

A newsletter to help our Members, Representatives, Affiliates and partners stay current with the business of law ♦ Fall 2012

THE FIRST STEP IN THE PROCESS, IT APPEARS: LEARN TO FLY

Camp Fiorante Matthews takes its operations directly up to The Cloud

By Sunita March, Executive Director, Camp Fiorante Matthews Mogerman

Living in The Cloud... it sounds like such a peaceful, heavenly place to be. All I can say is that it's been a long process to get to where we are.



Sunita March

And we haven't reached heaven's door yet.

In February 2011, Camp Fiorante Matthews Mogerman faced a major upgrade of IT infrastructure. We knew that most of our hardware and software needed modernizing. After conducting some research, we

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Topics Editor Stephanie Marsh

CHANGE US

As you know, this year's BCLMA Conference theme is Change: Embrace, integrate, manage.

By coincidence, many of this edition's articles are about

change – reflecting and reinforcing the conference theme:

- ✓ Sunita March recounts Camp Fiorante Matthews Mogerman's change to cloud computing;
- ✓ Priscilla Wyrzykowski outlines the processes used at AHBL to change their logo, tagline and image;
- ✓ John Pater discusses the current changes

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Jiggers!

Pretty scary, folks! Paula's 'You Be the Judge' story is based on a real event in the life of our name's-changed-to-protect-the-startled Human Resources manager – who was already having a tough day... Page 6



BLACKBERRY PIE, BLACKBERRY PIE! IF I DON'T GET SOME...

What to do if 'Berry season is over

By John Pater, Director of Technology, Davis LLP

Did you go berry picking over the summer? August was blackberry season and I love my fresh blackberries – especially blackberry pie. Mmm....

In the legal world, we have all seen technologies come and go. Take the facsimile... okay, maybe that is a bad example. How about Research in Motion's BlackBerry? Relax... it is still here. What is its future? Does it have a future?

We can all agree that the BlackBerry is a good technology. We understand what it does, and it does it well and securely. We believe in its encryption, light-data usage,



John Pater

and its seamless synchronization with Microsoft Outlook. Many love the tactile keyboard and flashing red light. In fact, in my own personal and informal survey of people that moved from a BlackBerry to an iPhone,

I was surprised at how many people miss the flashing red light more than any other feature. This flashing red light lets

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Who we are

The BCLMA, founded in 1972, is a non-profit organization with 120 Representatives and 240 Affiliates across BC. 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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from BlackBerry to other mobile devices in law firms;

- ✓ Productivity Consultant *Linda Chu* of *Out of Chaos* describes how to change your approach towards time management to become more productive.

We hope you enjoy this issue and learn some helpful tips and best practices that will guide you as you consider, plan and implement changes at your own workplace – large or small – in your firm, large, medium or small.

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narrowed it down to a few options.

We could either buy new equipment that we could house at our location with support from an off-site IT service provider, or we could move to a hosted solution – aka, The Cloud.

We began the process by requesting proposals from both types of vendors, as well as some hybrids. We short-listed three we felt would work best for us. In May 2011, after considering all of the risks and benefits, we committed ourselves to an off-site, hosted solution.

This solution enabled us to:

- ✓ Create a standardized work experience for everyone
- ✓ Run the same applications on the same operating system, and have them all update at the same time.
- ✓ Enjoy continuous back-ups that are mirrored in multiple locations.
- ✓ Access our desktops from any kind of computer, whether it was a Windows-based system or the OSX operating system on an Apple computer.
- ✓ Provide a secure and seamless experience when our staff worked from outside the office. As long as our users have an Internet connection, they have access to all of the same files, and we don't have to worry about multiple versions of a document floating around on different computers or USB drives. All data is encrypted during transmission of the information.
- ✓ House our servers in facilities that are much more secure than our offices.
- ✓ Increase or decrease our system requirements quickly as we add new users.
- ✓ Pay only for what we use.

Further, with our old system, whenever

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THE FIRM



"HE'S PART OF THE TEAM WORKING ON OUR FIRM'S BRAND CHANGE. HE'S THE WEB MASTER OF THE GHOST SITE!"



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Flying up to the Cloud → from Page 2

er we bought a new computer, we ran the risk of having the new hardware contain a different operating system than the other PCs already running in the office. Over time, as we replaced hardware, we ended up with multiple platforms and multiple versions of software running on each of those operating systems. The new system eliminated this risk.

We worked with the vendor on the terms of the contract, clarifying expectations on both sides. This included discussion on the security of their facilities, confidentiality protocols – including those that concerned the service providers’ staff – back-up processes, restoration of data, third-party attempts to access our information or its servers and expectations of up-time.

Once we ironed out the contractual details, we started searching for a Microsoft *Word* programmer to create new templates, styles, macros and automations to make the creation and modification of documents much easier for users.

We wanted to create documents that would be easy to update with a few simple steps. The new programming enabled our users to easily make changes to suit the needs of every target audience. We moved from multiple *Windows* platforms (2000, XP, and *Windows 7*) to everyone using *Windows 7*; and from *Office 2000* or *2003* to *Office 2010* – quite a leap, to say the least!

We found many good *Word* programmers – and we found one who was amazing. However, they were also busy. Since they could not start our programming until late October, we began co-ordinating with various software vendors and the IT provider to start putting together a plan for the transition.

Testing took place from late November through to December 2011. In hindsight, we should have allocated a lot more time and staff to this testing stage. But we were all eager to get onto a new system. There was a lot of pressure to get the new system running as we experienced more and more trouble with our old systems.

We scheduled our roll-out date for January 13, 2012 – almost nine months after the initial decision to proceed with this platform. We sent out emails to clients,



**“New servers, faster processors – et voilà!
With the increased speed,
we experienced tremendous improvement
in productivity.
Finally, we were on our way.”**

colleagues and suppliers advising that our systems would be down as of January 13, 2012, and – fingers crossed – we would be fully operational again on January 15, 2012.

We have an outstanding systems trainer, and she did a fantastic job preparing people for working with the new software and new infrastructure. Then she began wearing additional hats to co-ordinate troubleshooting issues in the office, as well as liaising with a variety of consultants to get the appropriate attention paid to the most important problems. We were on the new system on Monday morning, as promised!

Despite all of our planning and new training, the next few weeks proved chaotic. We had to work out printer issues, and address profiles as well as accesses to data or accounts that didn’t do what they should be doing.

We also had to improve overall speed in the system, reprogram our brains to move away from saving onto CDs or USB keys to sharing information electronically, and moving larger files through FTP sites. The augmentations kept on coming.

Our IT provider’s staff camped out at our offices for the first three weeks to handle any issues that came up. The issues with speed, however, did not get resolved in our first iteration. Our provider staff eventually suggested that we move to a

new server they were currently testing, since they believed that our existing processors simply could not handle the volume we were putting through them.

New servers, faster processors – *et voilà!* With the increased speed, we experienced tremendous improvement in productivity. Finally, we were on our way.

The next challenge we faced was addressing our software issues. Anytime we tried to transfer a significant amount of data into *Summation*, our entire system would freeze.

We toyed with the idea of bringing *Summation* onto its own server and housing it on site. Since this solution created its own set of issues, we ended up moving *Summation* to the local C: drive of the virtual server instead of being executed from the Storage Area Network.

We wanted to see if that would create better performance in the overall system as well as within *Summation*. So far – so good. We have had this in place for a few months now, and it is working well, but it is still a slow process uploading large sets of data. We had to come up with another way of dealing with the large volumes of data that we sometimes receive, and we finally did. We now upload the data directly at the data facility. This makes for a much faster transfer.

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Flying into the Cloud → from Page 4

Throughout this entire process, we needed to be certain of two things. First of all, our commitment to this project; and secondly, the provider's commitment to having this environment work for us. We were both strongly committed to the success of the project, even in the face of obstacles that increased all our frustration levels.

Working with such a new technology, I expected there would be a lot of trial-and-error on both sides as we ironed out the parts that worked and the ones that didn't. We had to streamline the processes of reporting problems, tracking ongoing issues and hounding people for answers if needed. We found our-

selves with a long list of matters we had to turn into solutions:

- ✓ Programs that would crash the whole system;
- ✓ Speed, or lack thereof;
- ✓ Unexplained server shutdowns;
- ✓ Loss of connectivity;
- ✓ Loss of function in certain programs, and more.

We tried every bit of patience of all our staff and our partners! We needed to line up an exceptional group of consultants that knew the software so well that we could work out new and innovative ways to approach problems. Thankfully, I can say we worked with incredible groups of people. They would work on issues on the weekends, in the evenings – even at

two or three in the morning! The commitment from the IT staff and from our consultants was remarkable.

You'll recall that our goals for the new in-

appropriate hardware for them. They could work at any workstation in the office, or even bring in their own hardware. We can activate or deactivate their profile at any time. There is no residue of our work on the computers they use. They can work from anywhere and aren't limited to the four walls of the office. We have found this to be a tremendous productivity boost.

