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Using Basic Organizational Behaviour Principles to Boost Employee Engagement

by Omar Ha-Redeye, Law Professor

We often hear that lawyers are trained in the law, not in how to operate a business. One of the most basic management skills lacking, though, can be found in the field of organizational behaviour (OB).

Dr. Larry Richard at the CBA conference in Ottawa on August 13, 2016, presented "breakthrough ideas to boost your engagement." The need for employee engagement is even more important during turbulent economic times, when law firms are facing considerably more instability than in the past. Much of what he had to offer corresponded with the OB skills deficit.

Dr. Richard noted that generally only about 30% of the workplace is engaged. The rest of the workers are usually not-engaged (55%) or actively disengaged (15%). He presented the **SCARF** model to highlight the main reasons in the cognitive

neuroscience research as to why employees are disengaged:

Status: The relative importance of the employee to others. In high power distance organizations like law firms, the lowest associate has the lowest status, and feels it.

Certainty: The ability to predict the future. With high lawyer turnover and turbulent markets, certainty is nearly non-existent for many law firm employees.

Autonomy: A sense of control over events. If there is no clear workflow for delegation or the practice is a high pressure environment with

tight deadlines, feelings of autonomy may be impossible without adequate supports.

Relatedness: A sense of safety with others, treating co-workers as friends rather than foes. Most firms are not structured in a team-based or cooperative model, meaning that the people you interact with every day do not provide a sense of safety.

Fairness: A perception of a fair exchange between people. Does the associate who happens to be the child of a judge or the senior partner get treated differently in the firm? If so, you can expect a much higher sense of disengagement.

Although this may just sound like management fluff, the SCARF model has actually been validated using fMRI through studies by Naomi Eisenberger of UCLA.

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Who We Are

The BCLMA, founded in 1972, is a non-profit organization with 170 Firm Representatives and 310 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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WELCOME & KUDOS

This reaction could be traced directly to the brain's responses. "When people felt excluded," says Eisenberger, "we saw activity in the dorsal portion of the anterior cingulate cortex — the neural region involved in the distressing component of pain, or what is sometimes referred to as the 'suffering' component of pain. Those people who felt the most rejected had the highest levels of activity in this region." In other words, the feeling of being excluded provoked the same sort of reaction in the brain that physical pain might cause.

Law firms can improve on this engagement by avoiding belittling associates, giving vague assignments or setting ambiguous expectations, micromanaging their associates, prohibiting or inhibiting internal fraternization, and by treating all associates the same way.

What does create employee engagement, according to Barry Schwartz in *Why We Work* is: meaning and purpose; autonomy; social connection; the work itself.

It's here that law firms have an advantage over other industries.

There is a potential in many public-facing practice areas to make a difference in the world by helping others or doing something that matters, especially in public interest litigation. Even if this work does not earn a lot of money for a firm, it can be instrumental in providing meaning to those involved.

Providing greater autonomy helps foster a feeling of being in charge and responsible for their own practice, and also helps produce better lawyers. Autonomy leads to better learning, greater mastery, higher competence and greater achievements. In the end, every lawyer is responsible for their name, their reputation, and ultimately their insurance premiums (even if it is covered by the firm). Using that as a driver for autonomy rather than the fear of reprisal is a far better driver of engagement.

Social connection is something law firms still struggle with. Bonding over a bottle of scotch is not a real opportunity for deep interaction and creating camaraderie. In most cases, it's rather harmful.

The work itself can be more engaging if it is challenging, fun, immersive, intellectually stimulating and allows learning. I'm not sure many lawyers call their work "fun," but the challenging nature can provide some

New Member Firms and their Representative

Gwen Groening, **Beck Robinson**, Vancouver
Carolyn Janusz, **Black Gropper**, Vancouver
Hanna El Reyess, **Civic Legal LLP**, Vancouver
Virginia Will, **Cohen Buchan Edwards LLP**, Richmond
Marie Capewell, **M. Capewell & Associates Inc.**, Vancouver
Carla Rodriguez, **Michael Evrensel & Pawar LLP**, Vancouver
Jazmin Holness, **Holness Law Group**, Vancouver
Annie Ronen, **Nash Johnston LLP**, Vancouver
Jenniffer Martinez, **Rana Law**, Vancouver
Mary Taylor, **Megan Ellis & Company**, Vancouver
Hishu Seth, **Preszler Law Firm LLP**, Vancouver

New Representatives for Existing Member Firms

Andrea Gutierrez, **Ecojustice**, Vancouver
Erin Bird, **Owen Bird**, Vancouver
Lori Hart, **Stevens Virgin**, Vancouver

Past Member Firm Rejoining

Aimee Francisco, **Gall Legge Grant & Munroe LLP**, Vancouver

Facilities

Sarah Marshall, **Alexander Holburn LLP**, Vancouver
Danielle Etifier, **Blake Cassels & Graydon LLP**, Vancouver

Finance

Pat Leitch, **FH & P Lawyers**, Kelowna
Jennifer Barnard, **Boughton Law Corporation**, Vancouver
Eva Tong, **Michael Evrensel & Pawar LLP**, Vancouver
Mychele Watson, **Miller Thomson LLP**, Vancouver
Natalie Leon-Davis, **Miller Titerle + Company LLP**, Vancouver
Belinda Diaz, **Stevens Virgin**, Vancouver

