

A newsletter to help our Members, Representatives, Affiliates and partners stay current with the business of law ♦ Winter 2013-2012

**SOME FIRMS COULD BE DEALING WITH THREE LAWS, REGISTRATION NUMBERS AND TAX FORMS**

## Stepping back to the future as BC's new PST and GST replace the HST in April

By Charlotte Hoggard, CGA, CFI; Principal, T. Charlotte Hoggard Inc., of Victoria

Under the previous provincial sales tax, known as the *Social Service Tax Act* (SSTA), legal fees were a taxable service.



**Charlotte Hoggard**

This tax status returns effective April 1, 2013 with the new *Provincial Sales Tax Act* (PSTA). Legal services will again be subject to provincial sales tax (PST) at a rate of 7%.

Legal services are defined in the legislation (PSTA, Part 1, Division 1) to be:

- (a) services that come within the meaning of the practice of law under the *Legal Profession Act*,
  - (b) services described in section 18 of the *Notaries Act*, and
  - (c) legally related services prescribed as legal services,
- ... though services rendered as an employee are excluded.

It's clear that lawyers or law firms offering legal services in BC must register for BC's newest incarnation of the PST in the next three months.

### REGISTERING FOR BC PST

Though the BC PST does not begin until April 1, registration opened earlier this month, on January 2. The various registration option methods are:

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### A SPECIAL CONTRIBUTOR TO THE BCLMA TAKES HER LEAVE

## Good Bye, Stephanie

By Bob Waterman, Chair, Topics Editorial Committee, BCLMA

In your life, you meet and come to know some really special people. We all do. One of mine is Stephanie Marsh.

I met Stephanie in a tree in Stanley Park in 2001. I was in the process of taking a new position – in Alberta – so I was leaving British Columbia. It was my last *Topics* meeting, and it was Stephanie's first.

For you old timers who may still have the November 2001 edition of the last printed newsletter, the members of the then-Topics Committee decided to have



**Stephanie Marsh**

their picture taken in Stanley Park. The location was the hollow tree, well before the \$150,000 metal brace was installed.

My next meeting with Stephanie was in 2007. I was invited to a lunch by an old Alberta administrator friend, Ernie Gauvreau. Ernie and I go back more than 30 years. I had just joined Richards Buell Sutton LLP in Vancouver.

Being naïve, I suspected Ernie asked

[Goodbye, Stephanie → to Page 4](#)

### Wicca-pedia Quiz!

Our intrepid You Be the Judge columnist, Paula Butler of *Butler Workplace Solutions*, has three delicious puzzles for law-firm administrators and HR managers. But be wary of answers for the Wicca'd Witch, Ms Bully and Mr Shortchanged. Get one wrong, and it could blow up in your face! Page 6



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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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- Online – at eTaxBC;
- In person – at your local Service BC Centre, or at 1802 Douglas Street in Victoria; or
- By fax or mail.

Registration forms, entitled *Application for Registration for Provincial Sales Tax* (FIN 418) are available from the BC Ministry of Finance, any Service BC Centre and on the website [www.gov.bc.ca/PST](http://www.gov.bc.ca/PST). Once the Ministry approves your application, a letter will be sent with your PST number (format PST #####) and your tax-return filing schedule.

If you have any questions, the ministry's contact is, toll-free, at 1-877-388-4440 or email at: [CTBTaxQuestions@gov.bc.ca](mailto:CTBTaxQuestions@gov.bc.ca)

## CHARGES INCLUDED IN 'LEGAL SERVICES'

The PSTA, in subsection 20(2), says the following are considered taxable legal services:

- the fees and charges, other than those prescribed as excluded,*
- disbursements for legal research or secretarial and other support services, and*
- other prescribed disbursements...*

... which are charged for or in relation to legal services.

The general prac-

### More to come

*This may not yet be the full extent of the PST requirements for law firms. The BC government promised to have the Regulations of the new Provincial Sales Tax Act published by last December 31, and they're not out yet as we write this. The Act itself was approved by the legislature last May 31.*

*Although the Act itself is law, there are already amendments proposed for it, and they are not expected to be approved until the spring session of the BC legislature, and they may yet be adjusted. To that end, the government has published a consolidated version with the proposed amendments to date, in PDF format. You can download it here:*

<http://tinyurl.com/ax8z726>

– Editor

... tice should be to calculate BC PST on all charges, and only exclude those in which the lawyer has acted as an agent for the client.

Where the lawyer has acted as an agent in paying the legal expenses of the client, these amounts should be recorded as an account receivable, including any taxes incurred in the payment of these amounts. Any taxes paid as an agent are not the expense of the agent but the principal for whom the agent is acting and

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## THE FIRM





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**Goodbye, Stephanie → from Page 1**

me to lunch to welcome me back to BC.

You know the term, “There is no free lunch.” I arrived at the restaurant, surprised to discover that Ernie had invited a guest who turned out to be Stephanie Marsh. Here is where the no-free-lunch kicked in.

I learned that Stephanie was going to be the incoming president of BCLMA. She was also the current chair and editor of *Topics*, but she felt she could not be the chair of the Topics Editorial Committee and editor of *Topics* as well as BCLMA’s president.

They invited me to this “free” lunch to persuade me to chair the Topics Editorial Committee. It’s a constantly fascinating job, and I said I would consider the offer, but only on the condition that Stephanie would remain on the Committee as the editor. Stephanie told me she had no intention of dropping the editorial position as that was one of her passions. Relieved, I accepted the challenge.

That was almost six years ago now.



**Bob Waterman**

Stephanie went on to become the President of BCLMA and, in fact, she was so good at it that she remained in that tough volunteer job for two years.

Towards the end of her second term, Stephanie came to me and said she had something to tell me. She told me she had a great opportunity to advance her career outside of law by accepting an offer to work for KPMG. My heart sank at her news; I was sure that she was going to resign as *Topics* editor. I waited for my dread to play itself out, so I was elated when she told me, that even though she would no longer be a member of BCLMA, she would like to stay on as chair of *Topics*. Stephanie has an extraordinary network of people within the legal industry.

I told her I would think about it... No, that is not what I said; I did not have to think about it.

Life went on. Stephanie, as you, constant reader, know well, continued to do a terrific job editing *Topics* as well as playing a major role in working with its Editorial Committee, planning, discussing, choosing – and, in some cases, writing the articles. We’ve all have had the benefit of her extended volunteer work for the BCLMA over all these years.

Stephanie is one of those special people, the ones who, when they say they will do something, never fail you. She gives her all, and then some. She has poured her blood, sweat and tears into making *Topics* better every year for 11 years now.

I have never seen her upset. She is a terrific diplomat and is capable of resolving any issue that arises and ensuring that all sides come away winners. She does all of this with a cheery personality, a dry sense of humour and a brilliant smile on her face. She just makes everybody around her feel good.

Well my day of dread has finally come. Stephanie has only begun to climb her ca-

**Goodbye, Stephanie → to Page 5**



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**Back to a PST future → from Page 2**

are, therefore, not an eligible expense of the lawyer or the law practice.


This type of accounting would differ from where a lawyer purchases for resupply, or resupplies items they have purchased. Goods resupplied would be recorded as both revenue and expense, with taxes collected and any credits claimed.

**SOCIAL SERVICE SAX ON CONTINGENT FEES EARNED PRIOR TO JULY 1, 2010**

Law firms were able to defer payment of the old *Social Service Tax* (SST) on contingent fees earned prior to July 1, 2010 by registering these fees with the province.

As the contingent conditions have been removed, the law firms have been remitting the SST as the fees became receivable. The fees were paid to the province under the old SST number and form. This will continue until these contingent fee arrangements are complete. Do not remit or record this SST on the new PST returns.

So on a temporary basis, firms with historic contingent fees could have three different filing account numbers and be filing GST returns, BC PST returns and old SST returns.

The changes are effective April 1, 2013 with the ending of the BC HST and a return to a BC PST. 

*Charlotte Hoggard has had her own practice, T. Charlotte Hoggard Inc., since 2006. It focuses exclusively in the areas of Canadian sales tax and forensic consulting. It also helps organizations and individuals with sales-tax issues. She became a Certified General Accountant in 1992 and a Certified Forensic Investigator in 2000. Her attention concentrated on the area of sales tax when she left public practice to join the federal government as it introduced the GST. After 10 years as auditor, investigator, author and trainer, she returned to public practice with KPMG, where she was a senior manager and practice leader. She has been a member of the board of several non-profit and charitable organizations, including National Director of the Certified Forensic Investigators of Canada. Email: t.charlotte@hoggardcga.ca or by phone in Victoria: 250.386.6611.*

**Goodbye, Stephanie → from Page 4**

reer's ladder of success. Because of her talent and capabilities, she received a promotion within KPMG's larger corporate structure. Unfortunately for *Topics* and the BCLMA, for all of us here in BC who came to know her, that opportunity is in Ottawa.