Our lawyers and paralegals can work while on the road with exactly the same interface they use when they sit down in their offices. We have created profiles for sharing *Summation* data with co-counsel so that we are all working off one set of data. This was simply not possible with our old system. We only pay for the amount of storage we use, and we can increase and decrease space at any time without having to worry about increased hardware costs (although we do pay extra for the extra space we need for *Summation* files). We do not have to worry about either having too much or too little server space to house our data.

Throughout this journey, we learned that it takes a long-term view of a process to remain committed and really

strategize the problems you will inevitably encounter.

We knew there were solutions for each issue. We knew that it might take more than one attempt to find the right solution. As time goes on, we see more and more software providers eager to work with this new technology.

I am excited about working with such new and emerging technology, and I look forward to seeing more of what we can do using our new infrastructure!

Sunita March is the Executive Director at Camp Fiorante Matthews Mogerman. Thinking of going to the Cloud? Contact Sunita to learn more about her experiences at SMarch@CFMLawyers.ca or at 604-331-9535.



"We knew there were solutions for each issue. We knew that it might take more than one attempt to find the right solution. As time goes on, we see more and more software providers eager to work with this new technology."

frastructure were simple. We wanted a responsive system with little down time. We wanted to protect against loss of data. We did not want to be responsible for keeping up on security and hardware upgrades, or trying to determine what maintenance our servers needed. We felt that we should leave this to those who knew it best.

Has it been a rocky road so far? Yes. Am I sorry we made the switch? No.

We now have a system with which we are committed to working, and we have tremendous flexibility that didn't exist before.

In the last few months, when we had three summer students working for us, we didn't need to purchase new equipment nor spend a lot of time in setting up ap-

PAULA'S NEW SCENARIO...

TELL US WHAT YOU'D DO IN THE CASE OF MOMMY DEAREST

Andrea is a recent paralegal grad who has been working at Williams, LaMarche for six months, her first job out of college.

Towards the end of Andrea's six-month probationary period, the Office Manager sits down with her to provide a performance evaluation.

The Office Manager tells Andrea that she has been doing an adequate job, and has passed her probationary period, but that she needs to make some improvements in her performance. In addition, she will not be getting a wage increase until her performance improves.

The Office Manager tells Andrea that she must complete assignments when they are due – she has been late with important tasks on more than one occasion – and she needs to be more careful about how much time she takes for lunch and coffee, because she is not meeting her billable-hours target. Andrea seems upset by the conversation, but says only that she will try harder.

The following Monday, the Office Manager arrives at work at 8 a.m. and a woman is waiting for her in the reception area. It is Andrea's mother, demanding to speak to the Office Manager about the "unfair treatment" of her daughter. *You are the Office Manager. What do you do?*



RON SUMMERS

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

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 THE CASE OF THE GOSSIPING SPY

Judy has worked as Scott's paralegal for 15 years. They have a great working relationship, and are also friends outside of work.

One day while Judy is out at lunch, Scott goes to look on her computer for a document that he does not have access to. He notices that her home email web access is open. He looks at it, and sees that there are a number of emails from Ryan, a lawyer whom Scott fre-



JO ANN SNOVER

quently faces in court. Scott is puzzled as to why Judy is exchanging emails with Ryan, particularly since all of them have been sent or received late at night or early in the morning, not during her work day.

That's when Scott spots a subject line on one of the emails that says: "Missing you so badly," and he can't resist reading it. It quickly becomes clear that Judy and Ryan are having an affair.

Over the next few months, Scott checks Judy's emails whenever she is away from her desk and her home email web access is open. He can't believe the emails between them!

Soon, he starts telling a few other people about what he is reading. After a few more months, Judy is told by a co-worker that people know that she is having an affair with Ryan, as well as knowing some of the details of their relationship.

Judy is mortified. She quickly figures out that it must be Scott who is access- **You be the Judge → to Page 8**

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*CERTAIN CONDITIONS APPLY

You be the judge → from Page 6

ing her email.

Can Judy do anything about this?

READER RESPONSE

I think the only thing she can do is have a private word with Scott, and express her disappointment. Email is not private; if you are accessing your personal email at work or at home, the messages can be intercepted by anyone. The only way to keep messages private is to encrypt them. Email creates an electronic document and should the firm be sued, it would have to turn it over, which is why most firms have an email policy that you sign when you begin working there. Having said that, Scott should not be snooping in what is clearly Judy's personal email. It lacks character and, in my opinion, the fact that he's passing along the information he reads in Judy's personal email lacks good judgment as well.

Hi, this is Paula. I agree with you that Scott should not be snooping in what is clearly Judy's home email (and she should not be leaving her home emails accessible on her work computer).

If he accidentally stumbled upon it the first time, he should exit the email and not go back into it – rather than intentionally access it every time she is away from her desk in order to find out more information. Finally, he should not be discussing this information with others.

Judy could sit down with Scott and tell him about her disappointment in his actions. As well, she may be able to file a complaint against Scott if the firm has a respectful-workplace policy prohibiting this kind of behaviour.

In addition, Judy may also have a cause of action against Scott. In 2012, the Ontario Court of Appeal found a new tort called “intrusion upon seclusion” (*Jones v. Tsige*, 2012 ONCA 32).

The case involved two Bank of Montreal employees, one of whom frequently accessed the bank records of another without any work justification for doing so.

The court decided that a cause of action exists if one party intrudes upon the seclusion of another as long as the following criteria are met: the conduct must be intentional; the defendant must have invaded – without lawful justification – the plaintiff's private affairs or concerns; and a

reasonable person would regard the invasion as highly offensive, causing distress, humiliation or anguish.

The Court recognized this tort in part because of the need to preserve privacy in a time in which technological advances have created easy access to our private information. Hopefully, this new tort will

provide some disincentive to people like Scott from accessing the private information of others.

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, The Case of Mommy Dearest, on page 6!

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ANOTHER IN OUR SERIES ON HOW LITIGATION TODAY USES SOPHISTICATED SUPPORT

How to develop best practices in handling case documentation to ensure protection, efficiency for the case, the client – and your firm

By Ann Halkett, of Alexander Holburn Beaudin & Lang LLP, Chair of the BCLMA’s new Litigation Support Subsection, and Patricia Boudreau, Co-ordinator of Litigation Support at Fasken Martineau LLP



Ann Halkett



Patricia Boudreau

The document disclosure process in litigation often requires that lawyers use robust software programs. That’s in addition to establishing best practices to avoid making major errors or oversights that could harm, or even ruin a firm’s ability to pursue or win a client’s case.

Best practices are a firm’s procedures that prevent mistakes and provide quality control. To be effective, they must be followed by everyone on the litigation team. Best practices are particularly important when using complicated litigation-support software programs such as *Summation*.

Of course, it is not enough to simply buy a software program. Lawyers and staff must understand how it works and how best to apply it to the litigation process. Here are a few of the best practices firms should consider employing when working with software programs:

- ✔ Establish and maintain a solid, co-ordinated approach in dealings with vendors;
- ✔ Recognize the importance of standardized coding;
- ✔ Develop consistent naming-convention practices for databases;
- ✔ Institute and ensure quality control measures from import to production, as well as throughout all subsequent stages of the litigation; and
- ✔ Consider the appropriate production format for electronic documents, i.e. native, image or hard copy, taking into account the needs of the recipient.

Now, let’s look at each of these to see how it helps your firm and your clients.

SOLID, CO-ORDINATED APPROACH IN DEALINGS WITH VENDORS

When your client provides evidentiary documents via flash drive or other media, the next step may be to employ a vendor who specializes in dealing with electronic documents.

A vendor can organize the documents into a format that will permit them to be loaded into *Summation*, or they may host them in another type of litigation-support database on their server (i.e. the Cloud).

The Law Society of BC’s *Report of the Cloud Computing Working Group*, from last January, provides guidance where lawyers outsource a client’s electronic documents to a third party.

The report notes that where the “lawyer or client suffers a loss as a result of a data breach”, such a loss is not deemed to arise out of a lawyer’s negligent provision of legal services, and is therefore not covered by a lawyer’s professional-liability insurance policy.

As a precautionary measure, firms should request vendors to sign a *Non-Disclosure and Confidentiality Agreement* as part of their retainer with the vendor. As a further precautionary measure, firms should also request that the vendor conduct a conflicts check to determine whether the vendor acts for more than one party in the litigation.

A firm should also be sure to inquire whether the vendor will perform any part of the project off-shore (e.g. India, Philippines, etc.) or in Canada as there may be serious privacy restrictions concerning a client’s documents that could be broken by allowing documents to leave Canada. The Law Society recommends soliciting a client’s express consent in order to send the client’s documents overseas.

