is attainable in the legal industry. Our initiatives have improved employee health and given our firm a competitive business advantage by attracting and retaining motivated lawyers and staff. Our program continues to increase productivity, enhance teamwork and improve bottom-line results.

Undertaking work-life balance initiatives can put any firm in a better position to control the costs of extended health benefits, sick time and extended leave while engaging all firm members, enhancing teamwork and improving morale. You can start by engaging management in discussions about the benefits of work-life balance programs and getting support from the top. No two programs will be the same and success depends on the ability to meet the specific needs at your firm.

Get employees, lawyers, and management involved in the planning process then start incorporating small steps into the firm's day-to-day practices.

Megan Hamilton is the Director of Operations at Stevens Virgin | Litigation Counsel, Law Corps. You can reach her at: 604.694.2885 or MHamilton@StevensVirgin.com

WINTER SOCIAL

Winter Wonderland social fun, lively

Photos by Dennison Lee, Harper Grey LLP

he BCLMA hosted another fantastic Annual Winter Social on December 1 at the Terminal City Club in downtown Vancouver.

More than 120 people attended this festive event and enjoyed the club's extensive Winter Wonderland Buffet while listening to the upbeat, lively music of KoKoSoul.

The evening was generously sponsored by Dye & Durham, Systems Auditing and TOS/Hub International, who Winter Social → to Page 13



Jordan Dixon – yes, he's really that tall! – with Sharon Cheng and Lauren Culley, all of Boughton Law Corporation.



Christina Haddrell of Farris LLP and Caitlin Spellicy of Alexander Holburn



Pelar Davidson of Oyen Wiggs Green & Mutala, Marina Pellerin of Camp Fiorante, Lisa Dawson, also of Oyen Wiggs, and Ann Main of DuMoulin Boskovich.



Heather Cathcart of Heritage Law, Jay Cathcart of Farris, Barry Riback of SAI and Sam Mann of Singleton Urquhart LLP

WINTER SOCIAL

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Winter Social - from Page 12

each provided financial support to host the event, as well as draw prizes.

BCLMA President Ernie Gauvreau introduced and thanked all the sponsor representatives:

- ✓ Connie Fenyo, Cynthia Nerland, Clive Bellian of Dye & Durham;
- Victor Montagliani and Roz Wishinski of Tos/Hub International
- Barry Riback and Rob Antejos of SAL Ernie graciously thanked all attending Board members, subsection Chairs and Co-Chairs for their many volunteers hours and support of the BCLMA.

The logo for the 2012 BCLMA Conference was revealed. Ernie noted that the 18-person conference committee had Winter Social → to Page 14



Carina Bittel, Alfonso Bruno and Franca Pitassi of Clark Wilson.



Kaitlyn Tribe of Alexander Holburn and Sarah Sutherland of McMillan



Kerri Antifaev of Alexander Holburn and Cindy Hildebrandt of Richards Buell Sutton.



Victor Montagliani of HUB and BCLMA Alumnus Stephanie Marsh



Cynthia Nerland of Dye & Durham and Bob Waterman of Richards Buell Sutton pose in front of the 2012 Conference logo. Ernie Gauvreau, emcee and BCLMA president, approves!

WINTER SOCIAL

bclma *Topics*

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Winter Social - from Page 13

been meeting for the past couple of months and is well underway with the planning of an exceptional educational conference that will take place October 26 & 27, 2012.

The BCLMA event sponsors enjoyed presenting lucky attendees with gifts:

- Cynthia Nerland of Dye & Durham presented a pair of Vancouver Canuck tickets, team jersey and a gift certificate to the Shore Club to Bob Waterman of Richards Buell Sutton.
- Barry Riback of SAI presented an exquisite wine basket to Rita Koivunen of Stikeman Elliott LLP.
- ✓ Victor Montagliani of TOS/Hub International carefully chose a selection Winter Social → to Page 16



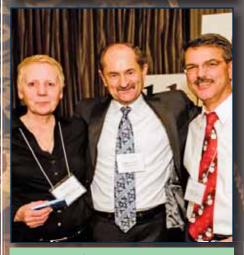
Cathy Fry of MacKenzie Fujisawa and Rosemary Wedemeyer of Edwards Kenny



Barry Riback of SAI awards a basket of goodies to Rita Koivunen of Stikeman Elliot.



Natalie Foley of Miller Titerle, Catherine Tang of Gowlings and Priscilla Wyrzykowski of Alexander Holburn.