This is her last issue. She packed up her home, shipped her car and transported her dog, all shortly before Christmas. We really are losing Stephanie this time.

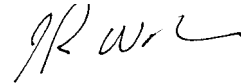
The BCLMA has published *Topics* for over 25 years; many BCLMA/VALA mem-

bers have served on its Editorial Committee. Many have made stellar contributions, and will continue to do so. Stephanie certainly will go down in history as one of those stellar contributors.

From me and from all those on the current Editorial Committee below who have endorsed these sentiments: All the best, Stephanie, and thanks for leaving your indelible mark on *Topics* for more than a decade.

Above all, thanks for being our special friend.

Bob Waterman



Jane Kennedy



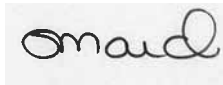
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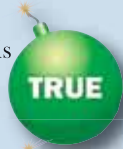
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**PAULA'S CHALLENGING NEW SCENARIO...**

**THE CASE OF THE WICCAN CELEBRANT (AND TWO OTHER PUZZLES)**

**H**ere are three true-or-false questions. Get all three correct and briefly tell us why you think so. You'll receive a gift card at Starbucks! *You are the Office Manager. How do you answer?*

**Question 1:** Susan, a senior lawyer at your firm, has a terrible temper and goes through support staff fast. Her current legal assistant, Pauline, is going on stress leave after providing you as HR chief with a note from her psychiatrist stating that Pauline now suffers from an anxiety disorder as a result of Susan's workplace behaviour. Pauline tells you that she can no longer put up with Susan's bullying, and that she will not return to work until something is done about Susan. Pauline also tells you that she has filed a claim with WorkSafeBC, and that they will call you to investigate her claim regarding Susan's bullying. If WorkSafeBC finds that Susan *has* been bullying Pauline, Pauline is eligible for compensation through WorkSafeBC - *True or False?*



**Question 2:** Mary Ellen, your new receptionist, approaches you to ask for two days off this year. As a follower of Wicca, the modern pagan religion, Mary Ellen explains that the two days are particularly important Sabbats in the group with which she worships, and that she needs the days off for celebration. Under your firm's rules, she is not allowed to take any vacation until after the two days she's requested. You do not have an obligation to try to accommodate these days off, even without pay - *True or False?*



**Question 3:** John, a mailroom worker at your firm, was called for jury duty last March, which became leave for a murder trial that lasted nine months. He returned to work last month, and the firm normally does performance evaluations and wage increases in January. As a result of John's absence, you decide not to evaluate him because of the absence, and you also decide that you are not going to give him the 2% increase that you are giving other support employees for the same reason. John is upset with you, but you know that your decision is the right one, and there is nothing he can do about not getting an increase - *True or False?*



**PAULA BUTLER'S ADVICE ON LAST ISSUE'S 'THE CASE OF MOMMY DEAREST'**

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



**YOU BE THE JUDGE**

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



By Paula Butler, LL.B

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

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

**HOW TO BE OUR JUDGE**

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

[www.BCLMA.org/resources/newsletters/topics/response.cfm](http://www.BCLMA.org/resources/newsletters/topics/response.cfm)

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

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

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

Towards the end of Andrea's six-month probationary period, you sit down with her to provide a performance evaluation. You tell 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.

You tell 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, you arrive at work at 8

[You be the Judge](#) → to Page 8

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**You be the judge → from Page 6**

a.m. and a woman is waiting for you in the reception area. It is Andrea's mother, demanding to speak to you about the "unfair treatment" of her daughter.

*You are the Office Manager. What do you do?*

**READER RESPONSE**

*I would explain to her that as an adult and a professional, if her daughter has something to say about her performance evaluation she should be speaking with management personally.*

*I would explain that it would be unprofessional of me to discuss this matter with anyone but her daughter.*

Hi, this is Paula.

I think your approach is correct. The firm's relationship is with Andrea, not her mother.

Much has been written about the so-called helicopter parents of the current generation of teens and young adults, who hover over their children long past the age of appropriateness.

I have two clients who have had to face this scenario in the last few years, however, and my guess is that these types of encounters will become more common.

**Much has been written about the so-called helicopter parents of the current generation of teens and young adults**

In the current scenario, and as you note, the mother needs to be told that if her adult child, Andrea, is unhappy with some aspect of her employment, she needs to go directly to management to discuss it.

It is unprofessional - and potentially a breach of confidentiality - to discuss Andrea's employment with her mother, particularly if the mother has gone to the firm without her daughter's knowledge or consent.

I also suggest you talk to Andrea. Let her know that her mother came to the office, and explain that you will not speak with

her mother about Andrea's employment.

If Andrea asked her mother to go to the firm, she likely will not do that again. If Andrea was unaware of her mother taking the action she did, on the other hand, Andrea may then ask her mother to not do it again.

Either way, hopefully, Andrea's mother will not arrive at the office again expect-

ing to discuss her daughter's job performance.



*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 the Wiccan celebrant (and two other puzzles), on page 6!*

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**PARALEGAL STATUS**

**Law Society's paralegal reforms aim to improve access to justice**

by **Bruce LeRose, QC; President of the Law Society of BC for 2012**

**L**owering the barriers to accessing justice is a fundamental challenge for Canada's legal community.

In her comments at the Canadian Bar Association's 2012 annual conference in Vancouver, the Right Honourable Beverley McLachlin, PC, Chief Justice of Canada, said there was, in fact, no greater challenge.

"In the past, I've spoken about how access to justice on both the civil side and criminal side is the most pressing problem our legal system faces," said McLachlin. "Happily, however, many of us who are concerned by the gravity of the situation are actually doing something about it."

The Law Society of British Columbia counts itself as one of the many legal-system stakeholders taking steps to help lower those barriers.

In the past, we have implemented changes that allow lawyers to unbundle their services and assist clients with a part of a case, instead of the entire matter. We also allow articulated students to perform many of the same services as lawyers, providing another lower-cost option for clients.

Our latest step is to expand the scope of duties some paralegals can provide. Designated paralegals can now give legal advice and make limited courtroom appearances.

The Benchers earlier approved rule changes that allow supervising lawyers to "designate" competent, qualified paralegals, permitting those designated paralegals to take on an expanded role.

First, designated paralegals are permitted to give legal advice directly to clients, in any area of law. For example, a designated paralegal could provide oral advice during a meeting, or draw up a contract or a will and provide it directly to the client.

In any matter where a supervising lawyer deems a designated paralegal capable of providing a particular legal service, and the client consents, the paralegal can work directly with the client.

This provides a two-fold benefit of freeing up a lawyer's time for other mat-

ters, and providing clients with a lower cost option for legal services.

The Law Society's second initiative is the designated paralegals pilot project, now underway in both BC Supreme and Provincial Court.

The pilot project allows designated paralegals to make limited appearances in certain court registries to deal with procedural applications in family law, mostly of a non-contentious nature.

The Supreme Court is participating in

the Vancouver, Kamloops and New Westminster registries. The Provincial Court is participating in Surrey and the Cariboo/Northeast district. The pilot project will run through December 31, 2014.

In Provincial Court, designated paralegals may appear to deal with uncontested first appearances, uncontested consent orders requiring attendance before a judge, and uncontested applications for paternity testing.

Paralegal reforms → to Page 10



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## Paralegal reforms → from Page 9

In Supreme Court, designated paralegals may speak to uncontested renewals of notice of family claim, uncontested applications for alternative methods of service, and applications for which notice is not required.

More information, including a complete list of applications designated paralegals may address, is available on the Law Society's website.

### THE ROLE OF LAWYERS

Lawyers who supervise designated paralegals must follow the rules and guidelines in the Code of Professional Conduct for BC (BC Code) and the Law Society Rules. Some general guidelines to remember are that lawyers are responsible for the actions and conduct of the paralegals they supervise, and it is the lawyer's responsibility to ensure the designated paralegal is properly trained and qualified. The Law Society will hold lawyers responsible for any mistakes made by a paralegal. Each supervising lawyer is permitted to oversee a maximum of two designated paralegals.

