TOPICS
AUTUMN 2015
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BC Legal Management Association
Informed Opinions on Legal Management

Introducing Online Payment Processing to Your Firm

What You Need to Know

by Yvette Whitson, Financial Controller at Edwards, Kenny & Bray LLP

We all know that the key to a successful business includes keeping up with ever-changing technological advancements. This includes the advancements that have been made in simple tasks, such as paying your bills. At Edwards, Kenny & Bray LLP, we have made the process of paying our accounts that much easier, by providing our clients with an online credit card payment processing service via our company website.

ONLINE PAYMENT PROCESSING

Online payment processing is the ability for our clients to pay their legal invoices with a credit card via the firm's website. Anyone can provide this service and the steps involved in setting up this service are reasonably simple. You will first need to contact a merchant service provider. This can be through your financial institution or through an independent merchant service provider. We suggest that you shop around, review the terms and conditions of the merchant service provider's agreement and try to negotiate, where possible, for more favourable rates. The market for these services is very competitive and the margins on the rates can be significant.

MERCHANT SERVICE PROVIDERS

Some things to consider when you are searching for a merchant service provider:

- Are they local? Where is their server maintained?
- What level of data protection do they provide?
- What are their fees and hidden costs?
- When do the funds reach your account?

Many merchant service providers are not based in Canada. For many legal firms, the location of the service provider is very important. This may be for security reasons or just personal preference, but the location of the server is something that you should ask when you are researching providers.

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TOPICS in this issue

Who We Are
The BCLMA, founded in 1972, is a non-profit organization with 150 Representatives and 280 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
The BCLMA provides opportunities to network with other law firm administrators and managers at annual Spring and Winter socials, and monthly subsection meetings. We host an annual Managing Partners Event, and a large conference every other year.

Newsletter Services
Topics is a public newsletter. Contact the Editorial Committee to provide comments on articles, to offer suggestions for articles in future issues, or to augment the circulation list. We welcome your feedback! Please send comments to membership@bclma.org.

Submissions
If you have an article or story idea you would like to submit, please email Sunita March at smarch@cfmlawyers.ca. Please note that our prescribed article length is 1000 words. All submissions will be subject to review by the editorial board.

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You will also want to know what level of data protection the merchant service provider offers. Data protection can be measured by the Payment Card Industry (PCI) compliance level, with PCI Level 1 being the highest. A PCI Level 1 merchant provider holds the highest industry standards for data protection and network security.

In addition to the above, you will also want to know if there are any hidden costs or fees over and above their quoted rate. These kinds of fees or costs can be referred to as set-up fees, transaction fees, or rate adjustment fees and they are very common. While they may seem small in the grand scheme of things, these costs can affect your overall rate quite dramatically.

And lastly, ask your merchant service provider when the funds will be deposited into your bank account. For merchant service providers that are associated with your financial institution, you will likely see the funds deposited into your account the same day. Independent merchant service providers can take up to three business days before the funds are deposited into your account.

IT INVOLVEMENT

Once you have selected your merchant service provider, you should be given a guide on how to set up your account. This will include how to navigate the system, how to set up your firm's details and users, your bank account details, email confirmation addresses and levels of security etc. The set up process is straightforward, and after you have completed this step you should be given the opportunity to test your account before it goes live on your website.

With the setup and testing completed, your merchant service provider will then set up a unique URL for your account. With the services of your website designer or IT manager, your unique URL can be added to your website quite easily. We would suggest that the link on your website sends your clients to an instruction page first. This page should provide clear instructions regarding the information your client will require in order to make their payment online. It ought to include details on where to find their invoice number or file number and who to contact should they need technical support. From the information page, there should be a link that directs them to the credit card processing page.

BENEFITS OF ONLINE PAYMENT PROCESSING

In addition to keeping up with technological advancements, the benefits of online payment processing include:

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WELCOME & KUDOS

New Member Firms and their Representative

Amrik Mattoo, **A.S. Mattoo & Associates Law Office**, Surrey
Fadi Yachoua, **Embarkation Law Corporation**, Vancouver
Debbie Ellens, **Goodwin & Mark LLP**, New Westminster
Elda Havlin, **KazLaw Injury Lawyers**, Vancouver
Shelley Ward, **Kidston and Company LLP**, Vernon
Ann Main, **Stewart Aulinger & Company**, Vancouver
Suzan El-Khatib, **Wiebe Douvelos Wittman LLP**, Vancouver

New Representatives of Existing Member Firms

Stephanie Paige, **Bennett Jones SLP**, Vancouver
Aimee Francisco, **Gall Legge Grant & Munroe LLP**, Vancouver
Izabella Roam, **MacLean Law**, Vancouver

Facilities

Lisa Van Velzen, **Blakes LLP**, Vancouver
Keith Cassidy, **Borden Ladner Gervais LLP**, Vancouver

Finance

Anna Kristensen, **Miller Titerle + Company LLP**, Vancouver
Christian Schaefer, **Thorsteinssons LLP**, Vancouver

Human Resources

Andrea Gutierrez, **Ecojustice Canada Society**, Vancouver
Nina Erickson, **McQuarrie Hunter LLP**, Vancouver
Sarah Symes, **McCarthy Tetrault LLP**, Vancouver
Bria Taker, **Borden Ladner Gervais LLP**, Vancouver

Litigation Support + Knowledge Management

Rebecca Whyman, **Hunter Litigation Chambers**, Vancouver

Technology

Zoran Komljenovic, **Ecojustice Canada Society**, Vancouver
Rebecca Whyman, **Hunter Litigation Chambers**, Vancouver

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- Increased efficiency, as the payment is typically immediate
- Better negotiating opportunities with clients
- The elimination of any concerns regarding NSF cheques or lost mail and
- Improved client services from your firm

These benefits have a flow on effect with regards to the collection of your accounts receivable. We have noticed that more and more clients are requesting to pay their accounts with a credit card. It is a convenient method that can also be beneficial for our clients in terms of reward points or other such incentives.