Sandra Evans of Borden Ladner, Ernie Gauvreau and Wayne Scott of Alexander Holburn



Blair Lill of Faskens, Diane Chung of Davis, Ernie Gauvreau, Natalie Foley of Miller Titerle, Sharon Cheng of Boughton Law and Doug Ausman of Ratcliff & Company.



From left to right, Aimee Kunzli and Heather Walker, both of Slater Vecchio, with Nicole Dunn and Emalina Fajardo, both of Whitelaw Twinning



Sarah Best of Benard Partners and BCLMA Treasurer Angela Zarowny



Carmen Arndt, Launa Jung and Vicky St. Laurent, all of Lindsay Kenney



Carina of Kokosoul provided the entertainment.



Cynthia Nerland of Dye & Durham, Catherine Rae and Andrea Russell of Borden Ladner and Lori-ann Birdsall of Lindsay Kenney

2000

Winter Social - from Page 14

of Italian wines, which was won by BCLMA Alumnus Stephanie Marsh.

From the BCLMA:

- ✓ LCBO gift cards: Diane Chung of Davis LLP and Pelar Davidson of Owen Wiggs Green & Mutala
- ✓ Gift Certificate from Bed Bath & Beyond: Lisa Dawson, Oyen Wiggs Green & Mutala
- ✓ Gift Certificate for the Bay: Heather Cathcart, Heritage Law
- ✓ Indigo Gift Certificates: Wayne Scott, Alexander Holburn; and Sandra Evans, Borden Ladner Gervais, and
- ✓ Cactus Club Gift Certificate: Aimee Kunzli, Slater Vecchio.

Five BCLMA stickers were randomly placed under coffee cups at each table. Each cup holder won a Starbucks Coffee card. Congratulations to:

✓ Doug Ausman, Ratcliff & Company ✓ Sharon Cheng, Boughton Law Corp.

SAVE THESE DATES! **BCLMA ANNUAL GENERAL MEETING**

Tuesday, March 27 11:45a.m. - 1:00p.m. **Offices of Richards Buell Sutton** 700, 401 W. Georgia St., Vancouver

• The Year in Review • Financial Report, Board Elections • The official AGM Notice will be sent to you in March.

SUMMER SOCIAL

= =

Thursday, June 7, 2012 Cocktails, Canapés 5:00 pm - 7:00 pm (reception) **BRIX Restaurant & Wine Bar** 1138 Homer Street (Yaletown), Vancouver

Premier Sponsors: Dye & Durham Corp., **Corporate Couriers Logistics** Event Sponsor: Ricoh Canada Inc Contributor Sponsors: i-worx Enterprises Inc., **Krang Courier**

- ✓ Natalie Foley, Miller Titerle
- ✓ Blair Lill, Fasken Martineau Du-
- Moulin and ✓ Diane Chung, Davis LLP. A special thank you to Harper Grey's Dennison Lee who took another round of great pictures, which will be available on the BCLMA website under Social Events (the address is at the bottom of this page, login required to see the photos). The BCLMA

Annual Winter Social continues to be the

favourite among our members. Thank 8 you for attending! **BCLMA BI-ANNUAL** EDUCATIONAL CONFERENCE

October 26 - 27, 2012, **River Rock Casino Resort** Richmond, BC

For Sponsorship and Trade Show Info, contact Lori-ann Birdsall, Business Partner Liaison at LBirdsall@LKLaw.ca

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bclma Topics

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IN A CONVERGED WORLD, IT MAY MAKE MORE SENSE TO RENT RATHER THAN BUY

When you're weighing the decision to buy your own digitally based telephony system, or have it hosted, consider these things

By Erin Clarke, Vice-President of Sales, Epik Networks

The demand for hosted telephony based on Internet protocols will account for more than 25% of total telephony line shipments in the next three to five years, and it is anticipated to grow in revenue from US\$310 million in 2005 to US\$5.9 billion by 2010, according to research by InfoTech of London, Ontario.

Telephony is the technology that allows people to have long-distance communication by voice. When it's hosted, it typically means that a contracted firm is providing the technology instead of using your own company's purchased equipment or services on your own premises.

IP telephony provides a way for you to extend consistent communications services to all your employees in their workspaces, whether they are in main locations, at branch offices, working remotely, or are mobile.

There are more than 60 providers of commercially hosted IP-telephony services in the US and at least another 60 outside that country. and these numbers continue to grow. It is safe to say that in the next two years, every major enterprise - and many mid-tier, along with the larger firms that are still within the small-business category will receive overtures

to consider hosted solutions.