THE IMPORTANCE OF STANDARDIZED CODING


It is important to establish a firm practice for listing documents. That is, docu-

ments should be listed in a specific manner to make them simple to locate. For example, one date format should be used in a database (MM/DD/YYYY) as opposed to numerous date formats. Also, similar documents should be referred to in the same manner. For example refer to a fax as a fax, and avoid also referring to it as a facsimile, fax cover, or cover memo, etc.

On the same token, be careful how you use the fields (i.e. columns) in your database. Everyone using the database should understand the purpose for the fields as it is possible to give away privileged and/or confidential information inadvertently.

For example, the paralegal on the file is using the Summary field to provide an objective description of a document that will be given to opposing counsel to assist in identifying documents, and the lawyer on the file is using the same field to list comments about the document as they relate to the litigation. In this scenario, neither is aware of what the other is doing so it is likely, particularly where there are thousands of documents, that the lawyer’s

Litigation support → to Page 25



The Law Society
of British Columbia

REPORT OF THE CLOUD COMPUTING WORKING GROUP

Date: January 27, 2012

Gavin Hume, QC (Chair)
Bruce LeRose, QC
Peter Lloyd, FCA
Stacy Kulick

Purpose of Report: Discussion and Decision
Prepared on behalf of: Cloud Computing Working Group

Policy and Legal Services Department
Doug Munro 604-605-5313

The Law Society of BC’s “Report of the Cloud Computing Working Group” from last January can be downloaded at <http://tinyurl.com/7rsp2r8>

Is 'Berry season over? → from Page 1

you know from across the room that you have a new message, appointment, or missed call.

We have also all seen the stocks plunge and the news headlines of layoffs at RIM.

What was once unfathomable is now seemingly happening. Could the *BlackBerry* disappear? And what will you do?

Ah... but hasn't this story played out before? Let me take you back to 1985 when another seemingly strong company started to struggle, fired the CEO and, over the next 10 years, spiralled to the verge of extinction. By the early 90s, some claim this company was only hanging on largely because of the education industry, and a few diehards. With little money in the bank, it made a strategic purchase of a software company and, subsequently, an operating system as its main asset, plus its CEO. Two years later, this CEO was able to take this company from near-bankruptcy to profitability.

Of course, we all know this company that Steve Jobs co-founded, and later rescued as its new CEO, as Apple Inc.

If you squint and tilt your head just right, you can see the similarities of RIM's present state, and where Apple was in the 10 years leading up to 1996. Anyone else appreciate the irony of the *iPhone* being possibly the largest competitor to the *BlackBerry* smartphone?

RIM is a good Canadian company with a strong history, money in the bank, and an armful of patents. The world has changed around it, and the government and military are now, arguably, its core client base along with the diehards. So what does the future hold for RIM? Will it be bought up? I do not know; nor do I wish to speculate. The future is certainly in the hands of its management as they try to reinvent themselves and the firm.

What I will say is that the world has



RIM's BlackBerry Curve



Apple's iPhone 5



Samsung's Galaxy IIIs



Microsoft's Windows Phone



Nokia's Lumina 710

also changed around us, the legal community. People expect choice more than ever before. What smartphone devices does your firm support?

It is no longer okay to stand your ground and say, "We only support *BlackBerry*." People want options. They want to decide what is right for them.

"Hang on, Johnny boy!" I can hear you cry. "We are not ready, able or even willing to get into a Bring-Your-Own-Device offering!"

No worries. There's no need to panic. There is time for that later.

I am not saying we should all adopt a BYOD policy. How about a Pick-Your-Device policy? Figure out what: meets your security requirements; you are able to manage; and, you are comfortable supporting. There is likely more than one device that meets your business criteria.

By offering these devices, you now have given people choice and, *voilà*, you have a PYOD policy.

You are now changing with the world. This is good for clients, it is good for recruitment and it is good for retention. What else? It's also put your firm on a track that is not dependant on a single device or company.

We all wish RIM well, and we'll continue to watch the future unfold, but whether the *BlackBerry* is a viable option does not impact *your* smartphone strategy because it, too, is dynamic, flexible, and supports multiple devices.

Mmmm... You know what I like even better than a plain blackberry pie? *Bumbleberry.*

I think it is the variety that appeals to me. 

John Pater is Director of Technology at Davis LLP. When he's not marking times to panic next month on his calendar, he can be contacted at 604.687.9444, or JPater@Davis.ca

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LOCAL CONSULTANT PUTS COACHING PROGRAM IN HAND

May I have this Raindance?

By **Stephanie Marsh,**
Editor, Topics

Gary Mitchell is a recognizable force on both the Vancouver and Canadian legal scene. For more than six years, he has dedicated himself to the professional development of lawyers.

As founder of GEM Communications, Gary led a team of consultants who felt passionate about coaching lawyers in matters developing their practice and business.

He wrote numerous articles which appeared in BCLMA's *Topics*, *Canadian Lawyer*, *Lawyers Weekly* and *Lexpert*.

He made presentations at local industry events and international conferences. He assisted local and national firms with marketing strategies and campaigns while staying on top of global law-firm trends.



Gary Mitchell

And, he balanced these efforts with sophisticated one-to-one coaching with lawyers, constantly fine-tuning his craft, and always learning along the way.

Last year, Gary re-branded and redefined his role. He's now: Founder and Principal Business Development Coach of ON TRAC Coach.

Today, in 2012, all of Gary's research, lessons and coaching successes have culminated in *Raindance: The Business Development Guidebook for Lawyers*, published this summer by Carswell, a Thomson Reuters business. I spoke with Gary a few weeks ago as the *Guidebook* hit the shelves.

Why did you write the Guidebook?

A lot of firms don't provide the kind of

business-oriented training lawyers really need for today's marketplace. They might provide a workshop or two, but that simply doesn't cut it. And we know law school does not provide adequate business training!

I wanted to take everything I had learned from both the group and one-to-one coaching I had conducted over the years, as well as all the systems and business templates I've used, and capture them in one all-encompassing guidebook to help lawyers looking to grow their practice, expand their network, and make serious and legitimate advancement towards partnership.

I also wanted to make it easily accessible for those associates, and even partners, who don't feel comfortable 'asking' for help.

What makes the Guidebook so essential?

More and more associates have begun to realize that the old model is dead;

Raindance → to Page 12

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Raindance
→ from
Page 11

meaning, the work does not always trickle down from the old salts or rainmakers in the firm.

Associates know they have to ‘pound their own pavement.’ They know that average is no longer acceptable; mediocre is not an option. They know that competition is strong and increasing.

As an associate, they need to excel at law *and* at business development to succeed in today’s legal market. *They all need to be rainmakers.* The *Guidebook* will help them do that through a clear and concise, four-step process that really gets them thinking about what they want to accomplish as a lawyer and as a service provider.

What makes the Guidebook different?

It’s not a text book or a reference book. It’s not 300 pages long with superfluous words crammed between margins. It’s not bogged down by accompanying CDs and a hefty price tag.

It’s a succinct and intuitive guidebook that walks the reader through the same steps I use in my coaching program. It’s practical, client-tested and affordable. I am told it’s the first of its kind in Canada!

And it’s timely. In this competitive market, I felt the time had come for an authentic guidebook that cuts through the clutter, and gets associates thinking about the business.

What role is competition playing in today’s legal market?

The legal services market is flooded. The number of law graduates continues to climb. Law firms merge to combine



strong, complimentary legal practices, or gain greater traction while leveraging one another’s credentials. US and UK firms continue to make inroads in Canada.

Paralegals – globally – continue to lobby for approval to provide (un-

the *Guidebook* is not only about business development, but also about providing exceptional client service, which in today’s market, is certainly a differentiator. And great client service starts within the firm or practice.

By developing internal relationships with administrative assistants or litigation-support professionals, for instance, everyone involved can learn how to help out more, stretch their skills and help lawyers deliver remarkable client-service overall.

By developing internal relationships with partners, associates can learn more

“Raindance is a unique publication among legal books. What’s interesting to me as a lawyer is Gary’s recognition that business development is a skill that lawyers need to be taught. With the upcoming generational shift happening in law firms, young lawyers need to quickly develop this skill if they want to be successful in their firms. Raindance is a great way to learn these skills quickly.” – Joshua Lenon, Former Product Development Manager, Thomson Reuters

der lawyer supervision) a greater range of legal services typically performed by lawyers only. And they’re all competing for the same clients.

Lawyers must differentiate themselves to gain those clients. How? Through robust business development; that is, the practice of forming and developing trust- and value-based relationships.

The *Guidebook* shows *anyone* – including those who might consider themselves introverts – how to excel at it, comfortably and profitably.

How does one use the Guidebook?

Human-resource managers and/or directors of associate programs can provide the *Guidebook* to their budding associates – not just to read, but in conjunction with an internal program to make them accountable.