With having the ability to accept credit card payments online, we have improved our cash flow, as more of our receivables are being paid in a timely manner, along with a reduction in our administrative costs with regards to following up on outstanding receivables. Other arrangements that you may wish to consider when a client agrees to pay their account with a credit card could include waiving any accrued interest if the payment is received immediately or being open to a regular monthly payment plan arrangement.

COSTS OF THE SERVICE

As with all business banking services there is going to be a cost associated with it. Online payment processing is no different. Every merchant service provider is unique and offers different fee structures. It is important that you understand the various fees and what fees are associated with which credit cards. For example, Visa versus MasterCard or American Express, and Qualified versus Non–Qualified cards/transactions. These fees will not always be highlighted so remember to read the fine print of any contract before you enter into it.

Another thing to note is you may find that the online payment processing monthly service fee is actually comparable to a desktop-based software or phone system that you may already be using.

Finally for those of you that are considering providing this service to your clients, I would like to point out that we have negotiated an exclusive offer for BCLMA members with a firm called Merchant Services Inc. Canada. Their rates are very competitive and transparent. If you wish to learn more about this offer you can contact the BCLMA at membership@bclma.org for more details.

Yvette Whitson is a Chartered Professional Accountant and the Financial Controller at Edwards, Kenny & Bray LLP. You can contact her at ywhitson@ekb.com

Start With Why. Find Fulfillment.

By Stephen Shedletzky, Head Engagement Officer, Start With Why

What happens if you lose your passion for what you are doing? What happens if your work is no longer a place where you feel valued, that you no longer feel that you belong or that you are not contributing to something bigger than yourself? Chances are, it will happen to you.

Studies from Gallup's State of the American Workplace report (2013) and Deloitte's Shift Index (2011) reveal that 7 out of 10 people in the North American workforce do not feel highly engaged by their work. It is the exception and not the rule to love your job. It seems unfair that finding fulfillment at work is like winning a lottery, where only the lucky few get to feel valued where they work.

Imagine a world where nearly everyone wakes up each day inspired to go to work, feels safe while they are there, and returns home at the end of the day fulfilled – feeling as though they are contributing toward something greater than themselves.

This is not a crazy, idealized notion. Today, in many successful organizations, great leaders are creating environments in which people naturally work together to do remarkable things.

The question is, what do you do as a leader within your organization or an individual on your own career path to beat the statistics and be a part of building more fulfilling environments?

START WITH WHY

My friend, mentor and colleague, Simon Sinek, shares: “Your work is your own private megaphone to tell the world what you believe.”

Leaders and organizations with the capacity to inspire all think, act and communicate in the same way, and it is the complete opposite to the rest of everyone else. Simon discovered The Golden Circle, a concept that explains how to feel inspired and how to inspire others. Whereas most of us start with what we do, then how we do it different or better and expect some sort of result, like support, a purchase or a vote, those with the capacity to inspire always start with Why they do it.

Think about that last time someone asked you, what do you do? I’m a real estate lawyer, you respond. I am a Partner at law practice downtown. We have some of the Province’s best lawyers who graduated from top schools. We have an extensive and illustrious client list. And beautiful offices too! This is all true. Question is, does it inspire? Does it make you feel like you are a part of something that exists to serve and positively impact others?

Those with the capacity to inspire start with Why they do it. The next time someone asks you what you do, you can start with your Why. For example: Everything we do is to serve the needs of others so that they can focus on the difference they can make. We have some of the Province’s brightest professionals, an extensive and illustrious client list and beautiful offices too. I’m a Partner at a law practice downtown.

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Starting with Why provides the context for the reason what you do even matters to others. Numbers, facts and figures do not inspire. Service to others inspires us.

Your Why not only relates to your clientele - your Why relates to how you treat all people; employees, customers, stakeholders - anyone inside and outside your organization.

Your Why is the cause, purpose or belief that drives and inspires you and those you serve. When we share our Why in what we say and do, we provide an opportunity for others to be a part of our cause - to join, champion and contribute to it. Our employees, colleagues, customers, volunteers – literally, anyone who touches our organization directly or otherwise - can feel that they are contributing toward something greater than themselves. Isn't that something we all want?

Stephen Shedletzky supports leaders in building cultures that foster trust so employees can go on to accomplish remarkable things. He is the head engagement officer on Simon Sinek's team at Start With Why LLC. Stephen lives in Toronto, Canada. To feel inspired and inspire others, visit: www.startwithwhy.com.