Some companies believe that purchasing a system that's kept on your premises provides more control than a hosted service. While true, along with control comes responsibility and cost.

The real question is, "How much control is necessary, and how valuable is it?"

This can only be determined by examining these specific elements of control:

IMPLEMENTATION: Hosted services are less likely to have post-installation problems. Installation is less complicated, which should lead to better firsttime accuracy. Also, hosted solutions can be implemented on a line-by-line basis and they can coexist with your own customerpremises equipment (CPE) while supporting some users and not others. Implementation charges for a hosted system are much less than CPE system charges, but you still need to compare costs on the basis of the total cost of ownership (TCO) over several years to evaluate actual savings. **GROWTH MANAGE-MENT:** Managing growth in a hosted environment is easier than with a premises system. There is no need to track line cards and trunk cards, nor maintain cushion capacity.

MAINTENANCE: When critical CPE problems occur that you can't solve remotely, CPE customers have to wait for a truck to roll out with a crew. That could easily trigger a total repair time of several hours. That's because the usual objective of many maintenance plans is to arrive at your location within four hours to start the repair process. The repair on the hosted system with similar trouble may be completed almost immediately because technicians are on site at the location of the firm providing the services.

NETWORK MANAGEMENT AND ADMINISTRATION: In a hosted environment, customers who bundle the management services of a wide-area network with hosted telephony do not need to proactively manage the network's service quality. This reduces the amount of resource, training and test systems needed in a CPE environment. As an example, that likely includes equipping laptops with what are known in the trade as sniffer cards, technology that detects the type of data being transmitted on the network.

SECURITY: In a hosted service, voice firewalls, which guard against unauthorized digital intrusion into the system from the outside, are all managed by the carrier with security management that's usually a lot higher grade than that which you might have. Hosted equipment also has good physical security in a carrier datacentre. It is well-guarded and staff have well-defined security practices. Your own premises may have equivalent security, but most do not.

RELIABILITY, CONTINUITY: Carriergrade reliability is provided by hosted services, with redundancy of equipment components that usually exceeds that of premises solutions. And such firms are often much more willing to purchase redundant equipment that those that have systems on their premises.

E-911: The capability to have 911 calls traced to individual jacks or to specific of-Telephony to go → to Page 18

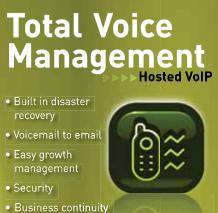
Telephony to go → from Page 17

fices in a building is built into the hosted offer.

VIRTUAL OFFICE: Hosting firms tend to make it easier for you to implement virtual offices. That's because a hosted terminal typically has "broadband plug-in" functions to facilitate regular virtual-office work without the cost overhead of socalled "soft-phones" for users who only work either at home or at a company site, that is, people who are not road warriors.

PURCHASING LEVERAGE: When you have several providers of equipment on your premises, you can use competition to leverage decreases on the price of the equipment or services, compared with hosted solutions, but then you also have to constantly evaluate the comparisons of the equipment and services.

CASH FLOW: Hosted solutions smooth out cash-flow requirements because



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you're not spending money on capital equipment in the start-up years (although systems on your premises can be leased, which also smoothes out the cash flow).

CUSTOM APPLICATIONS: Unquestionably, the ability to develop and integrate customized applications on your own purchased system is the greatest advantage you have over hosted services, especially as IP-telephony matures.

SOFTWARE UPGRADES: In hosted services, upgrades for applications and the

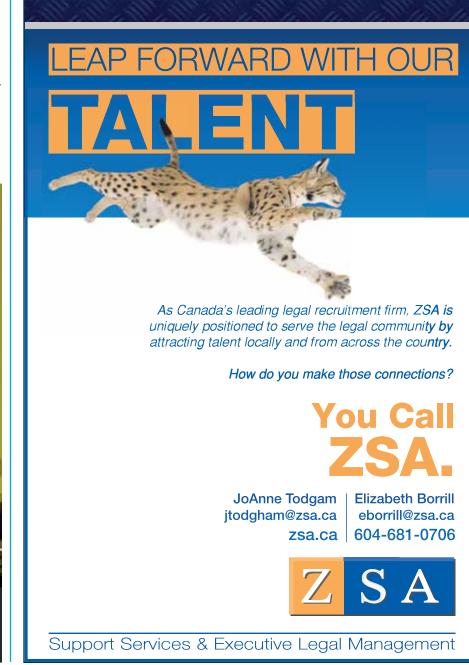
operating-system software are bundled with the cost of the service.