Human Resources

Emma Billard, **Ecojustice**, Vancouver
Lynda Wendland, **Hamilton Duncan Armstrong + Stewart**, Surrey
Nikki Farwaha, **Hamilton Duncan Armstrong + Stewart**, Surrey
Kerri Garner, **Harper Grey LLP**, Vancouver
Kristina Smitas, **Lawson Lundell LLP**, Vancouver
Eva Tong, **Michael Evrensel & Pawar LLP**, Vancouver
Carla Rodriguez, **Michael Evrensel & Pawar LLP**, Vancouver
Fern Sager, **McCarthy Tetrault LLP**, Vancouver
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Selena Brown, **McCarthy Tetrault LLP**, Vancouver
Chole Thomas, **McCarthy Tetrault LLP**, Vancouver
Paula Stregger, **Miller Thomson LLP**, Vancouver
Katherine Chan, **Miller Thomson LLP**, Vancouver

sense of satisfaction if the stress is properly managed.

Dr. Richard illustrated how all these principles had a far broader impact on employees, and on the entire law firm. They had the ability to reduce stress, depression, turnover, absenteeism, dissatisfaction and cynicism. They had the ability to increase commitment, effort, engagement, empowerment, happiness, satisfaction and fulfillment.

All of those have a direct relationship to employee productivity, billable hours and the bottom line.

Perhaps instead of just focusing on developing better work-life balance in the law, or how technology can make our lives easier, we should instead reintroduce basic business principles from organizational behaviour into the management and operations of law firms.



Omar Ha-Redeye is a lawyer and law professor with a management degree and background in employment law. Part of his professional activities include training for small, solo, and young practitioners in developing their new practices.

WELCOME & KUDOS

Small Firms

Mikayla Gross, **Sangra Moller LLP**, Vancouver

Technology

Rory McFadden, **Alexander Holburn LLP**, Vancouver

Sean Barnwell, **Alexander Holburn LLP**, Vancouver

New Association Affiliate Members

Ivaylo Nikolov, **TLOMA**, Toronto

Michelle Medel, **TLOMA**, Toronto

Retired

Spencer Hartigan, **Miller Thomson LLP**, Vancouver



Spencer Hartigan started in Legal Administration at Swinton & Company in October, 1976 and retired from Miller Thomson LLP March, 31, 2017. He has been a long term supporter of BCLMA (formerly VALA). Spencer was also a Newsletter Editorial Board Committee member for a number of years. On behalf of the members and the Board of Directors we would like to thank Spencer for his years of support and commitment to the BCLMA.

R. JOHNSON

PRESIDENT'S MESSAGE

Spring 2017

by Lorraine Burchynsky, 2017 BCLMA President

On April 21st, BCLMA held its Annual General Meeting. We were able to capitalize on some of the bylaw amendments passed at last year's AGM. The Notice of the AGM was sent by electronic format this year, saving postage and bringing us into the 21st century! We accepted five representative proxies at this year's AGM.

Special thanks to our board for their dedication and volunteer time this past year: Elizabeth Jackson, Cindy Hildebrandt, Leslie Green, Leslie Morgan, Catharine Rae and Pelar Davidson.

With the AGM comes a change in our Board members. Pelar Davidson resigned as a Director and we thank her for her two years of service. Both Catharine Rae and I ended our three year terms as Directors. Thank you to Catharine for her three years of service as Director and Vendor Liaison. These departures resulted in three Board vacancies.

There were three nominations put forward: Yvette Whitson and Rob Walls and I put my name forward for another term. All three were appointed by acclamation. Yvette is a past Chair of the Finance subsection and Rob is the Chair of the IT subsection. We welcome their expertise to the board. I was nominated as President for another year and delightfully accepted. We welcome our 2017-2018 board.

President Lorraine Burchynsky	Boughton Law Corporation
Secretary Leslie Green	DuMoulin Black
Leslie Morgan	Harper Grey LLP
Elizabeth Jackson	Farris LLP
Cindy Hildebrandt	Richards Buell Sutton
Yvette Whitson	Edwards Kenny Bray
Rob Walls	Boughton Law Corporation

Angela Zarwony will be volunteering once again as our Treasurer for the 20th year, and Jane Kennedy will be staying on as our Administrator. Jane is most definitely the Board's right hand and her services are invaluable to the Board and our members.

We are excited to note that we have increased membership to 169 member firms with a total 477 representatives and affiliates.

With the change in the Bylaws came some revisions to the Policies and Procedures.

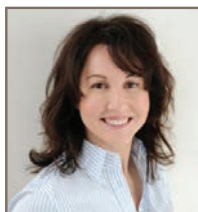
We have added Board of Directors' duties and changed alumni member to honorary member through invitation by the Board. The current Bylaws as well as the Policies and Procedures can be found on the website under Resources - Governance Documents.