If a designated paralegal appears in court, he or she will be required to present an affidavit from the supervising lawyer on first appearance. It will state:

- ✓ The paralegal has the training and experience to carry out the task at hand;
- ✓ The paralegal's application and materials have been reviewed by the lawyer with the paralegal;
- ✓ The client consents to the paralegal speaking to the application;
- ✓ The lawyer knows of no facts that should be brought to the attention of the court that are not in the material filed;
- ✓ The lawyer should sign a draft of the proposed order sought.

In addition, the supervising lawyer should be available to the designated paralegal by telephone on the day of the application.

If a designated paralegal provides legal advice to a client, there are additional guidelines to be followed. Lawyers should engage in file triage to determine whether a matter should be dealt with by a particular designated paralegal, given their knowledge and experience. Supervising lawyers



The Law Society of BC's 2012 president, Bruce LeRose, left, with BC Chief Justice, Lance Finch

should also be available to provide assistance when required.

### EVALUATING THE REFORMS

The Law Society will track the paralegal initiative over the next two years.

The evaluation will happen in two streams. The first will measure the uptake of the reforms and collect information regarding cost savings and client satisfaction, through the Annual Practice Declaration and a survey. The purpose is to better determine the access to justice benefits.

The second evaluation will focus on protection of the public. The Law Society will track and analyze complaints arising from a lawyer's use of designated paralegals. A sub-file will be created within the lawyer's file tracking several things, including the name of the designated paralegal, what function he or she was performing, and whether the lawyer was supervising one or two designated paralegals at the time.

It is anticipated data will be analyzed at the end of 2013, and again at the end of the pilot project.

The information will be helpful in deciding whether to modify the cap of two designated paralegals per supervising lawyer, and in determining whether the Law Society has balanced its responsibility to protect the public, while improving access to justice.

*Bruce LeRose, QC was the 2012 President of the Law Society, and wrote this article shortly before his term ended.*

*A Bencher of the Law Society since 2004, LeRose is currently the Chair of the Executive Committee, Governance Review Task Force, Appointments Subcommittee and Litigation Subcommittee. He is also a member of the Special Compensation Fund Committee.*

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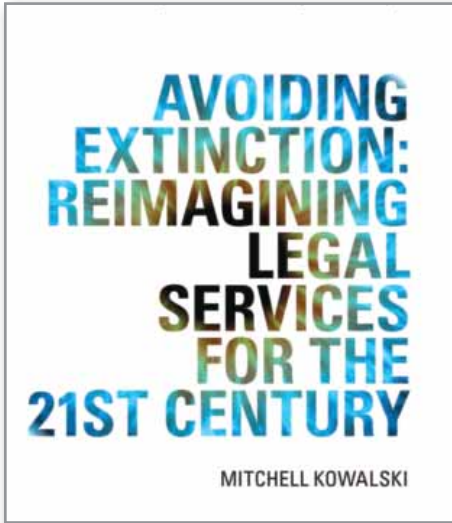
**Some law firms think you can improve both quality and profit**

By **Mitch Kowalski**, author

**A**uthor F. Scott Fitzgerald was not known for his legal knowledge, but his advice to legal writers is nonetheless valid: “One doesn’t write a book because you want to say something. One writes a book because you have something to say.”

If you’ve been part of the legal profession for any length of time, you’ve likely seen things that drive you – and your clients – bonkers.

For starters, we’ve enslaved ourselves to a fragile partnership structure that sacrifices long-term decision-making on the altar of short-term payouts.



We embrace the billable hour because it provides *us* with certainty – not our *clients*. And we invest little in finding more efficient ways to provide legal services, preferring instead to increase revenue through the annual January ritual of hourly-rate increases – whether we deserve them or not.

Some lawyers choose to keep their heads down, ignore things and soldier on. Others merely tinker around the edges. I chose a different path. I took Fitzgerald’s advice and wrote a book: *Avoiding Extinction: Reimagining Legal Services for the 21st Century*.

After more than two decades in practice, I had a lot to say about how lawyers could better deliver legal services. Better not only from a client’s perspective, but also from a lawyer’s perspective; a way to create a real

and lasting competitive advantage.

Nothing in *Avoiding Extinction* is fantasy. Everything discussed in the book is being used in some industry around the world. I have simply applied these best practices to a law firm setting. I never bought into the fiction that law is different.

The issues discussed in *Avoiding Extinction* force the reader to seriously consider what is truly essential in a legal practice, what a lawyer really needs to do (and not do). The book then forces readers to re-think what it means to be a lawyer in the new millennium.

To date, I’ve caught several glimpses of my concept in the book of the fictional law firm Bowen, Fong & Chandri (BFC) around the world.

In 2003, Cleveland’s Tucker Ellis (currently at 160 lawyers and 56 paralegals) rose from the ashes of the former Arter & Hadden. When partners and associates got together to start anew, they savoured the ability to start from a fresh slate. Their first order of business? Get rid of all the things they hated about the old place; among other things, 60% of the firm’s work is now done on a non-billable hour basis and not surprisingly, its team and its clients are all the happier.

Hunoval Law Firm in North Carolina has embraced lean-and-sigma techniques, which enable it to substantially lower its overhead costs and easily compete with vastly larger firms. Hunoval has gone so far as to partner with the University of North Carolina, Charlotte, to create a special Lean and Six Sigma training program for firm staff. (See sidebar for an outline of *Lean and Six Sigma* concepts. – Editor.)

Australia’s Slater & Gordon, the world’s first publically traded law firm, has created new career paths for lawyers and new metrics to determine how they are



**Mitch Kowalski**

**Avoiding Extinction → to Page 12**

**THE INSIDER’S VIEW OF KOWALSKI’S BOOK**

**A***voiding Extinction* puts into a unique context the current discussions many of us are having about legal innovation, as well as adding to them, according to the book’s author, Mitch Kowalski.

Here’s how he approached it:

“[The book] engages readers and compels them to read through to the end. The narrative style allows readers to see exactly what a new model law firm (Bowen, Fong & Chandri or simply, BFC) would look like, and how it would operate.”

*Avoiding Extinction* revolves around three main characters he invented, but who are actually a combination of people he’s known over the years. “First,” he says, “we meet Maria Fernandez, the harried General Counsel of a multi-national behemoth, Kowtor Industries, who is tired of being a cop and is looking for a true legal partner. She decides that instead of fighting ‘gators, she’ll drain the swamp. She gathers her in-house legal team together to determine what’s important to them and to their company, so that she can then sort out what value she needs to receive from her outside law firms.”

Next, he adds, “We meet Mark Reynolds, a mid-level associate who is thoroughly disillusioned with the practice of law. He sees BFC as his last kick at the can before he leaves the profession. He’s a new hire at BFC, and we follow him through his orientation to learn about BFC’s competitive advantage: it does the same work as its competitors, but in a completely different way.”

And, then, he concludes, “We meet BFC’s CEO, Sylvester Bowen, who is a strong and refreshing free-thinker on how law firms can operate in order to provide better, faster and more-affordable service.”



**Avoiding Extinction** → from Page 11

paid and how they advance within the firm – proving that non-lawyer ownership has not created the apocalypse that far too many Canadian and American lawyers fear.

The likes of Axiom in the United States and Lawyers on Demand in the UK are changing the perception of in-house counsel about how corporate legal needs can be addressed. Cognition is Canada’s answer to these models, doing work that falls into three categories:

- ❶ Providing project or temporary lawyers for in-house departments;

- ❷ Quasi in-house work for start-ups; and
- ❸ Acting as a subcontractor for big firms on routine files in order to save client costs.

Out went private offices, expensive overhead, suits and hourly billing (mostly anyway), and in came the Profit 200 Award as one of the 200 fastest growing Canadian companies by revenue growth over five years.

Also in: Happy lawyers and even happier clients.

Riverview Law in the UK is less than a year old, yet it’s blown through its wildest projections – not because it has the best

lawyers (although having met some of its team, they are damn good!) – but because they place tremendous focus on, and investment in, process, knowledge management, information technology, client management and client-budget certainty.

Karl Chapman of Riverview Law is fond of telling me that I should stop saying that a firm like BFC doesn’t exist because Riverview Law is the real-life BFC!

In the wake of the *Legal Services Act*, which allows outside investment in British law firms, PwC London has created an advisory service to assist General Counsel in

**Avoiding Extinction** → to Page 13

## WHAT DOES ‘LEAN AND SIGMA’ HAVE TO DO WITH RUNNING A LAW FIRM?

**M**itchell Kowalski talks about the firm Hunoval of North Carolina embracing ‘lean and sigma’ techniques to improve the firm’s operations. Here’s the kind of thing he’s discussing.