MERGERS & ACQUISITIONS: Hosted services offer you the ability to deploy the service in any increments.

As new locations are brought into a company and are ready to migrate, they can be easily added.

Those who have locally based systems tend to wait until a critical mass in user demand is achieved before purchasing additional equipment.

Telephony to go - to Page 19



Telephony to go 🛥 from Page 18

STAFFING: Planning a new hosted system generally requires less of your resources than planning your own system.

OBSOLESCENCE: A hosted solution eliminates the issue of your own equipment becoming obsolete, which is often accompanied by higher maintenance costs and an increasing difficulty in obtaining spare parts.

That, in turn, ultimately results in a major effort based on developing and implementing a request for proposals, along with the necessity to evaluate new offers in order to replace the system.

Talk to a reputable services provider before you decide.

Erin Clarke is the Vice President of Sales at Epik Networks. Through centralized Broadsoft Switches and high-speed fibre-optic infrastructure, Epik Networks provides affordable, reliable and highly customized managed-IP solutions. Contact Erin at eclarke@epiknetworks.com or at 604-692-2100.

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BCLMA SHAKES UP PROGRAMS BCLMA adds litigation-support subsection, reworks marketing strategy

Part of the role of the BCLMA Board is to recognize and respond to the changing needs of the legal profession.

That's why the Board has agreed to make changes to its roster of subsections to focus on areas where we can provide the greatest value.

Directors are excited about these changes, which took effect January 1, and look forward to what they will bring our association. All BCLMA Representatives received the announcement of these changes with the 2012 Membership/Renewal Form.

NEW LITIGATION-SUPPORT SUBSECTION

Last year, the Vancouver Chapter of the international Association of Litigation Support Professionals (ALSP) formally approached the BCLMA Board with a request to join the association by forming a Litigation Support subsection.

This new subsection will include Coordinators or Managers, Clerks and Technicians working in that field.

Since this area of litigation is rapidly growing and the technology is always evolving, BCLMA Directors believe this is a natural fit to our membership structure, and that it will help ensure our Representatives and Affiliates develop professionally and remain informed.

ALSP's Vancouver group was formed in 2006, and currently has representation from about 50 law firms and governmental agencies across Metro Vancouver.

ALSP's mission is to establish global standards for the litigation-support profession through collaboration and education, while providing opportunities for networking with peers.

MARKETING SUBSECTION DISSOLVED

The BCLMA and the Vancouver Chapter of the Legal Marketing Association (LMA) have co-sponsored many suc-

MAKING THE MOVES...

WELCOME, NEW & RETURNING AFFILIATES!

Tara Cain, of the Trainers sub-section and formerly of Clark Wilson, has joined Davis LLP... **Tim Rea**, Spraggs & Co Law Corporation, will attend Finance, Technology & Small Firms subsectional meetings... **Kate Kislova**, Roper Greyell, will attend Finance... **Kaitlyn Tribe**, Alexander Holburn Beaudin Lang LLP, joins Knowledge Management... and **Lucy Pridgeon** of Slater Vecchio LLP has joined the Trainers and Technology subsections.



WELCOME NEW FIRMS AND THEIR REPRESENTATIVES

Magellan Law Group LLP, Langley, is represented by **Karen Fruitman**, Corporate Paralegal; and Spraggs & Co Law Corporation, Coquitlam, is represented by **Pam Carriere**, Office Manager. Jennifer Baddeley, Senior Director at McMillan LLP, Vancouver... Sam Prum, Office Manager, Hastings Labour Law Office, Vancouver... Anita Ensor, HR Manager, Affleck Hira Burgoyne LLP, Vancouver... Parm Ahuja-Robertson, former Administrator at Heenan Blaikie Calgary and most recently Director of Human Resources at Borden Ladner Gervais Calgary, has returned to Heenan Blaikie as Administrator and Office Manager at the firm's Vancouver office.

In accordance with our bylaws, firms are the BCLMA's **Members**. Members authorize **Repre**sentatives to vote and speak on their behalf. Affiliates are people from Member firms who take part in one or more of our Subsections. 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.

cessful educational events over the past few years, including the recent Ross Fishman event.

Since board members of both groups foresee more opportunities to collaborate on educational and networking events, the BCLMA Board has decided to dissolve the Marketing subsection and consequently encourages enrollment in the LMA for all legal marketing needs.

In January 2006, the international group Legal Marketing Association (LMA) established a Vancouver chapter as a means of serving the specific needs and maintaining the professional standards of those involved in marketing in a law firm.