Litigation Support Survey 2015: The Results Are In!

by Shauna Sigurdson, Litigation Support Subsection Co-Chair and Litigation Support Coordinator/Paralegal, Lawson Lundell LLP

It is a never-ending quest to explain what the role of litigation support entails - to partners, associates, other colleagues and even our own families. Did I make up this position? When I try to explain to people what it is I do, I get a glazed look in response. I can almost see what they are thinking: *"What is she talking about?" "I'm bored." "Did I remember to lock the door?"*

Well, maybe not the last one but I am often confronted with a blank stare, and rapid blinking as if I'm blowing air into their eyes. Sometimes it makes me smile and sometimes I just walk away feeling defeated. It's been a few years but I will continue to fight the fight and ramble on to those who will listen. But if I can get just one more lawyer to put their documents into a database, I win. I think.

As a brief explanation, the litigation support professional in your office - whatever their title - provides leadership and support in the use of litigation support technologies and the management of document discovery processes. They typically come from a paralegal/legal background and possess a strong technical aptitude and skillset. They provide support and guidance for eDiscovery, imaging and document database related issues and they are responsible for implementing the firm's litigation support standards and best practices. Litigation support professionals organize and manage the input and quality control of data into case databases by internal resources and by third party vendors. They also assist their legal teams in liaising with other parties by developing protocols for the efficient exchange of discovery data and assist in the manipulation and loading of discovery data received from other parties.

Over the last few years, BCLMA's Ann Halkett has conducted a survey which further attempts to explain and define the elusive role of litigation support, whether called Litigation Support Coordinator, Litigation Support Manager or Litigation Support Specialist and the types of duties which fall under these positions.

The survey was sent out through BCLMA to members of the BCLMA Litigation Support Subsection and once again, we received a good response from people in a wide range of roles. This year, however, there was a spike in office managers completing the survey which may indicate that many offices are taking a proactive approach to implementing litigation support procedures.

HERE ARE SOME OF THE HIGHLIGHTS FROM THIS YEAR'S SURVEY.

A large percentage of people with responsibilities related to litigation support still report to a lawyer. As my BCLMA colleague, Michael Conde, once elegantly said "Litigation support is primarily a legal rather than a technical function. The backbone of litigation support work is the software application that we use to manage the evidence in our cases and to exchange discovery documents between parties to litigation." According to the survey, this still holds true.

Summation Iblaze still dominates the Vancouver market as a document review platform. After much talk of Iblaze becoming a legacy product, most Vancouver firms have yet to make the jump to another product and are still in the evaluation phase which is in line with the survey from last year. Having said that, there are some firms that have taken the plunge to Summation Pro, Case Logistix or IPro SE.

There is a slight rise in hosting by some of the firms. The highest use seems to be in the hosting of Relativity. As with many of the newer programs, a larger infrastructure is required. This allows the hosting route for these programs to work very well for large files with multiple reviewers, without the larger investment.

Since 2014, the requirement to assist clients with the collection of electronic documents has been declining. This could mean clients are self-collecting, that a service provider is being hired to use a product such

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as Pinpoint Harvester or simply that a project manager is being used for collection. In cases where collection was conducted, a high percentage (close to 60%) was still collected using Windows Explorer. Although convenient and easy to use, this tool does not typically preserve all of the metadata. The runner-up is Robocopy, and the new kid on the block is a screen recording program called Camtasia.

In terms of Litigation Support services being outsourced, survey answers indicate the following:

- 80% outsource paper scanning
- 46% outsource the collection of electronic documents
- 50% outsource the processing of electronic documents to a service provider.

All percentages above increased from last year with the exception of electronic processing which decreased.

As for implementing policies related to database restrictions, redactions and OCRing, currently 58% do not have any policies in place. Overall, there appear to be fewer policies in place now then there were in 2014.

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New this year, the survey asked, "What services does your firm bill for?". This question covered items such as coding, collection of evidence, consulting, reviewing documents, importing/exporting files, processing and scanning. Notably in the results, at least 33% of the firms surveyed charge for storage costs.

Every year we ask survey respondents what topics they would like to see in upcoming meetings. From this year's overwhelming response, we have the following:

- Tablet and phone compatibility with litigation products;
- Project management skills, tools and policies for litigation support;
- Canadian case law review regarding eDiscovery;
- Court procedures;
- Advanced database training;
- How to go paperless; and
- Expectations of a litigation support professional.

We must be doing something right because this year, the survey participants have increased and cover a wider range of independent and regional firms in the mid-range practice. The need for the litigation support role, in one capacity or another, is becoming more apparent every year. With offices going paperless, these documents have to be collected, housed and in the case of litigation, produced between parties and lugged to examination for discoveries and/or trial. Every year, there are new summer and articling students that need to be taught these procedures because although it is a very important part of litigation, it is not being taught in law school or explained in any of the paralegal programs. And don't forget about the refresher course for the partners and associates - they are key to keeping this process going forward.

I hope you find this survey as helpful as I do. We will continue to follow the exciting world of litigation support and keep you updated on the latest and greatest adventures in this field.

Members can view the full survey results on the BCLMA website (see the Forum section).

Thank you to BCLMA's Ann Halkett for undertaking this task once again this year. We look forward to next year's survey.....Ann?