### WHAT IS LEAN?

*Lean (also known as Lean Production, Lean Enterprise and Lean Thinking) involves a set of principles, practices and methods for designing, improving and managing processes. The development of Lean is attributed to Taiichi Ohno’s articulation of the Toyota Production System.*

*Ohno aimed to improve efficiency by eliminating particular kinds of waste... which absorb time and resources but do not add value. Examples include mistakes which need rectification, unneeded process steps, movement of materials or people without a [useful] purpose, unnecessary waiting because upstream activity was not delivered on time, and the creation of goods or services that are not really needed by end-users.*

*A Lean process reflects the goal of continually reducing waste and improving work flow to efficiently produce a product or service that is perceived to be of high value to those who use it. Implementation of Lean involves systematic process-assessment and analysis.*

*The preliminary stages of Lean assessment include “value-stream mapping” in which key people, resources, activities and information flows required to deliver a product or service are made explicit and depicted graphically. The value-stream map is a key tool for identifying opportunities to reduce waste and more tightly integrate process steps, thus improving process efficiency...*

### WHAT IS SIX SIGMA?

*Six Sigma, like Lean, is also a business-management strategy used to improve the quality and efficiency of operational processes. While Lean focuses on identifying ways to streamline processes and reduce waste, Six Sigma aims predominantly to make processes more uniform and precise through the application of statistical methods.*

*Six Sigma was originally developed by Bill Smith of Motorola in 1986 as a way of eliminating defects in manufacturing, where a defect [is] a product or process that fails to meet customers’ expectations and requirements.*

*The name Six Sigma refers to a quality level defined as the near-*

*perfect defect rate of 3.4 defects per million opportunities....*

*The Six Sigma improvement mode – Define, Measure, Analyze, Improve and Control (DMAIC) – specifies the following sequence of steps for understanding and improving a process:*

- ❶ *Defining the project’s goals and the requirements of internal and external customers;*
- ❷ *Measuring the process to determine current performance;*
- ❸ *Analyzing and determining the root causes of relevant defects;*
- ❹ *Improving the process by eliminating the root causes, and*
- ❺ *Controlling future performance of processes.*

*... Distinctive Six Sigma features include the expectation that process-quality improvements be translated into financial metrics to assess value, and the active involvement of top management....*

### WHAT IS LEAN AND SIGMA?

*... Proponents of a combined approach [lean and sigma] assert that organizations can benefit from utilizing both the customer-orientation and focus on eliminating waste inherent in Lean along with the statistical tools and systematic defect-reduction strategies featured in Six Sigma. [That combination bypasses the need to force management to choose between a better bottom line and improved quality.]*

*Lean and Six Sigma are just two of numerous approaches that are in use for systematically analyzing and improving process flow and efficiency within industries. Other similar approaches include Business Process Modeling, Business Process Reengineering and Workflow Mapping, as well as a variety of total-quality management and continuous-quality improvement techniques, such as management accounting systems, the Japanese improvement system called Kaizen or the Shewhart system of statistical quality-control cycles which involve planning, doing, checking and adjusting.*

*The selection of a particular process-improvement approach will depend upon the specific circumstances and needs existing in a working environment, including the type of processes, the improvement objectives, plus the skills, knowledge and resources available in that setting.*

*– Edited excerpt from a much longer article by Sharon Schweikhart, Ph.D. and Allard Dembe, Sc.D at:*


*<http://www.ncbi.nlm.nih.gov/pmc/articles/PMC2835466/>*

Avoiding Extinction → from Page 12

driving better behaviour and value from outside law firms.

New ideas and new models will not stop at the Canadian border.

It's time to reconsider how we deliver legal services as the old model has reached the end of its natural life cycle.

As I've told law students on several occasions, there's never been a more exciting time to be a lawyer – as long as you're not a lawyer in the old mold. 

*Mitch Kowalski regularly writes and speaks on innovation in legal services. Follow him on twitter @mekowalski or contact him at www.kowalski.ca His book, Avoiding Extinction: Reimagining Legal Services for the 21st Century, is published by the American Bar Association (2012). It's available in Canada at Indigo/Chapters, Amazon and at Ben Mc.Nally Books in Toronto.*

**SAVE THIS DATE**

**BCLMA & HUMAN RESOURCES SUBSECTION**

**MANAGING THE HOSTILE INDIVIDUAL**

An Educational Event for all BCLMA members

Wednesday, February 13, 2013  
Four Seasons Hotel, Vancouver  
11:45 am – 1:30 pm

Space is limited!  
Session available by webinar

More Information  
[WWW.BCLMA.ORG](http://WWW.BCLMA.ORG)



**BCLMA 2013 SCHEDULE of ANNUAL SURVEYS**

**S**urveys provide valuable data to law office managers. The more firms that respond, the more accurate the results; we need your input.



Bob Waterman

The BCLMA surveys are distributed throughout the year at a time that should work for the majority of participants. Your comments are welcome on any of the surveys, so please contact Bob Waterman, Chair of the BCLMA Survey Committee, via email: [BWaterman@RBS.ca](mailto:BWaterman@RBS.ca)

SURVEY	Distribution Date	Reply Deadline	Estimated Publication Date	Survey Co-ordinator
Associate Salaries	March 1	March 15	April 1	Bob Waterman
Law Firm Economics	April 1	May 1	June 14	Sandy Delayen
Staff Ratios	May 1	May 15	May 31	Wayne Scott
Support Staff Salaries	September 3	October 1	November 1	Raf Sansalone
Billing Rates	September 3	October 1	November 1	Raf Sansalone
Management Staff Salaries	October 1	October 15	November 1	Leslie Morgan

- The Law Firm Economic Survey will again be led by Wolrige Mahon LLP, which has conducted this survey for BCLMA for several years.
- 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 Houser & Tupper LLP; Raf Sansalone of Borden Ladner Gervais LLP; Leslie Morgan of Harper Grey LLP – Leslie also represents the BCLMA Board; Wayne Scott of Alexander Holburn Beaudin & Lang LLP, and; Jane Kennedy of the BCLMA.

**'CHANGE' CONFERENCE**

**80 attendees busy with packed agenda, networking, trade show**

Photography by Anna Beaudry

The BCLMA's annual conference took place once again at the River Rock Casino Resort in Richmond in October. Eighty delegates attended the one-and-a-half-day **Change Conference** → to Page 15

**SAVE THIS DATE**

**BCLMA ANNUAL SUMMER SOCIAL**

Thursday, June 6, 2013

Bridges Restaurant,  
Granville Island, Vancouver  
5:30 pm – 7:30 pm

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[WWW.BCLMA.ORG](http://WWW.BCLMA.ORG)



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**MAKING THE MOVES...**

**WELCOME, NEW REPRESENTATIVES, BCLMA FIRMS**

**H**uman Resources: **Shivani Chetty** of Fasken Martineau LLP in Vancouver, **Lily Pollard** of McMillan LLP in Vancouver, **Karen Jenkins** of Kahn Zack Ehrlich Lithwick LLP of Richmond and **Karryn Mysyk** of McLeod Law LLP in Calgary; Finance: **Nancy Guan** of Blakes LLP in Vancouver, **Yvette Whitson**, Edwards Kenny & Bray LLP in Vancouver, **Anne Rutto** of Klein Lyons in Vancouver, **Francis Macapinlac** of McLeod Law LLP of Calgary, **Shelley Ford** of Cassels Brock & Blackwell in Vancouver, and **Robyn LaPlante** of Heenan Blaikie Management in Vancouver; Litigation Support: **Deb Rhodes** of Roper Greyell LLP in Vancouver, and **Carly Poissant** of Blakes; Knowledge Management: **Chilwin Cheng** of Bull Houser & Tupper LLP and **Andy Froese** of Alexander Holburn LLP, both firms are in Vancouver; Facilities: **Terri Coleman** of Hamilton Duncan Armstrong + Stewart Law of Surrey; Robyn LaPlante is in this sub-section as well; Technology: **Burton Wong**, also of Heenan Blaikie Management, and he's also in the Training sub-section; **Thomas Oakes** of Cassels Brock & Blackwell; Facilities: **Diane Wilson**, also of Cassels Brock & Blackwell.



**Shivani Chetty**

**WELCOME, NEW FIRMS & THEIR REPRESENTATIVES**

**E**lizabeth Barclay of Dolden Wallace & Folick LLP; **Kelly Hoeve** of Simpson Thomas & Associates and **Janine Kroser** of Watson Goepel Maledy LLP. All the firms are in Vancouver.