LMA Vancouver, which has continued to grow since inception, provides education and networking opportunities for its members and our legal marketing professionals.

SAVE THIS DATE! EDUCATIONAL EVENT

BCLMA and our Human Resources Subsection invite all BCLMA Representatives & Affiliates to attend!

> STRATEGIES FOR DEALING WITH BAD BEHAVIOUR

Wednesday, February 8, 2012 Lunch presentation Fours Season Hotel, Guest Speaker: Diane Ross

Registration deadline – February 6 Info – http://tinyurl.com/7ef4zwa

Premier Sponsors: Dye & Durham Corp., Corporate Couriers Logistics

Increase law-firm revenues in 2012

By Julie Savarino, Managing Director, Business Development Inc

The fundamental challenge most law firms currently face is that expenses grow faster than revenues. Here are two quick bottom-up strategies that can help contribute to increased revenue growth for law firms.

UPGRADE BUSINESS DEVELOPMENT:

The practice of law is, at its core, a peopledriven, relationship business – both externally and internally.

Too many lawyers think they already know what marketing is and that they already have a complete understanding of business development, client development and client service. They are dismissive of the proven science of those disciplines.

In fact, the meaning of those words and phrases varies dramatically among most lawyers. Just like civil procedure, there is a linear process to business development often illustrated by a funnel or pipeline. Once lawyers and staff obtain this knowledge, it goes a long way towards creating greater focus and efficiencies in their use of time, effort and resources.

A handful of law firms enhanced their ROI by using a funnel approach to help increase revenues and as a result are continuing to invest in the systems, processes and talent to support it.

CHANGE SUCCESS METRICS: These days, the clients most desirable to the majority of major law firms and lawyers have many ways to get their legal needs met. Some use a variety of firms and lawyers. In response, firms have started benchmarking themselves against actual competitors, not just whom they think are their competitors by firm size or revenue.

Revenue per lawyer and profits per partner remain benchmarks, but other measures are also being used at the matter and client level. Similarly, mind-sets, attitudes and skill-sets are changing and "partnering"type business relationships based upon sincere mutual respect are on the rise.

Contact Ms Savarino at Julie@BusDevInc.com or by phoning 1.734.668.7008. The company is located in Ann Arbor, Michigan, USA.

BCLMA 2012 SURVEYS – Annual Schedule

S urveys provide valuable data to law office manager's business plans. To provide maximum value, we need *everybody* to participate. Surveys are distributed throughout the year, so you will never provide input for more than one survey at a time. They are also distributed at a time that should work for the majority of participants.



If you feel that any of these dates are not in the best interest for participants, or you have other comments, please send Bob Waterman, Chair of the BCLMA Survey Committee, your feedback to: bwaterman@rbs.ca.

SURVEY	Distribution Date	Reply Deadline	Estimated Publication Date	Survey Leader
Management Staff Salary	January 6th	January 20th	February 15th	Colin Cameron
Associate Salary	March 1	March 15	March 31	Bob Waterman
Law Firm Economic	April 1	May 1	June 1	Sandy Delayen
Staff Ratio	May 1	May 15	May 30	Wayne Scott
Support Staff Salary	September 1	October 1	November 1	Raf Sansalone

- The Management Staff Salary Survey is new for 2012. In the past, most of this information has not been included in the Support Staff Salary Survey. Management Consultant Colin Cameron of the Law Firm Profitability Group will conduct this survey for the BCLMA.
- The Law Firm Economic Survey will once again be led by Wolrige Mahon LLP, which has conducted this survey for BCLMA for several years now.
- The Support Staff Salary Survey remains the most popular poll. Results will be compiled by Western Compensation & Benefits Consultants and distributed by the CBA with significant input from BCLMA.
- Benefits and Charge-out Rates are part of the Support Staff Salary Survey.

We publish the names of all law firms who participate in the surveys, however, no direct links or reference to any of the results are made public, nor are they available for confidential viewing.

The BCLMA Survey Committee is: Bob Waterman, Chair, from Richards Buell Sutton LLP; Sandy Delayen of Bull Housser & Tupper LLP; Raf Sansalone of Borden Ladner Gervais LLP; Cindy Hildebrandt of Richards Buell Sutton LLP, representing the BCLMA Board; Wayne Scott of Alexander Holburn Beaudin & Lang LLP, and; Jane Kennedy of the BCLMA.