Give them a timeline within which to read sections. Assign homework, then follow-up with a roundtable discussion – either an internal discussion, or one facilitated by an ON TRAC Coach for maximum focus and value.

Any lawyer in a firm who feels they do not receive the kind of support they need to develop their practice can invest in the *Guidebook* on their own and make it a personal project. Their initiative will show commitment.

All audiences need to appreciate that

about their clients, and their clients’ pain points. The associate can take that information away, and think about innovative client strategies – another differentiator.

What’s next?

Carswell is doing an amazing job of marketing the *Guidebook*. They are targeting law firms across Canada, as well as sole practitioners. They have started by focusing on associates at the intermediate and senior levels.

Throughout this entire process, I’ve been pleasantly surprised at the methods they took to get this to publication.

They really did their homework. They spoke with legal professionals across the country, asked a lot of questions, and made sure there was a viable market.

Once they did their due diligence, so to speak, they got behind it 100%, and included me in the process from start to finish. They kept me involved, and I really appreciated that. It was a very collaborative process.

So, what’s next? Hopefully, the guidebook will cross borders, and not only within North America. We’ve had conversations with overseas markets; it’s all very exciting. But I remain true to the goal: My business has always been about lawyers and their success. This is another thrilling step on that path!



'CHANGE' CONFERENCE NEARS 2012 Conference 'well on the way to becoming another truly successful event'

By now, you will have received the program for the upcoming BCLMA Conference, taking place October 26 & 27 at the River Rock Casino Resort in Richmond. The program and registration form is also available at www.bclma.org

The conference program outlines the agenda, and introduces the keynote speakers and workshop leaders who will provide you with new tools, tips and tricks that will enhance your professional skills and help you succeed in the workplace.

Change: embrace, integrate, manage is well on its way to becoming another truly successful event! This is due in

large part to the dedication and energy of the Conference Committee.

Each member has worked hard fine-tuning all of the details. On behalf of the BCLMA Board of Directors and Representatives and Affiliates, we thank the committee members for their many hours of volunteer service. We've listed them in the box on the upper right.

We have received a great deal of support from our vendor sponsors again this year. Without their generous financial subsidies, we simply would not be able to host our conference.

Please consider making a significant contribution to the conference by attending, meeting and speaking with vendors at the conference Trade Show and expressing your appreciation for their ongoing support to the BCLMA.

If you have already registered, we thank you. You've been entered into the early bird draw to win an iPad 3G! The winner



MEMBERS OF THE 2012 CONFERENCE COMMITTEE THANKS!

- ★ Bonnie Kirk, Co-Chair, Lawson Lundell LLP
- ★ Susan Spalding, Co-Chair, Owen Bird
- ★ Cindy Alekseyev, Ratcliff & Company
- ★ Lorraine Burchynsky, Boughton
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MAKING THE MOVES...

WELCOME, NEW & RETURNING AFFILIATES!

Litigation Support: **Susan Altona** of Nathanson Schachter & Thomson LLP... **Patricia Boudreau** of Fasken Martineau LLP... **Susan Pratt** of Klein Lyon; **Human Resources: Annie Ronen** of Harper Grey LLP... **Kaity Weger** of Clark Wilson LLP and **Cecilia Ling** of Slater Vecchio LLP; **Facilities: Allison Paiger** of McMillan LLP; **Technology: Ken Young** of Richards Buell Sutton LLP; **Knowledge Management: Carolyn Petrie** of Bull Houser & Tupper LLP.



Annie Ronen



Patricia Boudreau

WELCOME NEW FIRMS & THEIR REPRESENTATIVES

Ardella Thompson of Nathanson Schachter & Thompson LLP in Vancouver; **Frances Angiolillo** of WorkSafe BC in Richmond; **Carrie Chin** of First Resolution Management LLP in Vancouver; **Ashley Ryborg** of Cassidy & Company in New Westminster; **Janice Gibbons** of Cascade Law Corporation in Abbotsford; and, **Angela Gola** of Michael G. Armstrong Law Corporation in Vancouver.

WELCOME NEW REPRESENTATIVES, BCLMA FIRMS

Diane Cahill of DuMoulin Boskovich in Vancouver; **Susanne Tholl** of Lakes, Whyte LLP in North Vancouver; **Mirela Lemes** of Lando & Company LLP in Vancouver; and, **Alison Bissicks** of Young Anderson in Vancouver.

*In accordance with our bylaws, firms are the BCLMA's **Members**. Members authorize **Representatives** 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.*

Successful event → to Page 15



BCLMA Annual

Managing Partners Dinner

Leading your Law Firm through Change

Guest Speaker: Michael D. Short, Law Vision Group LLC

It wasn't long ago that a successful law firm required only sound management to remain in control of its destiny and move forward with confidence. Times have changed. The legal industry is transforming at a dramatic and unprecedented rate. A stagnant domestic market for legal services, changes in fee structures, increased law-firm consolidation, and expansion into international markets have undoubtedly impacted our firms and the way we make decisions.

We, as law-firm leaders, must do more – much more – to remain competitive, profitable and relevant. Today's successful law firm requires strong leadership with a more robust toolkit of skills and capabilities. Join us for this interactive session as we explore the

drivers of this fundamental evolution, the additional skills required for success, some helpful hints to further develop each skill, and typical scenarios where these skills are vitally important for the long-term success of your law firm. The BCLMA Board of Directors invites all BCLMA Representatives and Managing Partners to join us at our annual Managing Partners Dinner to learn more, ask questions, gather new information – and network with your colleagues.

- Thursday, October 25, 2012
- Terminal City Club | 837 W Hastings, Vancouver
- 5:30 p.m. | Reception followed by Dinner with Guest Speaker, Michael Short
- To register, please contact:
Jane Kennedy at Memberships@bclma.org
- Registration deadline: October 22, 2011
- Representatives, no charge. Affiliates, Guests' price: \$85 inclusive, per person* | www.bclma.org/events/event_details.cfm?id=1990

* 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.

MICHAEL D. SHORT

Guest Speaker Michael D Short is an engaging and informative speaker. Over the course of his career, he has worked with well over 600 law firms internationally.

His firm, the Law Vision Group LLC of Boston, provides the latest services aimed at building firm revenue, strengthening lawyer confidence and maintaining client loyalty.



That's accomplished while helping clients achieve the structure and management necessary to create efficiency and increase their bottom line.



• Phone: 202.756.1381

• Email: MShort@LawVisionGroup.com

• Web: <http://www.LawVisionGroup.com>

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Successful event → from Page 13

will be announced at the Opening Breakfast. Good Luck!

So you want to attend the BCLMA conference but don't know how to convince your manager or managing partner?

Give your Managing Partner the conference program with an outline of your compelling reasons to attend. Your outline should detail the benefits and the value your firm and your teams will gain from what you will learn by attending this two-day event.

For more tips on how to convince your manager and a template for a letter to use to convince your manager to approve your attendance at the BCLMA conference, visit the BCLMA Resource Center at www.bclma.org

See you at the River Rock!



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Thursday, November 29, 2012 | 5:30 pm
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How to get the most out of attending the 2012 'Change' conference later this month

Attending a conference is a big investment – both in cost and your time. To get the most from your investment, develop a plan before you arrive.

Here are some techniques to include in your plan to get the most out of your conference investment.

- 1 *Network, Network, Network* You might have heard that more than 70% of people are introverts. Perhaps you are one of them! If so, then you already know that interacting with others, especially people you don't know, does not come naturally as it is a very extroverted act. Networking requires you to step outside of your comfort zone, but it's worth it!

The interaction will boost your confidence and create great connections that you may need in the future. And don't discount everything you have to offer the people you meet!

Be prepared to start conversations with fellow delegates at the keynote session or in line at the buffet table, and ease into group discussions at workshops or at the social events.

Hardly a minute will go by when you won't have to network!

- 2 *Manage Your Energy* Conferences can be exhausting. Event planners go out of their way to plan numerous educational and social events to keep people engaged and entertained. Most schedules are packed with speakers, breakout sessions, themed dinners, live entertainment, networking events, and more.

Pace yourself. You don't want to burn out on the first day. Create a conference schedule for yourself that's realistic and build in a little quiet time too so that you can recharge.

- 3 *Set Learning Objectives* What do you hope to learn at the event? Who do you need to connect with? What industry trends do you want to know more about?

Make sure your conference sched-

ule aligns with what you want to learn and bring back to your workplace.

- 4 *Leave Your Work at Work* Manage your employees' and clients' expectations by letting them know ahead of time that you will be out of reach.

Set up your voicemail and email Automatic Reply to notify people that you are not available.

Do whatever you can to keep your work obligations from diverting your attention away from your important investment.

- 5 *Network with Trade Show Vendors* The Trade Show is about more than drinks, appies and prizes! More than 20 industry partners are in attendance to introduce you to new technologies or products that can enhance your systems and processes.