**Janine Kroser**

**WELCOME, NEW & RETURNING AFFILIATES**

**B**arb Martens of Lindsay LLP in Vancouver; **Lesley Rhodes** of Cave & Company in Vancouver; **Sharon Dos Remedios** of Burke, Dos Remedios Law Corporation in Vancouver; **Meghan Clavel** of Altro & Associates LLP in Vancouver, **Amy Chane** of Patrola Law Corporation in Surrey; and **Olga Vlasova** of Sager Legal Advisors LLP in West Vancouver.

**CONGRATULATIONS, NEW SUBSECTION LEADERS**

**F**acilities & Service Management: **Harmony Cornwell** of Blakes LLP, Co Chair; Litigation Support: **Michael Conde** of Borden Ladner Gervais LLP in Vancouver, Co-Chair; Knowledge Management: **Carol Petrie** of Bull Houser Tupper LLP; **Euan Sinclair** of Lawson Lundell LLP in Vancouver, both Chairs; and Human Resources: **Elizabeth Jackson** of Farris LLP of Vancouver, Co-Chair. All the firms are in Vancouver.



**Euan Sinclair**



**Harmony Cornwell**

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 bottom of this page.





**CHANGE**

embrace integrate manage

**Change Conference → from Page 14**

half-day conference, following a busy agenda of learning, networking, meeting, consulting, socializing – and having fun!

Positive comments made by our delegates in the conference follow-up survey confirmed the conference was an enormous success. Thank you to everyone who attended, and to those who volunteered many hours of their valuable time planning the conference agenda, securing qualified speakers and helping co-ordinate the festive dinner event.

The success of the conference is also attributed to our sponsors, supporters, and trade show participants who, without their

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A discussion following an inspiring presentation by management consultant Jim Bottomley intensifies as (facing us, l to r) Lisa Gray of Ratcliff & Company, along with Lisa Dawson of Kornfeld and Alison Bissicks, of Young Anderson, listen intently.



The panel of (l to r) Raf Sansalone of BLG and Mike Weiler work with moderator Kerri Pearce of AHBL to discuss qualified privilege along with the do's and don't's of coaching lawyers who are about to take part in interviews.



Earlier, Bottomley posed questions.



Change is often a good thing. Nazlin Rahemtulla, HR Manager of Gowling, was awarded a new Apple iPad.



The Conference's goodies were not confined to meetings, as they also packed the room for dining. Yes, the delegates talked of having it and eating it, too.



Executive coach Allison Wolf comments to Janice McAuley of Law-son Lundell.





**Change Conference → from Page 15**


significant contributions, the conference could not have taken place.

Thank you to all of them for their support and help!

Thank you, as well, to all who provided written feedback and suggestions with their survey. The comments will be the catalyst for change, enabling us to set and reach new goals for our next annual conference.

The conference theme - embrace, integrate, manage - will live on.

We will learn from our delegates' suggestions and embrace this challenge to provide an even better conference in 2014.

Join the Conference Committee and enjoy the adventure of the challenge to improve and enhance the 2014 conference! 



The session of presenter Stacey Holloway, 'Leading in Times of Transition', focused on best practices when dealing with changes inside a firm that mean the end of jobs or transitions.



Top: BCLMA president Cindy Hildebrandt, Middle: Mike Weiler, and Susan Spalding at the Conference



The business fair that accompanied the Conference sessions was busy, and attendees often crowded around one booth or another to see how sponsors could help their firms.



As famished attendees dinner and relaxed after a busy day at the Conference, they were serenaded by the band Tumbao

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**PART 1 OF 2 - MAKING E-MARKETING WORK FOR YOUR FIRM**

# How to tap the power of search engines to market your firm on the Internet

By Steve Matthews,  
President, Stem Legal

Lawyers and their firms increasingly understand that participating in social networks and other online forums is an expected element of business development today.

That does not, however, mean that the firm's website takes a backseat. On the contrary, site optimization and online participation are intimately connected.

Done well, search-engine optimization (SEO) programs are about getting your firm's website properties in proper order, ensuring that when lawyers participate online that the sales chain is not broken.

Remember, the last place most new web-based contacts visit before picking up the phone or emailing you continues to be



Steve Matthews

will help you get the most from all your other online efforts.

We'll begin from the premise that your firm has done the

proper keyword research to identify the words and phrases that will best attract your target audience – so if that hasn't yet been done, make that your first step. Then read on.

**Your website is your ultimate online shingle. Think of it as the hub of everything else you do online.**

your website – a statement that includes blogs and social-media venues, where it's usually bad form to deliver sales messages, anyway.

Your website, then, is your ultimate online shingle. Think of it as the hub of everything else you do online. You want to reach out and engage people in a variety of online networks, and use those other engagements to attract people back to your site.

At the same time, though, the soft costs of online participation are an enormous investment for lawyers. If the firm website doesn't back up those efforts, lawyers who participate online aren't maximizing their time investment, and the full impact on business generation will never be known.

Here are some of the best practices to employ in a law firm SEO program that

## ON-PAGE OPTIMIZATION FACTORS

Search ranking factors are often broken down into two parts: on-page factors such as coding, and off-page factors such as link popularity. On-page factors are must-be-done items, since without them, most sites have little chance for any kind of ranking success.

Here's an overview of primary to-dos. *Unique title tags.* Within the source code of every web page is the *Title* tag, a spot to specify that page's title on the top bar of the window. Many firms today rely on a content-management system (CMS) to automatically generate these titles based on page content.

While that's an improvement over the days of hand-coded sites where title tags were often incomplete or absent, customized title tags help generate higher rankings, allowing for more keyword combinations than the typical CMS's default titles.

For SEO purposes, the *Title* tag is an opportunity to tell the search engine exactly what the page is about. Each *Title* tag should include the firm's brand, a few keywords describing the page's content and geographic terms – but most importantly, every page of your site should have a *Title* tag that is unique and never repli-

cated. Here is a sample:

*Smithson LLP: Alabama trusted tax attorneys | Lawyers serving Birmingham, Montgomery, AL*

Note the variety of phrase combinations created between the geographic terms and the words *lawyer* and *attorney*. Also note how the firm's name is placed at the beginning of the tag's text, the most valuable location within the tag's structure. Keep this order intact, so as not to sacrifice the firm name for subject-oriented searches.

Remember that your website must back up all your other marketing initiatives. And because your *Title* tag is also the clickable text displayed in your Google record, keeping the firm's name up front makes your entries distinguishable, as they look more professional.

*Alt text coding for images:* On a related note, every image on your site – logos, photos and the like – should have an *Alt*

**You want to reach out and engage people in a variety of online networks, and use those other engagements to attract people back to your site.**

*Text* attribute specified. This is a textual description of the image, and it serves two important functions: It helps the search engine understand what the image is, and it replaces any images that should happen not to load properly.

*Concise meta descriptions:* The Internet houses a surplus of outdated information with respect to the use of meta tags and their impact on search rankings.

Description tags and meta keywords tags are, in a nutshell, HTML codes which are inserted into webpage headers.

They contain brief information about the page's content. Firms should include both types of tags in their web pages, but with reduced expectations compared to years past because the search engines

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**Tapping Search Engines → from Page 18**

have de-emphasized their importance.

Microsoft's *Bing* and a few other search engines still give the *Meta Keywords* tag a depreciated weight, but Google has stated publicly it gives the meta-keywords tag zero weight. The *Meta Description* tag still delivers a marginal impact (perhaps from one to three ranking spots), but nothing close to the impact of a well-considered title tag.

*Simple keyword-driven URL structures:* Website URL addresses are another opportunity to provide subject clarity to search engines and, at the same time, simplify site navigation for human visitors.

A best practice here is to forgo, or remove, URLs that are nondescript, that include a question mark, or that embed any kind of database field.

Instead, try to use URLs that include relevant keywords, that match the most plausible search order and that have terms separated by dashes. Even if it's not feasi-

ble to implement this structure site-wide, key landing pages must be addressed – meaning your professional bios and practice-area pages.