Shauna Sigurdson is the Co-Chair of the Litigation Support Subsection, and Litigation Support Coordinator/ Paralegal at Lawson Lundell LLP

SAVE THE DATE

BCLMA Annual Managing Partners Lunch Event
Tech Skills Lawyers Need to Know
Guest Speaker: Casey Flaherty
Wednesday, November 4, 2015 from 11:30 am - 2:00 pm
Hyatt Hotel, Vancouver

BCLMA Annual Winter Social Reception
Thursday, November 26, 2015 from 5:15 pm - 8:00 pm
Terminal City Club, Vancouver

BCLMA Biennial 2016 Conference
March 2nd – Wednesday evening - Kick-off event
March 3rd – Thursday (3 speaker sessions, trade show and wind-up dinner)

BCLMA Annual Summer Social Reception
Thursday, June 9, 2016 from 5:15 pm – 7:30 pm
Bridges Restaurant, Granville Island

BCLMA Upcoming Survey Schedule
Support Staff Salaries / Billing Rates
Distribution: September 1 - Publication: November 2, 2015
Management Staff Salaries
Distribution: October 1 - Publication: November 2, 2015

For more information, visit www.bclma.org

RECESS

"What if we don't change at all ... and something magical just happens?"

Model Policies for Your Firm C/O The Law Society

by Preston Parsons, Associate, Overholt Law

Running a law firm is hard. No matter what size the firm is, everyone is looking for a way to get more tasks done, more quickly, all the time. With all the hustle and bustle, it is challenging to deal with human resources issues as they arise, let alone to set aside even more time to prevent them from arising.

This leads me to a discussion on drafting policies or a handbook for your firm. Who has time for that? Even if you do find the time to draft everything, when will you have the time to train people on how the new policies will be implemented, and to update them?

If your firm is large enough you may already have dedicated human resources' staff who already take on these tasks behind the scenes. For smaller firms though – and in particular, new start-up firms – the answer may lie somewhere on a spectrum between pure outsourcing and pulling even later nights and weekends until the task is complete.

To a firm which has no written policies and no handbook, this may be seem like a daunting task and a risk if drafted incorrectly. It is potentially a significant investment in time and money, and certainly a significant investment in one of them.

I have good news though!

Did you know that the Law Society of British Columbia (LSBC) has several Model Policies and guides for law firms?

Did you know that they are available conveniently on the LSBC website?

Did you know that you can take and use them* for free?

If the fact that the LSBC has several free Model Polices and guides conveniently available on its website for your use is news to you, check them out here.

The Model Policies and guides currently available include:

- Social Media and Social Networking Policies and Procedures
- Guidelines for Recruiting, Interviewing and Hiring Practices
- Internet and E-mail Use
- Privacy Policy
- Privacy Policy for Employees of a Law Firm
- Respectful Language Guideline
- Respectful Workplace Policy
- Workplace Accommodation
- Workplace Equality
- Parental Leave Policies for Associates and Partners
- Flexible Work Arrangements Policy

These Model Policies and guides provide a wealth of information and can give you a big head start in getting your firm outfitted with some very important policies.

Why are firm policies important? They outline expectations, rights, and obligations, increase transparency and accountability, and in some cases, they can help eliminate or reduce risk of financial loss.

The LSBC's Model Policies and guides are a great place to start to get your firm on track with written guidelines. This is particularly important as the firm starts to grow. At the very least, I suggest taking a few minutes to read the LSBC's Model Policies and guides to see what issues they cover and consider whether your firm is currently ready and capable of dealing with those issues without a clear written policy in place.

You may have noticed my asterisk (*) earlier. This, of course, denotes the fine print: the LSBC's Model Policies and guides are meant to be used to craft your own policies

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tailored to your individual firm. In other words, they are not intended to be printed and posted on the wall of your offices without first taking some time to modify and personalize them to fit your firm environment.

If you have any questions about how best to adapt and implement the LSBC Model Policies and guides for use at your firm, give an employment lawyer a call. We can assist at any stage, whether it is crafting tailored policies for your firm from scratch or reviewing and providing feedback on a draft you have already prepared. If any of the written policies you seek to introduce constitute a significant departure from existing firm practice, employment counsel can advise you how to go about implementing them in a way that reduces the likelihood of negative ramifications for the firm.

Preston Parsons is an associate lawyer at Overholt Law, practicing in the areas of employment and labour relations, human rights and privacy law. Overholt Law is a boutique employment and labour relations firm located in downtown Vancouver, British Columbia. For more information regarding Overholt Law, please visit www.overholtlawyers.com.

Creating an Effective Budget for Your Project or Department PART II

by Dave Macdonald CPA, CMA is Director of Operations at BC Diabetes

In Part I of creating an effective budget, I presented the process by which a sound budget can be created for virtually any project, department, or undertaking (generally shortened to "project" for this article). The article included an outline that described how to construct a budget intelligently to avoid reliance on guesswork as well as how to budget for money and non-financial resources that a project relies upon.

The budget is definitely a roadmap that not only allows one to look forward from the initiation and planning of a project, but it is also a tool that can be used throughout a project as well as afterwards. The budget answers three questions, each related to present performance, historical performance, and prospective improvements respectively. The questions are:

- Are we on track?
- How did we do?
- Can we do better?

Variance analysis is a process which addresses the above questions. The process can be broken down for practical use by any manager or administrator on a project basis - an overview follows below.