While booth displays can help spark your imagination, vendors are there to act as sounding boards to flesh out your ideas. Conversations with vendors will help your organization become more efficient and effective.

Plan to visit as many vendors as possible.

- 6 *Follow Up* Collect business cards from colleagues and vendors and stay in touch through Facebook, Twitter, or Linked-In.

Send a quick email reminding people of your conversation at the conference.

- 7 *Share What You Learn with Colleagues* Sharing your experiences will reinforce your own learning, as well as strengthen your team – and your firm. Sharing will also demonstrate the value of the event make it easier for you to negotiate attending the event next year!

Most of all – enjoy yourself! Follow these important tips and you're sure to realize an excellent return on your investment!



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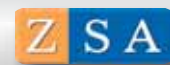
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IT TOOK ALMOST TWO YEARS TO CREATE THE FIRM'S BRAND ANEW

How Alexander Holburn refashioned its brand image from the ground up

By Stephanie Marsh, Topics Editor

Anything worth doing takes time, planning and patience. When AHBL decided to refresh their brand, they executed on all three. The result is a new look and feel that takes the firm just a little outside the box.

Just over two years ago, then managing Partner David Garner put on his savvy marketing hat and took a long look at the AHBL name and logo. It was missing... something. With the support of his partners, he recruited to join the Refresh Committee: Wayne Scott, COO and former BCLMA President; Priscilla Wyrzykowski, Business Development Manager and her internal marketing team – Sarah Gorgas and Alison Stapleton – plus a senior partner who is the chair of the firm’s Client Service Program, Chris Hirst. Their mission: Take Alexander Holburn Beaudin & Lang to the next level.

PROCESS MAKES PERFECT

Leveraging her prior experience working as a project manager at one of the top branding and design firms in BC, Priscilla determined that her team should focus on the following four phases for this project:

- 1 Strategy
- 2 Conceptual Design
- 3 Design
- 4 Production

Each individual phase had its own set of tasks, timelines and deliverables. Establishing these processes early kept the committee on track and accountable throughout the project.

Delineating the Strategy

The committee began by identifying the critical issues of their current brand, then determining the main objectives of the project.

Working on the critical issues

A major concern was that the logo was not visible or recognizable, particularly from a distance. It was just words, after all, so it often became lost in the mix, and it

lacked the artistic value Priscilla and her team were looking to achieve. “Many lawyers within the firm recognized that when the firm’s logo appeared on a pre-



Alexander Holburn’s new logo, winnowed from dozens of in-house versions

sentation slide or in an ad amongst other co-sponsor logos,” she says, “It simply didn’t stand out. Their reaction, time and again, was that it was not memorable, and that had to change – for our own sake as much as for the sake of our audiences.”

Another concern was common mispronunciation of *Beaudin* in the name. “The mispronunciation of our name in the public arena was certainly an issue we needed to address, and a factor in driving the change,” said Priscilla.

Setting objectives

The following two objectives were the heartbeat of Alexander Holburn’s work throughout their project:

- ✓ For their brand to be differentiated in the marketplace; and,
- ✓ To address the concern that their current brand was difficult to present.

It follows that one of the most obvious goals to come out of this project was to design an artistic logo – one that stood out from the crowd, did not look like a typical corporate logo and could be recognized easily from afar.

“We wanted to pay more attention to the brand, focus on our street name – Alexander Holburn – which clients and the marketplace were already using, and gain business traction by maximizing value through better use of our advertising dollars by increasing our sponsorship visibility,” Priscilla adds.

Another objective: Streamline the brand package. When Priscilla and her team conducted a marketing-collateral audit, they noted that their overall brand package was splintered. From the website

to fliers to letterhead to business cards – 78 pieces of collateral in total – hardly anything matched. A co-ordinated approach needed to be adopted.

The refresh project also allowed for the development of a tagline – an important element of a brand which Alexander Holburn did not already have. What could it say about the firm? What could it say about their clients? Or both?

Conceiving the conceptual design

Priscilla took on the role of Art Director throughout the project. Her past experience was an invaluable benefit to the project. She and her marketing team spent a great deal of time conducting their own brainstorming sessions, using the mind-mapping approach, and asking themselves questions, among many others, like *What message do we want to convey about our culture and brand? Who is our audience? What do we want to be known for? What are we selling?* The results of these sessions paved the way for reconnecting and fine-tuning the firm’s identity, values and goals to create the new brand.

Then, with their marketing/brand expertise, internet knowledge and creative streaks, Priscilla and her team took on the challenge of developing logo concepts. “We knew that due to budgets, an external agency would only provide three, maybe six concepts at best,” she says, “But we knew we wanted to explore more than that – and we felt like the best team to do it. We know the firm intimately, what it’s about, what it stands for, and we knew what the Refresh Committee wanted to accomplish on behalf of the firm. And we also wanted to have fun with our experience!”

Priscilla likens the exercise to art class. The marketing team experimented with colours and fonts, and created many interesting concepts!

“One element we chose to maintain, though, was the particular shade of green we had already been using across much of our collateral,” says Priscilla. “It was fresh, and was already recognizable to our clients as being part of our brand – and it was certainly unlike any other law firm or professional service firm we’d seen out there. It was a differentiator from an aesthetics perspective.”

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A BLUE PRINT FOR MAXIMIZING YOUR FIRM'S POTENTIAL

NEW PUBLICATION

RAINDANCE: THE BUSINESS DEVELOPMENT GUIDEBOOK FOR LAWYERS

GARY MITCHELL

This valuable new resource – the first of its kind in Canada – puts the ability to maximize your firm's business revenue and career potential directly in your hands. Whether you manage a law boutique or a full-service firm, you will find the information you need to evaluate and identify your firm's competitive advantages and development training needs, and plan accordingly.

The guidebook follows the author's four-step process that he has used to coach practitioners of all specializations and personalities attract new business and build an established clientele.

YOU WILL FIND:

- Key instruction on effective business and professional development approaches
- Guidance on the complete business development cycle – starting with the target-market research necessary to create a business plan, to implementing an action plan
- Tips on related skills that raise your firm's profile – from effective networking to developing or enhancing presentation skills and getting published
- Advice on developing relationships that turn into business – including getting more business from your current clients
- Hands-on, interactive exercises and checklists – the blueprint to achieving your firm's goals

.....
"If you are unable to work with Gary or one of his team of coaches, then this book will provide you with the information you need to effectively focus your business development efforts."

"Follow the steps outlined here with the same amount of energy and focus that Gary put into creating them and there is no doubt in my mind you will achieve your goals."

*From the foreword by Christopher Rusnak,
Partner, Harper Grey LLP;*

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When the team created a design they really liked, they placed it on a slide with other competing logos in order to make sure their concepts aligned with their four main objectives of:

- ❶ Differentiation
- ❷ Visibility
- ❸ Memorability
- ❹ The firm’s street name: Alexander Holburn

By the end of this stage – almost a solid year – the marketing team had created more than 200 unique logo concepts. They eliminated those they felt didn’t meet the objectives as they went along. They created a long-list, and then a short-list. Together with the Refresh Committee, they narrowed it down to six possible candidates.

Using the focus group

Focus groups help creators understand how their internal vision will play out in the external world. The AHBL focus group had 10 members, comprised of partners and associates from varying demographics. Each was asked to provide feedback on the six chosen concepts, while answering a range of questions from the aesthetic and logical to the emotional:

- ✓ What elements of the logo do you like or dislike?
- ✓ Does this design stand out compared to other competitor logos?
- ✓ How does it make you feel?

- ✓ Is it aesthetically pleasing?
 - ✓ Will you feel proud to present your business card or proposal to clients, colleagues and contacts with this new image?
- In the end, the focus group’s decision was fairly unanimous.

Implementing the design

The Refresh Committee sent out a Request for Proposal to complete the final steps. A mid-sized agency was retained to become a ‘partner’ in the process. “We were clear that, one, we had already done the bulk of the design leg-work – that we were looking for enhancements only; and two, we would retain all creative rights,” says Priscilla. “The agency agreed to our terms. They provided excellent ideas for enhancement, and made important recommendations which we hadn’t considered ourselves.”

BEYOND THE COMMITTEE

With a final logo in place, the committee brought in other firm members with specific expertise to help accomplish further tasks:

- ✓ Peter Errington, Office Services Manager, worked with Priscilla closely to design all new elevator signage and graphics for doors, directing the installers and engineers the weekend before the launch, to also determining the right paper stock for letterhead and business cards and finalizing all print orders so it was all delivered in time for the launch.

- ✓ George Lo, IT Manager, and his team contributed their expertise on the IT side: working with the Marketing team on an actual staging website (a ghost site) which was built to test out design elements and photography selects in preparation for the launch of the official website, while also uploading a refined signature block incorporating the new logo to all firm computers once the rebrand was rolled out.