As an example, look at this clumsy lawyer profile URL:

*http://firmwebsite.com/professionals/professionalbio.asp?profid=4&tmpid=3433*

Now compare it with this one, which is more of a best-practice URL structure:

*http://firmwebsite.com/attorneys/jim-smith*

*Next issue: We'll talk about how to use portions of your site's content to improve how people who are looking for what your firm does can actually find it.*

*Steve Matthews is the Founder and President of Stem Legal, a company based in Mission, BC, that does web development, publishing and strategy. It helps lawyers and law firms maximize their online presence and attract new business opportunities. Matthews has previously worked in law firms*

*on projects involving knowledge management, web and technology. He has been named one of Canada's "Top 24 Legal Social Media Influencers" by Lawyer's Weekly. Find or follow him at: 604.826.8072, steve@stemlegal.com, www.stemlegal.com Twitter: @stevematthew or follow his blog: www.stemlegal.com/strategyblog*

**SAVE THIS DATE**

**BCLMA ANNUAL GENERAL MEETING**

Friday, April 5, 2013

Richards Buell Sutton LLP

700, 401 West Georgia, Vancouver

12:00 pm – 1:30 pm

More Information

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*Gotcha!*

In old movies, the police find a smoking gun and arrest the bad guy. “Of course it’s admissible, Your Honour. It was in the defendant’s hand!”

How about the defendant’s computer, smartphone, work emails, girlfriend’s *iPad* or associate’s Cloud account? Electronic sleuths – both in police departments and law firms – can still mutter “Gotcha!” when they find incriminating e-evidence. But it’s more like a “Gotcha, I hope...” in criminal cases. Similarly, in the civil

[E-Discover Event](#) → to [Page 21](#)

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**CLEBC event → from Page 20**

realm, the battle over bits and bytes can occur in large commercial cases involving massive amounts of electronic data.

On February 7, BC's Continuing Legal Education (CLEBC) tracks the emerging practices in one of the most dynamic areas of law: Electronic Discovery (or e-discovery). This particular program is a quick exploration of the current tricks and tasks facing litigators and their e-discovery management colleagues. It's called: *Electronic Discovery 2013 – (Almost) Everything You Need to Know in One Day*.

The program reveals practical how-to procedures and technology options for law firms. It will prove useful for anyone involved in litigation and discovery. First, we'll cover the documents you need to obtain from clients, chain of custody rules and social media evidence.

**E-discovery finds a foothold in most legal practices. From family lawyers trying to prove adultery to corporate litigators uncovering fraud, the nature and longevity of legal evidence**

We'll also explore how to control costs, including those addressed in the Sedona conference cost-containment protocol. In the afternoon, we will tackle the most onerous task of all – culling vast amounts of data, with and without an e-discovery vendor.

We'll also reveal the latest culling computer techniques – a must-attend session!

It will be a thought-provoking day. CLEBC is truly enthusiastic about bringing expert litigators together to discuss best practices and professional ethics with you. They will present overviews of important e-discovery principles and case law in BC. They will also offer a glimpse of the electronic capacity of present and near-future courtrooms. Case law across Canada will be highlighted, providing a current “big picture” snapshot of e-discovery in other

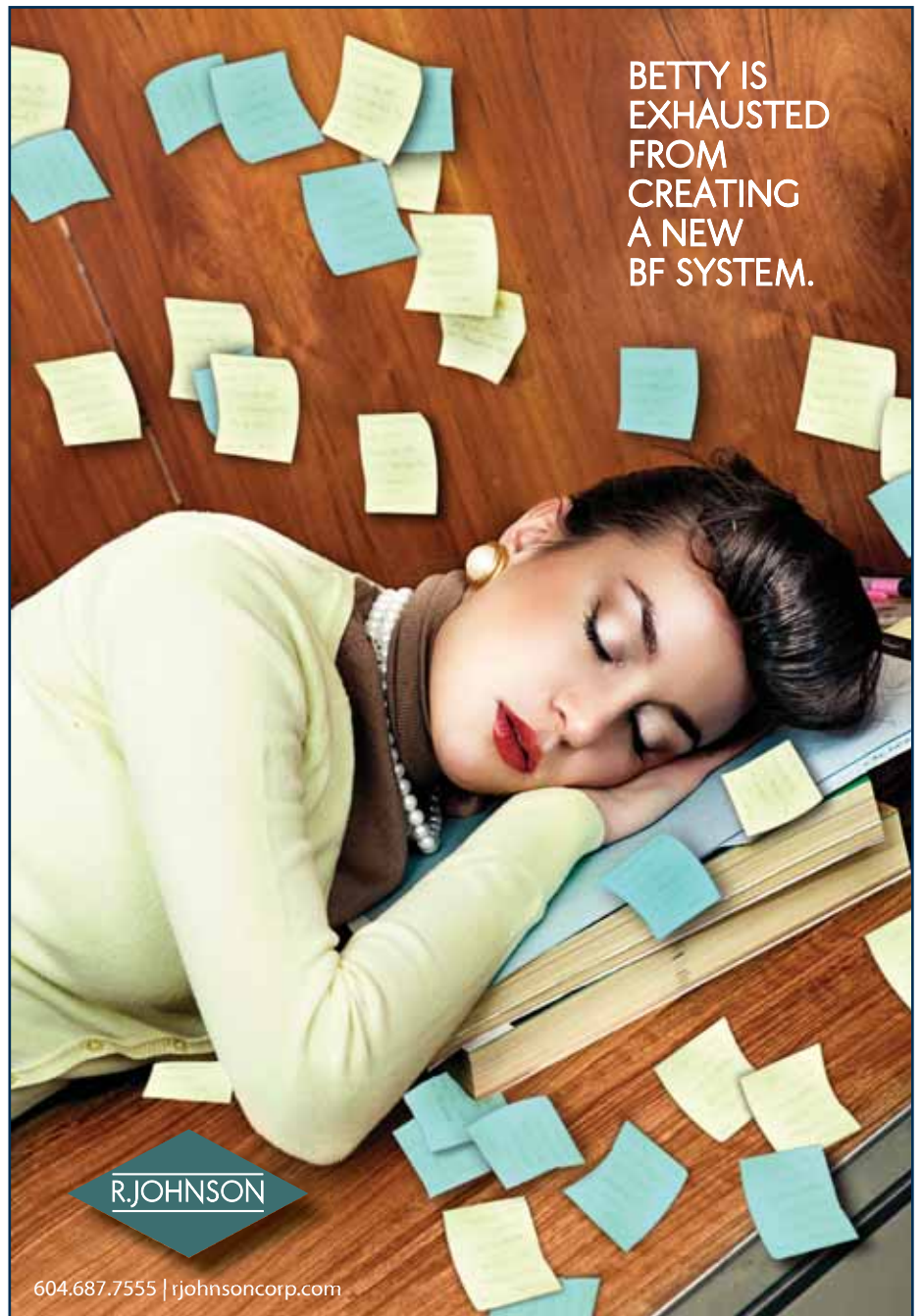
**On February 7, BC's Continuing Legal Education (CLEBC) tracks the emerging practices**

provincial jurisdictions.

E-discovery finds a foothold in most legal practices. From family lawyers trying to prove adultery to corporate litigators uncovering fraud, the nature and longevity of legal evidence continues to increase. In

the old movies, criminals simply toss incriminating evidence into fireplaces or paper shredders. Today, it lives forever in an electronic world. It's there to be discovered or legally remain hidden – depending on the winning legal argument.

All BC lawyers and their staff will benefit from CLEBC's conference on electronic discovery. Join us for this full-day agenda on February 7, 2012, at the Pan Pacific Hotel Vancouver, or attend remotely via live webinar. For more information on this exciting conference: [www.cle.bc.ca](http://www.cle.bc.ca) or 604.669.3544.



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**LAW-FIRM CONTENT MARKETING**

**You already know how it's made, but you're using new digital channels to distribute it**

By **Doug Jasinski, Principal, & David MacLean, Content Consultant, Skunkworks Creative Group**

Content marketing has quickly become the buzzword for marketers looking to increase the bottom line in a variety of industries.

Coca-Cola, for example, recently unveiled its multi-million-dollar plan to pursue content marketing over traditional advertising, as has merchandising giant Procter and Gamble and a number of other blue-chip corporations.

This outpouring of support for content marketing has, not surprisingly, pricked the ears of the legal industry.

So what is content marketing? In essence, it includes any activity that involves the active creation and sharing of content to engage potential and current clients or thought leaders in your industry.

Specific examples of content marketing include law-firm websites, blogs, social media pages and the old stalwart: client newsletters.

Despite content marketing's current trendiness, it is not a new practice. Lawyers that have traditionally shirked television ads, print ads and billboards as being, as they put it, "unlawyerly," have actually embraced for years now the more

substantive sharing of knowledge and expertise that today is known as content marketing.

Content marketing can also be conceptualized as a form of owned media – you create content and distribute it through various channels that you own or control (your website, a client seminar you develop, etc.).