ARE WE ON TRACK?

This is the intuitive question answered by a budget and was covered to some degree in the first article. Periodically during the project, the current status can be measured against the budget. This can be done on a micro-level with each task or it can be done on a macro-level by examining the entire project budget.

One of the considerations when asking "Are we on track?" is the rate of consumption of a resource allocated to the budget. A word of caution with regards to rates of consumption: It is unwise to simply average out resources over the term of a project and assume that it will work out by the end. Some resources are consumed at a faster rate early on and some may do the same towards the end so while averaging out budgeted resources may seem appealing in some regards, it is typically not effective in helping to answer "Are we on track?".

An advantage of projects with smaller scopes is that if the budget is not working out or if resources are not being consumed as planned, changes can usually be implemented quickly or the project is scrapped before it is too late. A risk with large projects is the bias attached to having already invested so much time, energy, and money. Changes are hard and deciding to cease a project or substantially change the resource consumption strategy often seem less appealing than investing more resources. While they may keep a project going, additional resources can often exacerbate problems, rather than fix them, in addition to driving budget overruns.

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HOW DID WE DO?

This is the final "Are we on track?" check-in except that rather than making changes before moving further ahead, it is the tally that determines whether the project was on budget. At this time, accountability for the process of managing the project is assessed and considered in some detail.

It is important to note that this measurement and examination of project management is not the same as ensuring the project is effective in increasing profits or efficiency. This is simply identifying whether the project took more time or money than originally committed.

CAN WE DO BETTER?

The budget, along with the results of the final "Are we on track" check-in, have a very important role after a project or department's fiscal period has ended. If the budget was an accurate prediction, people will want to replicate that accuracy on future projects of similar nature or during the next financial period. If the budget was not an accurate representation, lessons learned will help to improve future results.

Replication of the accuracy of a budget, particularly for a fiscal period, does not mean offering up the same budget year after year. Costs fluctuate, future savings or efficiencies can be found, and for people or companies seeking to innovate, the same budget year after year will not necessarily suffice.

VARIANCE ANALYSIS

Variance analysis is the investigation of how a resource was not accumulated or consumed at the predicted rate. While it can be tempting to suggest the budget was just a "bad guess" or not a great starting point, in the interest of improvement or getting a project back on track, answering "Why?" is of paramount importance.

Examples of drivers of variances on a project, where there was no revenue, include unit costs (perhaps some supplies cost more than expected or people received raises or otherwise cost more per hour due to benefits than planned) and labour efficiency (perhaps people just are not as efficient due to some circumstance). Getting to the cause of the variance helps to make informed decisions about the current project or future projects regarding resource allocation or the reasonableness of stated outcomes.

Variance analysis is the foundation for traditional Management Accounting and has evolved to support myriad situations in various industries. Applying simple principles to an ongoing project can provide enough insight to both learn from and manage a project.

AVOID WASTE AND CREATE SUCCESS

When a budget is used to diligently measure performance, both accountability and learning arise. An approach to budgeting that includes accountability and learning prevents the fiscal budgeting waste that arises when managers rush to expend their budgets at the end of a period, which is a significant improvement over many organizations' status quo.

Without a sound budget, including both financial and non-financial resources, a project is essentially operating without meaningful management. By following the steps to create a budget from the previous article and then applying these steps to measuring your success along the way and afterward, you are setting your project, and future projects, up for the best possible outcomes.

Dave Macdonald CPA, CMA is Director of Operations at BC Diabetes and a small business consultant. He can be reached at dave@davemacdonald.ca.

Canada's Untapped Resource
Semi-Retired Professionals Bring Valuable Expertise to Businesses

by Lauren Watkins, CEO of Excellera

After starting my own business this summer, I've realized that one of the key ingredients to success is having great people working with you. You need them to be experienced and knowledgeable, but good staff are expensive and hard to come by. Many small businesses face this problem, as they need to hire talent to grow but don't have the need or budget to hire them on full-time.

Bookkeeping and accounting in particular seems to be an area where many businesses are looking to hire someone experienced, but have a difficult time finding the right fit. A small medical supply company told me they had over 800 applicants to one bookkeeping position but more than three quarters of the applicants had no bookkeeping experience whatsoever. This is the challenge with online job posting websites that allow anyone to apply for a job openly.

There is an interesting opportunity to fix this problem by tapping into an underutilized network of Baby Boomers who are defined as retirement age, but don't want to retire yet. Sun Life Financial released their annual Canadian Unretirement Index Report, which reported that more people expect to be working in Canada at age 66 than not working.

The survey found that 51% felt they would be working because they felt they need to and 49% would work because they wanted to. What many mature workers are starting to realize is that the transition from working full-time to retirement is not only challenging from a financial perspective but also a social perspective.

I talked with Elizabeth Model, the CEO of the Surrey Business Improvement Association, who is 55 and has just completed her 64th Iron Man competition. Elizabeth seemed to me like a woman who would never retire.

She explains, "When I see some of my friends retiring, I ask them 'what are you going to do with all your time?' It's important to have a plan for what you do with your time and make sure you get enough human interaction." She also advises those in high level executive positions that if they want to downsize their work schedule and responsibilities, they need to lower their salary expectations and understand that they won't be working in the same role.