- ✓ The Services team, who worked with Priscilla and her team by dedicating a full Saturday in the office blowing up balloons, organizing catering and setting up for the launch party.

The Refresh Committee also hired a copy writer and a search-engine optimization expert for the website. “We also hired a professional photographer who did an excellent job of capturing life shots of our lawyers and staff on location. We’ve had excellent feedback on our website photos,” says Priscilla.

PRODUCING THE COLLATERAL

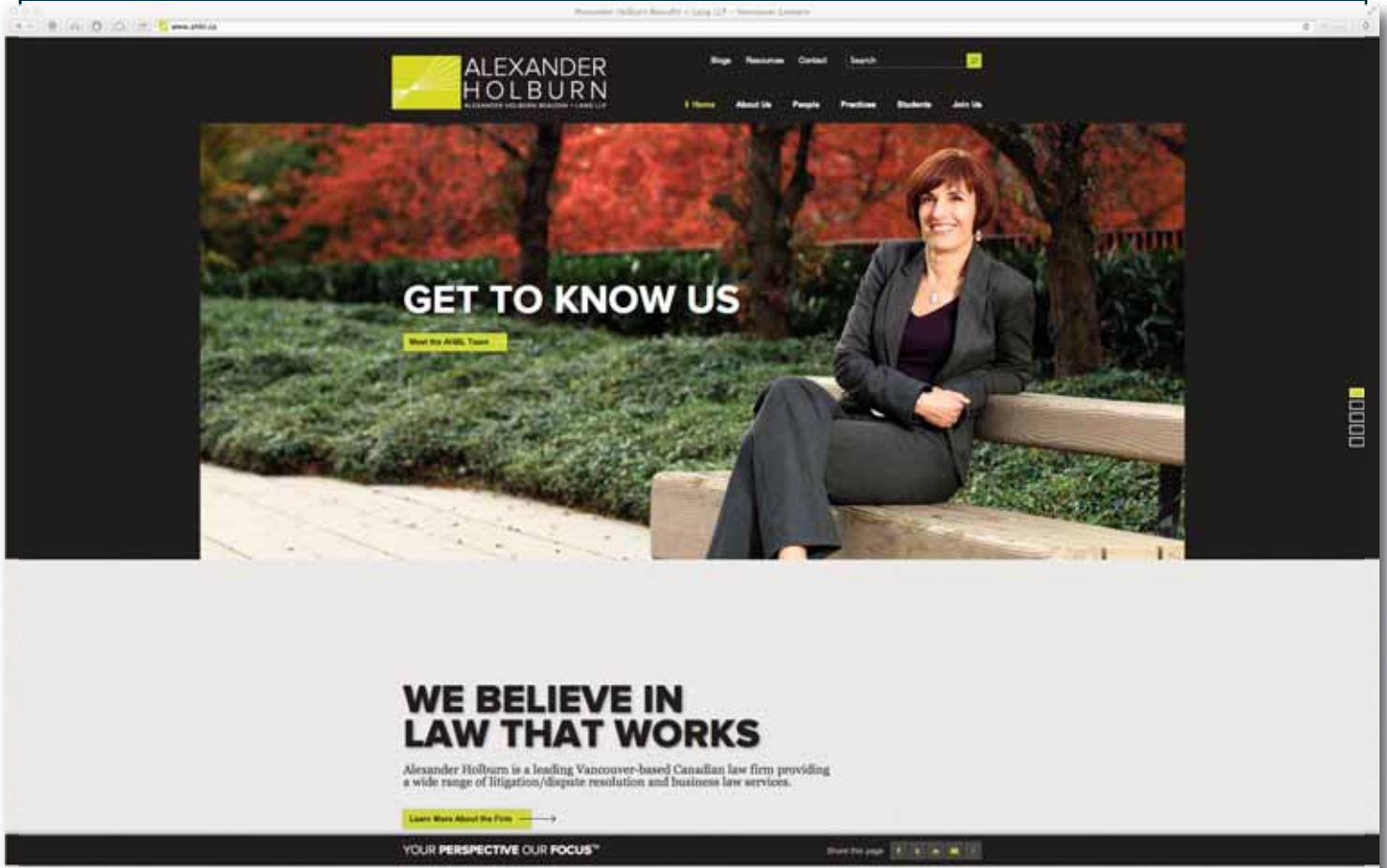
Wait a minute; launch party? Yes. Almost two years after the project began, the time finally came to unveil the new Alexander Holburn to the entire firm.

A firm-wide breakfast was planned for a Monday morning. Many people worked over the weekend to erase the old identity and inject the new. Signage changed at reception, mugs and water bottles with the

ABHL: Brand, Anew → to Page 20



ABHL’s management team worked on the firm’s Brand Refresh Project at various points during the past two years. Here are some of them. From left to right: David Garner, ABHL’s Partner who began the project in 2010; the chair of the firm’s Client Service Program, Chris Hirst; Chief Operating officer Wayne Scott; Priscilla Wyrzkowski, ABHL’s Business Development Manager; Peter Errington, the Office Services Manager; and George Lo, ABHL’s IT Manager and who is also the Chair of the BCLMA’s Technology Sub-Section



This screenshot is the new look of AHBL’s website, which uses some interesting technology and spectacular photography to show itself as a modern, relaxed but business-like law firm in the heart of a major city. The home screen cycles pictures of partners, it makes good use of typography to make its major marketing points, and there are several points of interest that encourage clients to enter the site to discover more about the firm and its philosophy. There are also some clever touches: see the five stacked rectangles on the right side? click on the second one, or the third or fourth... the white bar slides upward to reveal new photos of people and more ways to interact.

ABHL: Brand Anew → from Page 19

old logo were replaced with new-logo kitchenware. All of the new letterhead, labels and envelopes were supplied at printer stations and in the copy rooms. Essentially, all traces of the old firm disappeared. The new look and feel of Alexander Holburn prevailed.

YOUR PERSPECTIVE OUR FOCUS™

The tagline, in that typeface and style, which also appears as a footer to the website, succinctly marries Alexander Holburn with its clients.

It’s about listening, collaboration and solutions.

Finally, the firm was saying outright what their clients already knew. Now everyone knows: industry associations, publications – and competitors.


SURPRISES & CHALLENGES

I asked Priscilla what she found the most surprising as well as the most challenging aspect of this massive two-year project. “I worried that not everyone would love it – at least not at first. When you put a lot of blood, sweat and tears into a project over a long period of time, and then you have to let it go... well, that’s just what you have to do: *Let it go!* Like an artist, you have to let go of your anxiety, and let people make up their own minds.”

One must also accept that the presentation is not necessarily the end of the road. There’s yet another stage in the process: *Storytelling.*

Wayne Scott explains: “It was a long consultative process, carefully planned from the outset. As a member of the Committee, it was our responsibility on behalf of all of us here at Alexander Holburn to come up with a refreshed brand

that was easy to sell, memorable and elevated our firm from others in the marketplace. By investing our time and energy internally to develop many elements of our brand in-house outsourcing only necessary components, it enabled us to keep our overall budget down. Our new brand will now support and resolve the issues around its presentation, while addressing those concerns of visibility, legibility and differentiation. Our clients will now be presented with a well thought out, innovative brand that’s professional.”

As for surprises, “We had great reception overall!” said Priscilla. “I was thrilled that people embraced the change so readily. “What was I so worried about?!” 

Priscilla Wyrzkowski is the Business Development Manager of Alexander Holburn. She can be reached at PWyrzkowski@ABHL.ca or by calling 604.628.2734.

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**Linda Chu, Productivity Consultant,
Founding Owner, Out of Chaos, Inc.**

Keeep everything... provided you have the space and can find it. Therein lays the challenge.

Whether you are a piler, a filer or a stuffer, you may be running out of space. In this electronic age, our access to information in many formats has resulted in our offices, desks, computers and minds becoming stuffed to capacity. Not only are we crowding ourselves out physically, we are over-



Linda Chu

burdened and stressed, with too many interruptions via email, voice mail and paper mail. Getting organized may be one hurdle to master, but staying organized is where the race can be won.

According to a 2012 survey by Environics Canada, for the organization Professional Organizers in Canada:

✦ 70% of Canadians interviewed said they were not very organized.

✦ Time-management was the biggest struggle for Canadians, with 64% of individuals surveyed saying they were

experiencing problems with their ability to efficiently manage time.

✦ 33% of the working Canadian public felt their offices were not very organized.

We are all crying out for more time to complete our competing tasks. There are only 24 hours in a day, so unless we are prepared to work all 24, there are some decisions to be made. While technology has provided us with the opportunity to access our information anywhere, anytime, those same “electronic leashes” shackle us to our work 24/7.

Our days end with many wondering where the time has flown. We work later and later, and begin taking work home. Work invades our private lives as we sit in the bleachers at our children’s sports events, tapping away on our BlackBerrys, Androids and iPhones.