BCLMA'S VOLUNTEER HERO AWARDS

Ausman's decade of service triggered by desire for experience

he BCLMA has the good fortune of attracting excellent volunteers who step up to dedicate their precious time, knowledge and energy to the success of the Association. This edition, we honour 10-year member Doug Ausman,

who first appeared on the scene in 2006 when he joined the Board of Directors after just four years as an association member.

Our Volunteer Heroes segment highlights the hard work and dedication of

our volunteers and also shares their future plans. If you've got the spirit, contact any Board Member or subsection leader to learn more about volunteer opportunities.

We'd love to work with you!

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

NOT RECEIPTING AGEMENT ASSOCI	Doug Ausman, Administrator, Ratcliffe & Company LLP, Vancouver		
BCLMA/VALA MEMBERSHIP	Ten years; I joined BCLMA in 2002 immediately after joining Ratcliff & Company as Administrator.		
CONTRIBUTIONS INCLUDE	In 2006, I threw my hat into the ring to become elected as a Director on the Board. I enjoyed three years on the Board: President-Elect, President and Past-President. While President-Elect, I took on the role of overall co-ordinator for BCLMA's first conference of "modern times." Since then, I've assisted the Conference Committee in developing and managing the budget for the conferences in Whistler and at the River Rock Casino. I have also continued to manage the Association's liability insurance and directors' & officers' insurance, as continuity has proven important to addressing annual insurance renewal on a timely basis.		
WHY CONTRIBUTE?	When I joined Ratcliff & Co., I had 20 years of public-sector experience, and none at a law firm. I immediately joined the BCLMA. I found it a safe environment - not cliquey - and I found the people very approachable. I arrived at events early so that I could pick people's brains! (Of course, they could pick mine as well!) I leveraged the knowledge of my new colleagues to quickly gain traction in my new role. That information-sharing pro- cess really helped. I wanted to do the same for others in the association, as well as help the association succeed as it had done for me, so I became a BCLMA Mentor, accessible through the website.		
OVER THE YEARS, I HAVE ENJOYED	I had a lot of help from the Board, which enabled all of us to make meaningful contributions. I especially had a lot of assistance from Jane Kennedy. She keeps everyone on top of what we need to do and when! The inherent "teamwork attitude" helped us all manage our time effective- ly. I enjoyed collaborating with the Board and making decisions together to advance the association and its enjoyment by members. Keep in mind that you get out of it what you put into it, so I always felt best when I participated.		
WHAT DO YOU ENJOY MOST ABOUT THE BCLMA?	The BCLMA continues to host valuable educational seminars and fun social events! I particularly enjoy maintaining relationships with everyone I've had the pleasure to serve with. I appreciate that people are so available and responsive. The Board keeps succession planning on their radar. They encourage individuals to find their success, whether that's by taking on a role on the Board, as a subsection member or as a conference committee member. The Board watches for people who have a genuine interest in developing professionally and making a contribution.		
LOOKING AHEAD	 Ratcliff & Co. is a great firm to work at and they have been so good to me. However, in 2011 I realized that the time had arrived when I should make a change toward retirement. I also realized that I would prefer to retain a link with Ratcliff rather than follow the traditional approach of giving notice of retirement and helping the Firm find a replacement for me. Throughout my career, especially in my personnel management responsibilities, I have been a strong advocate of succession planning. Ratcliff has always practiced a "grow your own" approach. In fact, most associates and partners joined the firm as articled students, and many current senior employees joined as new grads from legal assistant or other educational programs. Having already involved Accounting Manager Lisa Gray in many of the Administrator's activities, the partners agreed to appoint Lisa as Deputy Administrator initially while I stayed on as Administrator with reduced hours. We launched the new arrangement June 1st, 2011. (You'll definitely see Lisa at even more BCLMA sessions in the future!) I feel very confident about the plan because I truly believe that the firm is using its resources wisely. We have identified someone we trust and who has made a commitment to the success of the firm. As an Administrator, succession planning should be part of your regular responsibilities. Not only for other positions in your firm, but for your own position. You must identify individuals who have potential, then plan to train and develop them, and create and implement a plan for a smooth transition! The partners at Ratcliff expressed interest that I remain available on an ongoing basis to assist the firm with special analyses and projects, as well as help with the work volume at financial year-end and budget-preparation times. Outside of that, I will continue my longstanding role as President and Treasurer of the Lower Lonsdale Business Association, and my wife Sheila and I will continue to travel a great dea		

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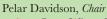
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EDUCATIONAL CONFERENCE – 2012 Susan Spalding, Conference Co-Chair



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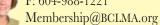
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