Owned media is often contrasted with paid media or earned media. Paid media refers to purchasing space on somebody

feature you or your firm in the media they represent (newspaper, magazine and television interviews and features).

Owned media involves an investment of in-house time and resources to develop strong content. However, it can help firms reduce their reliance on the significant expense and the "here today, gone tomorrow", transitory nature of paid media. It also gives firms more control than earned media, which may or may not happen and over which the firm will likely have little or no say in the final product.

The relationships between different media are dynamic, and content marketing can act as a powerful intermediary between them.

There are good examples of these different forms of media in recent social-media campaigns. The relative novelty of social media influences journalists to constantly churn out articles about the innovative ways companies like Southwest Airlines, Coca Cola and Old Spice use the medium; the same thing happens on a smaller scale within the legal and business press.

Essentially, these corporations or firms create content so engaging, or communicate in such a unique way, that journalists feel compelled to write about them.

But when corporations in other industries pursue a bold new initiative in social media, they often first create traditional ads to draw in an initial group of users. This dynamic creates a scenario where paid advertising draws people to owned media, popularizing the owned media to the point that it draws the interest

of journalists who, in turn, create earned media.

In the legal context, we regularly see even more of a straight line with lawyers

**Contented Content → to Page 23**

**Lawyers that have traditionally shirked television ads, print ads and billboards as being, as they put it, "unlawyerly," have actually embraced for years now the more substantive sharing of knowledge and expertise that today is known as content marketing.**



else's marketing channel to advertise your product or service (billboard, magazine ad, et al.).

Earned media refers to building a profile through third-party journalists who

ILLUSTRATION BY ROBBERTESUMNERS



**Contented content → from Page 22**

who blog (owned media) getting frequently tapped by the legal industry and mainstream press for interviews or guest columns in traditional publications (earned media).

Content marketing is a natural fit in the law-firm environment because many of the core skills of lawyers – reading, writing, and presenting complex ideas in a persuasive way – are also the skills required to create strong content.

For firms or individuals pursuing content marketing, your website should be viewed as your headquarters online and the first step in your content-marketing strategy.

**Content marketing is a natural fit in the law-firm environment because many of the core skills of lawyers – reading, writing and presenting complex ideas in a persuasive way – are also the skills required**

Content that you create online, regardless of the channel where it is initially placed, should almost invariably lead users back to your website.

For firms that have already invested in a top-rate website, blogs often become the logical next step in a content-marketing campaign. We have already seen how investing in well-written and concise blog content can positively affect a potential client's view of a firm.

In a recent survey of in-house counsel, 21% of respondents indicated that legal blogs were a “very important” factor that influence hiring outside counsel.

Content marketing is also worthwhile for search-engine optimization (SEO). Producing substantive legal content on a regular basis will – over the long term – greatly enhance your firm's visibility in search-engine results.



**Doug Jasinski**



**David MacLean**

Search engines crawl the web, constantly looking for content. If you have written 20 articles on spinal injury, and your biggest competitor has written none, you are far more likely to show up in search results for keywords related to this type of injury.

Law firms already know intuitively how to do content marketing, showcasing the substantive breadth of their knowledge without offending the conservative sensibility of their profession.

Although the legal profession is often chastised for its slow response to advertis-

ing trends, content marketing is the one medium in which lawyers might rightfully be called pioneers.

Now it's time to take those fundamental skill sets and see how your firm can apply them more effectively in today's multi-channel online environment.

*Doug Jasinski is the founder and Principal of Skunkworks Creative Group Inc. His role spans brand strategy development, conceptual creative work, copywriting, website, blog and search engine optimization strategy, assessment of new technologies and oversight of all projects and work produced by the agency. Reach him at [doug@skunkworks.ca](mailto:doug@skunkworks.ca) or 604.739.8976.*

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## 135 ATTEND ANNUAL WINTER SOCIAL

# November prelude to cool Yule proves popular once again, as attendance continues to rise along with the fun

Photography by Dennison Lee

**M**embers of the BCLMA are a truly social group of like-minded individuals and they demonstrated that recently.

About 135 Representatives and Affiliates, sponsors and guests gathered at the Terminal City Club on November 29 for

a lively evening of wine, song and a delicious Dickens buffet. This annual event

[Winter Social](#) → to Page 25

## SAVE THIS DATE

### BCLMA ANNUAL WINTER SOCIAL

Thursday, December 5, 2013

The Terminal City Club  
837 West Hastings, Vancouver  
5:30 pm – 9:30 pm

More Information

[WWW.BCLMA.ORG](http://WWW.BCLMA.ORG)

bclma

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More Winter Social pix on Page 25

From left to right: Nancy Sartene of Blakes, Jay Cathcart of Farris and Donna Kitigawa of MacKenzie Fujisawa

## A Tribute to our Winter 2012 Social Sponsors Premier Sponsors of BCLMA



## Event Sponsors of 2012 Winter Social



## Contributing Sponsor of 2012 Winter Social



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keeps on growing!

A big thank you to our sponsors, below, whose financial support enables us to throw such grand events.

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Justin Thomson of Corporate Couriers Logistics, which was also a BCLMA 2012 Premier Sponsor, with Christa Warner (centre) and Lisa Evenson, both with Harper Grey



From l to r: Tim Wurtz of Baker Newby, Rory Seward of Dye & Durham – a BCLMA Premier Sponsor – are with Katherine Jacobs and Ingrid Miller, both of McQuarrie Hunter



Tiffany Postler (right) of Stewart Title – a Winter Social Supporter Sponsor – presents a draw prize to Nazlin Rhametulla of Gowlings.



Elizabeth Borrill and JoAnne Peppiatt of event sponsor ZSA; Euan Sinclair and Kathy Hogarth, both of Lawson Lundell LLP; and Caroline Burns of Cassels Brock LLP



More Winter Social pix on Page 26

Rob Antejos (left) and Barry Riback, both with SAI and also one of the event's sponsors, flank Sharon Cheng of Boughton Law Corporation



Winter Social → from Page 25

Many people went home with amazing door prizes generously donated by our sponsors, as well as additional gifts from Alf Software and the BCLMA.

Mark your calendars now for next year's event. BCLMA's Annual Winter Social will take place on December 5, 2013 at the Terminal City Club in downtown Vancouver.

A special thank you to 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, a login is required to see the photos).

See you soon at our next social event. 🍷



The Blakes Contingent (L-R): Larisa Titova, Natalia Semenova, Maggie Edwards, Nancy Sartene and Harmony Cornwell are with Nancy Guan



Bob Waterman of Richards Buell Sutton and Wayne Scott of AHBL bookend former BCLMA president Stephanie Marsh, who was soon to move to Ottawa



Caitlin Spelliscy, Alexander Holburn LLP, Christina Haddrell of Farris LLP, Julie Wong of Bull Houser LLP, Helene Dove of McMillan LLP and Alicia Bond, also of Bull Houser



Catharine Rae, Sandra Evans, Charmaine Hall and Andrea Russell are all from Borden Ladner Gervais of Vancouver



**BCLMA'S VOLUNTEER HERO AWARDS**

**How to turn ideas into reality while volunteering at the BCLMA**

**T**his edition, we honour Lisa Dawson, our veteran chair of the BCLMA's Small Firms subsection, and the Director of Operations at Kornfeld, Vancouver.  
The BCLMA has the good fortune of at-

tracting excellent volunteers who step up to dedicate their precious time, knowledge and energy to the success of the Association.  
Our *Volunteer Heroes* segment highlights the hard work and dedication of our vol-