TIME MANAGEMENT: A MISNOMER

Time management is a misnomer be-

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cause time ticks away with or without our control.

It is more a matter of what we do with our time that counts. Getting organized is more important than ever. By choice, we can dedicate time to our real priorities as we seek that ever-elusive work/life balance.

Interruptions are a fact of life – and work. It has been proven that every time we get interrupted, it takes us 15 to 20 minutes to get back into prime focus. That’s just one interruption. Imagine if the average employee in your organization loses 20 minutes a day of focus. The combined wages add up quickly, not to mention the lost productivity.

Focusing on what matters most at any given moment is the key to a successful priority-action plan.

Yes, there will be the unexpected interruptions and emergencies, but having a game plan and identifying your high-priority tasks will give you a better sense of control in your day.

PRIORITIZATION: FOCUSING ON WHAT MATTERS MOST

Knowing where to start seems to be one of the most common dilemmas. Before diving head-first into a long list of tasks, it is important to get clear on your vision and goals. Spend some time determining what you want to achieve in your organization, business, work and personal life.

- ★ Do you know your company vision?
- ★ What goals do you need to accomplish to meet that vision?
- ★ What are your own short- and long-term goals?
- ★ How do your personal goals fit into your day?
- ★ What’s important, of value to you?

Prioritizing the tasks of your day will provide clarity about what needs to be accomplished to reach your goals. Every action should support achieving the vision.

EMAIL MANAGEMENT

Because it is electronic, the speed and [Practical things → to Page 23](#)

HELPFUL TIPS TO USE RIGHT NOW

Active, Reference, Archival

Divide your information into these three categories.

- 1 *Active Information:* Action is required. Active information can be placed into a priority action plan, like a Tickler file or a Bring Forward file.
- 2 *Reference* These materials have no action required but may be part of your reference library. The materials may be moved away from your immediate work surface into a dedicated filing system for ease of access.
- 3 *Archival* These resources may need to be kept, based on legislation requirements. If space is limited, archives may need to be moved out of office or even off-site.

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volume with which we receive this form of correspondence cripples our ability to manage. Managing email – and other forms of messages and correspondence – starts with a clear decision-making process. Rather than stopping in your tracks every time an email comes into your mailbox, it is recommended that you process your email in batches.

Schedule dedicated time to process email messages. Turning off your email notifications will help reduce interruptions. Who can resist the ping of “someone loves you”? We are stopped in our tracks and must have a look, only to be disappointed that it’s only another chore to add to our growing list, forcing us to re-focus on the task at hand.

The Decide-in-5 model of email decision-making

Processing is not doing. Nor is it about opening and closing the same email several times, over and over and never having the time to do anything with it. It’s about applying a proven decision-making model to ensure you are focused, and can plan in advance the activities each correspondence requires of your time. Here’s that model:

1. Delete

Delete messages that are not required, like junk mail. It may also mean opening an email and receiving the information sent and leaving it where it is. An opened email means it is processed and no further action is required from you.

2. Do 2

If you cannot delete the message and an action is required – and you can complete this task in two minutes or less, then complete the task. As Nike’s slogan says, *Just Do It!* Don’t get overwhelmed and distracted with all you have on your plate. Procrastinating will not make it go away.

3. Delegate

Even if you are ultimately responsible for this task, you may be able to delegate a portion of it. Break down each step required for completion and determine which portions can be delegated. You can still manage the outcome, without having to do all the work.

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The Time-Management Matrix

Many of us spend the day working on many projects and tasks, feeling quite busy and pulled in many directions. At the end of the day, on reflection, we often feel that not much was accomplished, even though we were busy.



Steven Covey

Steven Covey, in his book, *The 7 Habits of Highly Effective People*, describes a useful time-management matrix

	Urgent	Not Urgent
IMPORTANT Tasks & actions that support us in reaching our vision and goals	1 <ul style="list-style-type: none"> ✘ Crises ✘ Pressing problems ✘ Deadline-driven projects 	2 <ul style="list-style-type: none"> ✔ Prevention ✔ Some PC activities ✔ Relationship building ✔ Recognizing opportunities ✔ Planning ✔ Recreation
NOT IMPORTANT Things that relate to the pressure & rush that is imposed on time spent in completing certain tasks	3 <ul style="list-style-type: none"> ✘ Interruptions ✘ Some calls ✘ Some (e)mail ✘ Some reports ✘ Some meetings ✘ Immediate matters (for others) ✘ Popular activities 	4 <ul style="list-style-type: none"> ✘ Trivia ✘ Busy Work ✘ Some (e)mails ✘ Some phone calls ✘ Time wasters ✘ Pleasant activities

If you find yourself in Quadrants 3 and 4, you may feel as though you worked on things that seemed urgent at the time, but in reality they were not important when it comes to getting closer to accomplishing your goals. Most people work in these two quadrants.

Quadrant 3

These likely are tasks that others would like you to do; they really have no importance to your quest to achieve your goals.

Quadrant 4

I call this the procrastination corner. These are tasks we undertake to feel or keep busy. They are the easy things we can check off our list to feel a sense of accomplishment, or activities you engage in when you are avoiding tasks that will actually get you closer to achieving your goals.

Quadrant 1

Leave any task long enough and it will

become urgent – if not for you, then for someone else. For those thrill-seekers who like working under pressure, Quadrant 1 makes them feel important and useful. It’s more about fighting fires than being proactive. Productivity is debatable.

Quadrant 2

This quadrant is critical to becoming more effective and productive. When we are clear in our vision and we understand what is important for the long term, we are able to better prioritize the activities that focus on achieving better value for ourselves and those we impact. Focus on this quadrant, working on what is important, rather than urgent. Not surprisingly, recreation (e.g. exercise and downtime) is in this quadrant.

Schedule time today to chart your activities according to this matrix. In which quadrant are you spending most of your time? Are you moving closer to your goals?

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4. Document

We often receive email with information attached or included. Your email inbox is a receptacle to receive correspondence; it is not meant to store your information. If no action is required by you, but you would like to keep information for reference, save the attachment or the email to your hard drive or network drive.

5. Defer

If you cannot perform one of the four previous steps, defer this action to your to-do list. Use an electronic to-do list to manage your tasks. Deferring actions that take longer than two minutes to complete gives

you the ability to plan your time, as you prioritize what is important against all the other tasks you must complete.

Take back control of your email! Once an email is received in your Inbox – and you are looking at it in the timeframe you have dedicated to processing your email in batches – you have begun to take back control.

HOW TO DO TO-DO TASK LISTS

Every action required from you that is placed on your to-do task list is nothing more than an intention. Following through in a timely manner will ensure your success in achieving better efficiency and productivity.


Time must be spent on moving your tasks into your calendar. Nothing will get accomplished unless you invest time to ensure the task can be completed.

Task programs have the ability to defer your emails by creating an action-to-do item on your task list. You can move this task from there by scheduling it into your calendar.

When we feel more in control of the decisions we need to make, we can better

prioritize the way we spend our time. In doing so, we have the power to say “No” with certainty.

Saying *no* to one thing means you are saying *yes* to something else.

Having the ability to prioritize your tasks and to dedicate specific times in your schedule will give you better control over your day. Then interruptions, in their many forms, can be managed more effectively. If you respect your time, others will also. 

Organizing Consultant Linda Chu is past president of Professional Organizers in Canada and founder of Out of Chaos Inc. Her work has established her as a leader in the organizing and productivity industry. Linda speaks on workplace productivity and home and office organizing, and is frequently quoted in the media, and is an in-demand international speaker at conferences and in Work Health & Wellness programs. Clients include municipalities, school districts, and firms such as General Motors, IKEA, and Whirlpool Canada. Her media appearances include Citytv Breakfast Television, CBC Radio, Chatelaine Magazine, Globe and Mail, and Reader's Digest. www.outofchaos.ca

HELPFUL TIPS TO USE RIGHT NOW

The top three things you can do for yourself to start the shift back to work-life balance

- 1 Take back your time. Start with 15 minutes per day.
- 2 Ask for assistance. You cannot do it all, nor should you. Consider leveraging your routine administrative tasks to a virtual assistant (or student volunteer).
- 3 Do not make yourself available 24/7. It is up to you to educate your clients and colleagues and to set your precedent. Turn off your cell phone and email after hours. If you respect your time, others will, too.

No time to open every email?

Save precious time when managing your emails.

- EOM: End of Message

Use EOM in the subject line to signal the recipient that the message is in the subject line. That works nicely for things such as, “See you Friday at 11:00 AM. EOM” or “Congratulations on a great job! EOM.”

When time is limited, every second – or in this case, every click – counts.

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confidential comments will be given to opposing counsel.