One of companies' biggest concerns on hiring older workers is that they are too expensive and often deemed overqualified. However, many of these professionals had successful careers and care more about having a job that keeps them engaged than taking a high salary.

Hiring a seasoned professional comes with a lot of benefits that are often overlooked. I will outline five key benefits of hiring someone more mature for project and advisory work during the busy season or critical situations.

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1. STRONG WORK ETHIC & RELIABILITY

According to a Pew Research report "Millennials: A Portrait of Generation Next", the millennial generation does not have the same high standards of work ethic and loyalty to a company as their Baby Boomer counterparts. While some young people are already looking forward to their retirement days, many currently retired professionals are still motivated and focused on being productive.

2. FLEXIBLE WORK SCHEDULE

The workplace is becoming more adaptable to the dynamic needs of their workforce and things like working from home and virtual teams are becoming more commonplace. This makes it easier for companies to access a larger talent pool of flexible workers, which includes the older generation. Baby Boomers are flexible and are happy to do their work from the office or at home, as long as they have time off to spend doing the things they want outside work. By offering part-time or contract positions, this would allow small businesses to get the extra help they need.

3. STRONG NETWORKS

After spending years in the workforce, older workers have built a strong professional network. This can be valuable for a small and medium sized business as they can help connect the business to individuals or clients they know personally.

4. INDUSTRY EXPERIENCE & KNOWLEDGE

The trend 30 years ago was to stay with the same employer for many years and work your way up. While younger people like their portfolio of jobs to be more diversified, older workers tend to have very focused industry expertise because they have worked for the same company most of their careers. This gives them highly specialized knowledge and industry expertise that not many people will have. This expertise is very useful for companies that are running into unique problems that need to be solved right away.

5. LITTLE TRAINING REQUIRED

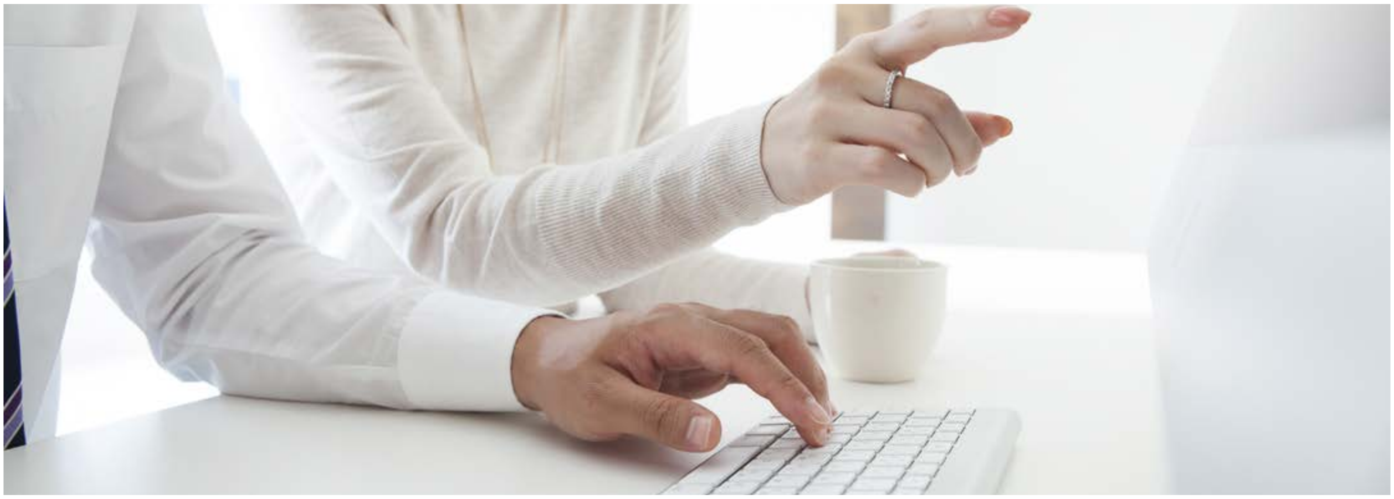
It is time consuming and costly to hire new people, onboard them, and train them. According to a 2012 article from Dun and Bradstreet's Business Research website, *How Much Does It Cost to Hire a New Employee*, it may cost as much as 150% of the salary to replace a management position. The average cost to replace an employee for all categories of work is about $4,000. By hiring someone older with more experience, you avoid high training costs since they are already experienced at doing their job.

There are many success stories of companies hiring older workers. Anson Frost from Priority Management explains his experience with Dixie, a 65-year-old business development expert.

"Dixie was an energetic 65 years young when we hired her. Her previous selling experience in relationship building combined with her writing skills proved extremely valuable to our company over the six years she was with us. It's wonderful when you can bring someone on board who is experienced and confident and not have to worry about walking them through every step."

If you are running a small business and looking for someone experienced to help you part-time or for a project, consider hiring someone from an older generation. They are out there looking for work to keep them engaged and are happy to be helping small businesses grow.

Lauren Watkins is the CEO of Excellara, a company that connects small businesses with part-time or contract professionals in accounting, human resources, and law. Visit www.excellara.com to sign up or contact lauren@excellara.com if you have questions.