unteers, 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><b>Lisa Dawson,</b> <b>Director of Operations at Kornfeld LLP and</b> <b>Chair, Small Firms Subsection, BCLMA,</b> <b>Vancouver</b></p> <p><i>Interviewed by Sunita March of CFM Lawyers</i></p>
<p><b>BCLMA OR VALA MEMBERSHIP...</b></p>	<p>I heard about VALA in the 90s. I wanted to join, but my firm did not understand the value of this kind of networking! At my next firm, they asked me which associations I wanted to join. I joined the BCLMA in 2007.</p>
<p><b>CONTRIBUTIONS INCLUDE...</b></p>	<p>I started by attending meetings. I gradually went on to Co-Chair and Chair the Small Firms subsection, and acted as Speaker Liaison for the 2012 BCLMA conference. It's all about giving back. At a certain point in your career, you just feel like you have to give back to those people and organizations that supported you.</p>
<p><b>WHY DO YOU CONTRIBUTE?</b></p>	<p>It is a personal commitment and a very strong belief in giving back. It's also about maintaining balance. Throughout particularly stressful times at work, I felt most happy when I undertook projects for the BCLMA. It was my escape! I would work on BCLMA activities on the weekends and feel rewarded doing so.</p>
<p><b>OVER THE YEARS, I HAVE ENJOYED CONTRIBUTING BECAUSE...</b></p>	<p>I liked facilitating people's ideas and turning them into real, constructive things. And even if the best laid plans don't come to fruition, the process is still good and valuable. You learn something from the process and hopefully use that knowledge towards building or improving something in the future. I watched BCLMA people who did not feel comfortable speaking in front of groups do it anyway, and did not let their discomfort stop them from sharing information they felt would be valuable to others. I admired them, and I could see how the information they shared with us was useful.</p>
<p><b>WHAT DO YOU ENJOY MOST ABOUT THE BCLMA?</b></p>	<p>I recently sent an email using memberConnect outlining a dilemma our firm faced regarding billing and corporate records. We needed clarification on the Law Society's stance on billing anticipated disbursements, as well as a related question of marking up expenses. I thought our firm was the only one with this question. But I was wrong. The response was tremendous. It's terrific to be able to reach out to members, and equally great that they respond. The networking and the mentoring are fantastic. The opportunity to exchange information is so rewarding – personally and professionally. It helps us determine whether we are following leading practices.</p>
<p><b>HOW CAN WE MAKE THE MOST OF OUR MEMBERSHIP?</b></p>	<p>Show up! That's really the bottom line. At the very least, Representatives and Affiliates should attend meetings and events. Ask questions and give feedback. I encourage people to take a role within the organization. It doesn't have to be for the full year. You can help with projects like the Conference, or align yourself with a mentor.</p>
<p><b>WHAT ARE SOME TIPS YOU CAN SHARE ABOUT WORKING IN LAW FIRMS?</b></p>	<p>1. Put yourself out there! This group is gregarious, welcoming and friendly! I think this welcoming atmosphere is directly attributable to the BCLMA Board. 2. Don't be afraid to be selfish. Enjoy the parties and ask questions about things you are interested in learning more about. Set up presentations back at your firm, share what you learn. 3. Don't accept "no" if your firm tells you that you can't join the BCLMA. Create a business case. Ask the BCLMA Board to help you create one.</p>
<p><b>WHAT'S NEXT FOR YOU?</b></p>	<p>Establish more work-life balance. To me, this means taking part in association memberships, family, physical activities, and feeling less anxious about having interests away from work. As for work, the next chapter is all about managing people and their expectations at the new firm.</p>

**HOW TO USE PHOTOS IN YOUR MARKETING**

# Strengthen your firm's brand with attention-grabbing images

By Anna Beaudry, CPA, CPP,  
President, Anna Beaudry  
Photographic Design

Studies show that if you display a photograph in your firm's advertisement, blog or poster, the viewer will stop to look.

Therefore, you have a mere fraction of a second to brand your firm's impression or key message. Since fast decisions are based on fleeting visual scans, that image must be an attention grabber.

So how do you know if it's good enough to attract clients? Do the business portraits of your professionals meet your firm's high-quality standards? Do your professionals like their portraits?

When you invest in printed materials like brochures and magazine ads, or spend valuable resources on trade-show presence and social-media activity, you need to make sure you command the right kind of attention, or else your efforts, time and money end up wasted.

It's a good idea to create an appropriate budget for photography and acquire high-quality images. Create a line item for photography in your company budget; it is a valuable investment in the future of your firm.

**MAKING THE RIGHT INVESTMENT**

If you buy images from stock agencies, you're probably not getting exclusive rights to that image; meaning, the same image could easily show up in your competitor's ad. Duplication such as this will dilute your brand and confuse your clients. Create original, professional images and show your customers that you take pride in your people and your services.

When you hire a professional photographer, you don't only buy technical ability or someone with an expensive camera, you invest in someone who:

- ✓ Has years of valuable experience with people;
- ✓ Knows how to interpret the personality of your business; and

- ✓ Can translate that into a unique image. At a five-star restaurant, the chef makes the meal great – not the fancy stove. High-priced gadgets do not replace the training and wisdom that evolve from professional experience.

So how do you tell the difference between a true professional and someone who has a fancy camera? Eight important factors set a Professional Photographer apart from faux-tographers:

- 1 Does the photographer take the time to understand your demands and the culture of your firm?
- 2 What is the style of photography? Does it relate to the branding you wish to portray? Take a look at their portfolio and make sure that you see the style you want or need is present.

**It's a good idea to create an appropriate budget for photography and acquire high-quality images. Create a line item for photography in your company budget; it is a valuable investment in the future of your firm**

- 3 Is there a guarantee of satisfaction offered?
- 4 Does the photographer have solid referrals?
- 5 Is the photographer a member of a professional association who must adhere to a stringent code of ethics and standards of honesty in all transactions?
- 6 Is the photographer accredited in a specialized field? Accreditation demonstrates that the photographer is capable of delivering image excellence and sets them apart as being industry leaders in a chosen category.
- 7 Is the photographer legally in business?

Fancy websites do not take the place of legal requirements.

- 8 Do you feel comfortable with the individual? Mutual trust and confidence that the desired work will be performed with the utmost attention is crucial.



**Anna Beaudry**

**THE BUSINESS PORTRAIT SESSION**

Here's what you can expect in connection with a business-portrait session:

- ✓ *Good communications skills:* A qualified, professional photographer takes the time to listen to the client by focusing not only the camera but on the personality of her subject.
- ✓ *Instructions:* A good photographer will advise how to best prepare for your session together:
  - a. How mental preparedness is necessary to portray the right image;
  - b. How to choose attire (e.g. selection of proper colours); and
  - c. How to manage hairstyling and grooming.
- ✓ *During a session:* Based on what you have arranged with your photographer, you should have the opportunity to create a few different poses, expressions, and maybe even change your outfit if required. You can request to see the images and make your selection, as well as ask for special attention (retouching to remove a blemish, for instance).
- ✓ *After a session:* A professional photographer should supply you with a variety of different final products, depending on your needs. You may need prints for your boardroom, or a file to send to the national newspaper for an announcement, or an image uploaded to your website. If you require digital files, make certain to be informed on the

**Branding with photos → to Page 29**

**Branding with photos → from Page 28**

specifics of file storage. With what's known as "data loss", there is no guarantee that your images will live forever in a digital format. Negatives withstood the test of time, but pixels are a lot less stable. Consider that you are responsible for storing this image.

**A CLEAR UNDERSTANDING OF TERMS**

Your photographer will likely ask you to fill out and sign a contract setting out the details of your project and each person's responsibilities. This should specify what you are purchasing exactly, the agreed-upon price, what format your images will be delivered in, and the license sets out how you may use your images. Most contracts contain a standard model

release outlining the details of the different uses of the images created by you and the photographer.

You may be required to pay a retainer on account if this is the first time you are doing business with each other. Check the payment terms on the invoice. Digital processing or file management fees may apply. These are fees for processing raw files into a variety of final output formats such as jpg, tiff or psd.

This may also include the cost of storage media, colour calibration for output, sizing, retouching, burning to disks or sending FTP.

A professional photographer has the knowledge and expertise to add significant value to your brand and knows how to use visual symbols to clearly communicate your message to your customers. Making

sure that you are delivering the right message is a priority for a pro. 

*Email Anna for an e-document entitled A Quick Lesson on Digital Formats to learn more, and visit [www.AnnaBeaudry.com](http://www.AnnaBeaudry.com) to view her portfolio. Backed by three decades of experience, Anna earned recognition in 2011 as a Certified Professional Photographer (CPP) through the Professional Photographers Association, and awarded the prestigious Craftsman of Photographic Arts (CPA) designation in 2012 by Professional Photographers of Canada. Her images have been published in leading magazines, and have earned Sam, Georgie and Building Owners and Managers Association awards for her clients. Anna has been honoured for her outstanding contribution to the photographic industry through the Canadian Association of Professional Image Creators. Contact her at 604-616-9712 or [Info@AnnaBeaudry.com](mailto:Info@AnnaBeaudry.com)*



Beaudry, as she considered her brief for this photograph of Brent Kerr, Derek Winnett, Peter Fairey and Peter Snell, all of Gowlings, says, "Posing, lighting, clothing and choice of environment all play important roles in conveying the key brand message for the Gowlings team; to inspire trust as an effective business partner." Inset: An ad developed for the photo.



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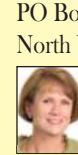
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