CONSISTENT NAMING-CONVENTION PRACTICES FOR DATABASES

While it may seem obvious to identify databases by the client and matter name, two additional elements that have repeatedly proven beneficial to include are the billing number and initials of lead counsel, i.e. *ABC Company re Employee Dispute [123456.00001 WTM]*. This becomes increasingly helpful as the number of databases grows.

Depending on the size of the firm and the number of databases, consideration should also be given to grouping databases, say, by lawyer or other categorical distinction that makes sense. Another good practice is to segregate databases where there is a conflict, and protect these with a password or through limiting rights and permissions.

Consider keeping a separate spreadsheet that details the database name, date opened, counsel involved (including more than just lead), conflict passwords / limited individuals, date archived, etc.

QUALITY CONTROL MEASURES FROM IMPORT TO PRODUCTION

Having documents in a *Summation* database without a progressional and organized flow does not take advantage of the application as an integral resource in the life cycle of a case.

If not using the *Production Set* feature within *Summation*, a best practice would include the establishment of a template that provides for an organizational structure within the *Case Explorer* section comprised of *Saved Search Folders* such as *Production Collections*, *Non-Production Collections* and *To be Reviewed Collections*.

As documents are processed and imported, create review collections and assign individuals to perform subjective review using, for example, the *Relevance* and *Privilege* fields (or any others the firm may choose as a standard).

Once that is complete, move the relevant collection into a production collection to be disclosed, and the privileged collection into a collection that will not be disclosed. Depending on preferences, move

the balance (i.e. irrelevant and duplicate) to a combined non-production folder named *Not Relevant*. Remove the *To be Reviewed* collections once these steps are complete to avoid confusion.

Before finalizing the collections to be disclosed and not disclosed, you should undergo a system of checks and balances as a best-practice measure of quality control. For example, ensure that any document coded with a level of privilege is not inadvertently disclosed if designation of relevance and/or privilege is done in the same or another field.

While not necessary (as the produced image will be redacted), decide whether to add the word *[Redacted]* to the *Doctype* field or provide a *Redacted* field where this contains an **X** for those that apply.

When preparing your *List of Documents*, take into account the fields to be included. Section 4.1.2 of the Supreme Court of BC's *Practice Direction re: Electronic Evidence* identifies as default fields the Document ID (*Docid*), Date (*Docdate*), Document Type (*Doctype*), Author/Author Organization and Recipient/Recipient Organization.

It is customary to include with these five the *Doctitle* field and, as required by the *BC Rules*, the date the document is listed (i.e. *Listdate*).

Although not frequently or universally exchanged, parties may opt to include the *Attchids* and *Parentid* fields that identify attachment relationships, and *Pgcount* (identifying the page count).

In the case of redacted documents, ensure, too, that all redactions are burned into each produced image such that the underlying text cannot be accessed. Although the exchange of optical character recognition (OCR) is not a regular practice, extreme caution should be applied for redacted documents if OCR is provided, as these will still contain the text that has been redacted unless some preliminary steps have been undertaken to permanently burn in the redaction patches for the production collection.

As electronic discovery has evolved, so, too, have the number of firms that embrace technology by incorporating litigation software into the discovery process.

It is not only courteous but a good

practice to make proactive inquiries to determine the receiving party's export preference, and to take advantage of this opportunity to request the format most useful for your purposes.

When preparing disks to deliver to opposing counsel, *always* prepare a file copy, even if you are burning another set for different counsel two days later. While this may seem redundant, it is extremely beneficial to have this on hand should a dispute arise about what was produced, to whom and when.

As new documents are produced by a client, there will be a need to produce additional collections of documents, and these come in the form of amended *Lists*.

Best practices would dictate that the database captures each production by the creation of separate production collections. Once the first additional collection is identified, it would be prudent to create a blended disclosure collection as this will form the *Amended List of Documents*.

Following this pattern then, when the *Second Amended List of Documents*, *Third Amended List of Documents*, etc. are prepared, the documents comprising each should also form part of the blended collection, and unique collections unto themselves. You should export this latter collection with the *Amended List*, as re-exporting the entire combined production set is both unnecessary and impractical.

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PRACTICE DIRECTION
Re: **Electronic Evidence**

1. INTRODUCTION

1.1. This Practice Direction provides guidance to parties in the use of **Technology** for the preparation and management of civil litigation in the Court and a Court approved framework for managing both **Hard Copy** and electronic **Documents** in a **Technology** environment.

1.2. Parties requiring further information or assistance in the appropriate use of **Technology** in civil litigation in the Court are encouraged to contact the eCourt Co-ordinator by e-mail at eCourt@courts.gov.bc.ca.

1.3. Further information can also be found on the Court's website at www.courts.gov.bc.ca under the Electronic Evidence link where particular guidance with respect to the collection and management of **Electronic Material** in civil litigation is provided.

1.4. The Court may issue further Practice Directions about such matters as electronic filing, electronic service of **Court Documents** and the use of **Technology** at trial. Parties are encouraged to refer to the Court's website at www.courts.gov.bc.ca for further information.

The BC Supreme Court's Practice Direction for Electronic Evidence can be downloaded at <http://tinyurl.com/8usovsx>

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PRODUCING ELECTRONIC DOCUMENTS IN NATIVE OR IMAGE FORMAT

There may be times when opposing counsel produces their electronic documents in native format (i.e. emails, MS Word, Adobe, PowerPoint, etc.) as opposed to the static TIFF image format.

The *Practice Direction re: Electronic Evidence*, at 4.1.3, notes that the default standard for discoverable documents is to be single page TIFF images.

Therefore, if opting to export your client's documents in native format, do not be surprised when the request comes from opposing counsel for a new export where the native files are converted to static images (i.e. TIFF files).

It is prudent to avoid this issue altogether by making it standard practice to convert native files to TIFF.

If, however, there is a large volume of native documents, consideration can be given to converting to TIFF and objectively coding only those documents that are

deemed relevant and producible following their subjective review.

CONCLUSION

Electronic documents and litigation-support software programs, while necessary and efficient, expose issues never before considered with paper documents.

These necessitate software training for lawyers and staff, and the establishment of

best practices to avoid mistakes and major pitfalls.

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BCLMA'S VOLUNTEER HERO AWARDS

Counting on BCLMA's Treasurer, Angela Zarowny, for 18 years

The 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 Angela Zarowny,

who, over the years with us, has moved from being a law-firm controller to running her own accounting services firm with law firms as clients, for nearly two decades she's been the BCLMA's Treasurer.

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 (*see back page*) 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

	 <p>Angela Zarowny, Accounting Services, Treasurer, BCLMA, Vancouver</p>
<p>BCLMA OR VALA MEMBERSHIP...</p>	<p>I joined in the mid-80s when it was still called VALA. At the time, I was working for a law firm as their Controller.</p>
<p>CONTRIBUTIONS INCLUDE...</p>	<p>Being BCLMA's Treasurer. I attended an event with John Hawke, who was the Treasurer at the time. He kept suggesting that I take over the Treasurer role. I think that was around 1994, and I've been doing it ever since. I expect to keep doing it for some time. I continue to enjoy it!</p>
<p>WHY DO YOU CONTRIBUTE?</p>	<p>It's a great way to keep in contact with everybody. I always have a lot of fun, and there are great social events. Back when I joined, I remember how existing members took people under their wing. It is such a nice group of people. When I attend events, I see many professionals that I've known for a long time, and some new faces that I've just met. It's wonderful to watch the Association grow. Further, when I became self-employed, I thought that staying on as Treasurer would be a great way to stay on top of accounting changes, particularly within law firms, as I have a few in my own client portfolio.</p>
<p>OVER THE YEARS, I HAVE ENJOYED CONTRIBUTING BECAUSE...</p>	<p>I like doing a really good job, and I also enjoy the social aspect of BCLMA. Over the years, the role has expanded quite a lot. When we became a Society, I quickly had to get up to speed on what filings we needed to do for the CRA to maintain our status. I had to figure out how to file the BCLMA tax return. Additionally, I really enjoy working with [BCLMA Administrator] Jane Kennedy. I have a lot of fun.</p>
<p>WHAT DO YOU ENJOY MOST ABOUT THE BCLMA?</p>	<p>The social events!</p>
<p>HOW CAN WE MAKE THE MOST OF OUR MEMBERSHIP?</p>	<p>Everyone can do a little bit of volunteering. Everyone can do something. It's hard and everyone is busy, but you just have to make time. The rewards are worth it.</p>
<p>WHAT ARE SOME TIPS YOU CAN SHARE ABOUT WORKING IN LAW FIRMS?</p>	<p>Knowing that you can call on someone and will get a good response is invaluable. You have to figure out who you are comfortable with and go to them for advice. People are very responsive. Don't be afraid to ask!</p>
<p>WHAT'S NEXT FOR YOU?</p>	<p>I don't anticipate anything really changing any time soon. I really enjoy working, so I will keep doing it. Besides, as long as Jane stays with the BCLMA, I will stay!</p>


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