Casey Flaherty and His New Time Machine

by Judie Boroevich, IT Trainer / Helpdesk Support Supervisor, Borden Ladner Gervais LLP

As a law firm technology trainer, I have a vested interest in ensuring that our lawyers are trained to effectively use the firm's technology. Every lawyer uses technology throughout the day whether it's to create a document, respond to emails or schedule meetings from a mobile device. Law firm trainers know that if lawyers would set aside a small amount of time to learn a new technological skill, they could ultimately save themselves hours of time.

Casey Flaherty knows this too. Flaherty, former in-house counsel at Kia motors, is well-known to technology trainers. He designed a technology audit that allows a client to measure a lawyer's - or a law firm's - technological proficiency. His premise is that if a lawyer cannot use technology effectively, or at all, that lawyer will take more time to complete the legal work; time that is then passed on to the client. Flaherty is refining the audit and plans to share it – for free – with any company that wants to evaluate the technological skills of their current or prospective law firm.

As designed, his technology audit should take approximately one hour to complete. It has taken most lawyers an average of five hours to complete. In a recent article for American Discovery, he wrote, "The audit tests my hypothesis that lawyers, as a group, are deficient in their use of technology and that a direct consequence of this incompetence is that clients, like my [former] company, Kia Motors America, outlay outrageous sums for unnecessary busywork."

Clients are continually looking for ways to reduce legal costs and may be intrigued by Flaherty's audit. The legal landscape has changed over the last ten years, and we've seen clients examine legal fees in a way that they had not done previously. In response, firms began moving toward alternate fee arrangements such as transactional billing, in which the fee charged is based on the end product, such as an agreement or contract, rather than for the amount of time it takes to produce the work. In this arrangement, the client shouldn't be concerned if the agreement takes one hour or five hours to produce as the cost remains the same. It does matter, though, to the lawyer who is producing the agreement. That lawyer will want to focus time on the legal aspects of the work, and not on figuring out how to use the technology associated with it. This efficiency can only be achieved if the lawyer has the necessary technological competencies.

We have also seen a drive within firms to reduce business costs. Look no further than the change in lawyer to assistant ratios – having one assistant who works for one lawyer is all but a thing of the past. Most legal assistants now work for three or more lawyers and a number of firms have moved or are in the process of moving to a mixed resource team model for their practice groups. In this model, each team member is available to perform work for any lawyer within the practice group. This model can

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only be successfully achieved by having lawyers who are proficient with technology, as these changes require a certain amount of self-sufficiency within the practice.

Flaherty believes that every lawyer must learn the rudimentary technology skills necessary to complete work so as not to pass on extra fees to the client. While the reality may be that most lawyers write-off time they spend on "busywork", which includes time spent figuring out how to use technology, there is an obvious benefit for our lawyers to achieve proficiency.

Whether or not you agree with Flaherty's premise, law firm administration has an obligation to ensure that our lawyers are aware of the audit. While Flaherty's intent for the audit may be different from what law firms hope to gain from it, the end goal is the same: we want our lawyers to be proficient in using technology.

Judie Boroevich is the IT Trainer and User Support Supervisor at Borden Ladner Gervais, and has more than fifteen years experience in course design and training delivery. You can contact her at jboroevich@blg.com

Call for Submissions

Do you have an idea for an article that you think would benefit BCLMA members? Are you itching to put pen to paper (or more likely fingers to keyboard) or do you have an article that you have already written that you'd like to share? We are always looking for submissions!

If you have an article or story idea you would like to submit, please email Sunita March at smarch@cfmlawyers.ca. Please note that our prescribed article length is 750 words. All submissions will be subject to review by the editorial board.

BCLMA 2016 Conference: Law Firm Synergy
Learn — Connect — Inspire

by Lorraine Burchynsky, Chair of BCLMA Conference

This year's BCLMA Conference will be taking place on March 2-3, 2016 at the River Rock Casino Resort, Richmond, BC. The theme of this year's conference is Synergy. We will be exploring how this filters through to technology competence, effective communication and high-performing teams.

Guest speakers will explore the important elements in the modern law firm and offer insights into the importance of having your people be skilled in basic software tools, learning how to enhance communication and working on effective team development.

The kick-off Reception on Wednesday evening, March 2nd, will be all about cocktails, conversation and creativity. We hope you can join us for an opportunity to meet fellow delegates, create a collaborative canvass and win prizes.

We value your survey feedback and implemented some positive changes to the format.

- The educational portion of the conference will be presented on Thursday only, rather than a day and a half, giving you more time, and Friday, to attend to those pressing work issues.
- We've extended the hours for the ever-popular Market Place from 2 to 3 hours, encompassing an extended networking lunch and a pre-dinner reception.
- Social Media complements the Conference with:
  - Twitter and Instagram hashtag #bclma2016.
  - a customized mobile App where you can quickly access session descriptions, speaker bios and view handouts.
  - an Instagram contest. Win more great prizes!

The Conference Committee is excited to have secured three great speakers for the one-day Conference.

Casey Flaherty is the former in-house counsel for Kia Motors and the creator of the well-known Legal Technology Audit (LTA). Casey advocates that all legal professionals need to maximize their technology skills in order to be more efficient. We are very excited to have Casey joining us to share his insights and knowledge on the LTA and learn how we can apply it to our daily routines. Efficiency is the key.

Doug Mollenhauer will be providing tools for achieving high performance, team synergy and effective communication. He is a coach and speaker who specializes in business communication. Doug believes we all need the courage to care in order to perform better, which will set us on the path to lasting success.

In 2014, Judy Hissong opened the conference with an energetic, highly informative session titled *Leading with Strengths* which set the upbeat tone for the remaining time.

We surveyed last year's audience and the results said, bring her back! This year, Judy will provide insight on what it takes to develop high performing teams. Her session will present the essential elements of teams, and help us practice team synergy.

Along with offering the usual reduction for early bird registrants, we've extended the payment date to January 20, 2016. We're also offering a 10% rebate per registration when there are three or more attendees from the same firm.

This is a great opportunity to learn, connect and inspire. For more information and to register for our conference visit bclma.org.

Lorraine Burchynsky is the Administration Manager at Boughton Law Corporation, a BCLMA Director and the Chair of the BCLMA 2016 Conference. She can be reached at lburchynsky@boughtonlaw.com

Remembering Janice McAuley

by BCLMA staff and members

Janice McAuley, a long-time BCLMA Member and former Facilities Sub-Section Chair passed away on June 16th. Janice had been diagnosed with an aggressive form of cancer in December 2014.

Janice worked in legal management only at one firm throughout her career: Lawson Lundell for 28 years. Throughout, Janice was extremely loyal to and a big supporter of the BCLMA. She served as the Facilities Chair for close to a decade. She never ran out of ideas and suggestions for the good of the association and its members. Janice attended BCLMA social events faithfully, making everyone around her laugh and enjoy the festivities.

Those who knew Janice will agree that she was one of the most friendly and kind-hearted people you could hope to meet. She was a super-fun person to be around. Our thoughts go out to her husband Glenn and her family.

This is so sad. She was young! She was very nice, so approachable and willing to assist or offer up information about her firm to share with others! She will be missed. God bless her family.

— Cindy Hildebrandt, Richards Buell Sutton

Janice was the Co-Chair of the facilities sub-section when I got promoted to Central Services & Facilities Manager at Bull Housser and first joined the BCLMA. From the day I met her, she was always very supportive and a great mentor to me. I looked up to her and always appreciated her professional support and great sense of humour. She encouraged me to chair the facilities subsection and get involved in the BCLMA, for which I will always be grateful. Even when Janice stepped down from being Chair, she always had a strong presence amongst our sub-section and will be greatly missed.

— Alicia Bond, Manager,
Central Services + Facilities

I remember Janice as described above: Very competent and fun and obviously loyal to her firm. We worked together for a short time when I was with Lawson in Calgary. She will be missed.

— Penny Harvie, Alumni

I have so many fond memories of Janice. When I joined Stikeman Elliott in 1996, I started attending the Facilities & Services sub-section meetings. Janice was among the first I met in the association. She and Laurie Martinez were inseparable! And obviously a very strong duo at Lawson. Janice always contributed something meaningful at the meetings.

One summer evening a few years later, Janice and I attended a D&D event for BCLMA members at the Vancouver Art Gallery. I won one of the top prizes. As we walked to our cars later, I lost count of how many times Janice teased and jostled me, "I can't believe you won! You won a DVD player! Geez. You won! I don't believe it. A DVD player!"

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In 2004, we travelled to Victoria together for the BCLMA conference. She picked me up in her brand new Hyundai SUV. She felt so proud of herself – she'd negotiated the deal on all her own.

My most ready memory of Janice, though, is her big smile and hearty laugh at social events. She had an infectious sense of fun that will remain unforgettable.

— *Stephanie Marsh, Alumni*

Janice and I met 28 years ago when we joined Lawson Lundell--our first real jobs! I worked as a data entry clerk in accounting and Janice worked as a relief receptionist. We found each other in the hallways and became true friends.

Together, we moved up the ranks, supporting one another.

Eventually, Janice led the planning, co-ordination and execution of the firm's annual social events, family barbeques and lawyer retreats. I remember each and every one as a success because Janice never missed a detail. She was so good at that.

We joined VALA (BCLMA's predecessor) and Janice eventually chaired the Facilities sub-section for many years. She used her excellent leadership skills at the association, and always shared her knowledge. She shared her experiences of our firm's renovation project, giving tips and tricks. Janice managed that project expertly, of course, just like everything else.

This was due in large part to the exceptional relationships she built with all of our vendors. I remember one occasion when that became so much more evident to me. It was 3:00p.m. on a Friday and my file cabinet wouldn't lock. I worked in HR by this time, and leaving an unlocked cabinet filled with personnel files was not an option. I called Janice. By 3:45p.m., she had a repairman knocking on my door. It's no wonder to me how she got him there so quickly just hours before the weekend. I knew it was because of the solid and genuine relationships she had built. And I saw it time and time again; vendors bent over backwards for Janice.

Janice and I worked side by side for almost 30 years. She was an amazing co-worker, and supported everyone. She was a true "Lawsonite".

If you knew Janice, you knew about her terrific sense of humour. She was quick-witted and always had a one-liner ready--some real zingers! At Lawson, her laughter preceded her. We always knew when she was coming down the hall. Janice and I shared a million laughs over the years, sometimes over a good glass of wine.

Janice was a very special friend to me. I so miss her.

— *Jacquie Wintrup, Director of Human Resources, Lawson Lundell*

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