We started off the 2017 year with eight new co-chairs for our various sub-sections. The Board has worked hard to maintain two chairs for each subsection allowing for succession planning as well as affording more members the opportunity to experience these positions. All subsections are working hard to coordinate informative and educational events for our members.

Our relatively new Social Media Committee, led by Margaret Cividino of Miller Thomson, has been doing a fantastic job. They are busy promoting our organization including educational and subsection events as well as providing support to our business partners, all through Twitter, Instagram and LinkedIn. I hope all members will take some time to follow BCLMA's exciting and informative company LinkedIn Page.

We continue to provide our members with relevant surveys. The small firm's survey will be in electronic format this year and we've added Medium Firms' Administrators' Salary survey for 16-29 lawyers, also provided in electronic format.

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We had a good turnout to our first educational event of 2017 held on March 1 at the Terminal City Club. Liane Davey was our guest speaker and spoke on "You First: How You Can Change your Team for the Better". If you were unable to attend this event, or would like a refresher, you can access the video on our website under Forums - All Members - Documents.

We have recently booked an incredibly dynamic speaker, Eric Seeger, for the Managing Partners' event in November. Eric will be speaking on "Law Firms in Transition, 2017 / Trends in the Profession," based on Altman Weil's 2017 Law Firms in Transition Survey.

The Law Society Law Firm Regulation Task Force has been conducting focus group sessions within the legal community. By request, a delegation from BCLMA attended a very informative and constructive meeting on March 9, 2017. The Board will continue to monitor this issue and will work with the Association's subsections and members to provide support as law firm regulation becomes a reality. Learn more about the Task Force by reading The Sounding Board article in on page 20.

The "LinkedIn, Now What" lunch and learn event presented by Social Media Committee members Margaret Cividino and Jessica Leroux in January will be presented again at McQuarrie Hunter in Surrey on May 11.

2018 is our conference year and the Conference Committee, chaired by Leslie Green, has already held several meetings. We've made a change in our conference venue from the River Rock in Richmond to the Convention Centre East in downtown Vancouver. We've also made a date change from March to April 19 - 20th, 2018. The theme is Law Firms in Transition - Communicate, Engage, Plan. Stay tuned - we'll release more information as the agenda is finalized.

It's been a very busy and productive year and we have lots on the go for the upcoming year. I'm looking forward to seeing everyone at the Summer Social at Bridges on June 8th.

Lorraine Burchynsky
2017 BCLMA President



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Truths About Empathy Driving Profit Every Modern Leader Must Know

by Lisa Martin, PCC

What if I told you that by creating a more loving, compassionate work culture, you could drive better results and make more money? Right now you may be nodding your head in agreement ... or shaking it in disbelief. If you are doing the former, there's a good chance you've embraced the Empathy Era. Congratulations.

Let me explain. A few days ago, I had an interesting coaching session with a leader. He was telling me that he wanted his team to be able to have real, frank discussions.

He wanted people to actively discuss a 'negative or charged' situation. But his company culture was so focused on heads-down work and avoiding 'personal or uncomfortable' conversations that he didn't know where to start.

This was a challenge for him, and it's a challenge for many leaders.

You can argue that for the past 50 years much of western world leadership has revolved around execution and expertise. We promote people because they have functional knowledge and/or are masters of their

verticals. We don't often promote people because they're good, caring individuals. That might be changing, and I'd argue it has to change.

We need to transition from 'command and control' cultures to 'listen and love' cultures. In other words, we need to move beyond execution and expertise to empathy.

ENTER THE EMPATHY ERA

I'll break it down:

1. Many leaders have revealed to me that they fear being perceived as incompetent and most major studies of senior leaders support this finding. (It's all good, as it implies leaders are human.)

2. From that fear, I'd argue this follows:

- You need to believe in yourself to be a leader.

- You need to care for yourself to be a leader.

If you don't achieve those two points, you're not much of a leader.

3. If you've mastered those two items, the natural extension would be:

- You need to care for others to be a leader.
- You need to be compassionate with others to be a leader.

In short, you need to be empathetic. Now, I know the response that comes back from a lot of leaders — and I've heard this from them directly: the point of a workplace isn't love, compassion, and empathy. In most cases, it's making money and pleasing stakeholders. Right? Right.

Yet studies reveal more empathetic cultures drive more profits.

It's true. Emma Seppala, a researcher at Stanford, has shown this. Compassionate and loving workplace cultures naturally reduce burnout and churn while increasing productivity (12 percent and more), via her research.

The sheer fact of the matter is this: many of us spend close to 60 hours/week on tasks, topics, and ideas related to work. That time can't be all nose-to-the-grindstone deliverables-chasing work. There need to be degrees of connection, of love, of being authentic, of being compassionate, and true empathy at work.

This will make us all better leaders, better co-workers, and more productive individual contributors. And hey, in the process we might all make some more money, too.



Lisa Martin, PCC, coaches people to be high-impact, thriving leaders. In addition to having authored five leadership books, she writes a leadership blog, coaches leaders, offers online leadership courses, speaks on leadership topics, and licenses her Lead + Live Better™ leadership development programs to organizations around the world. She has made it her mission to help companies keep and cultivate leaders.

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Should You Go VoIP?

by Camille Charron, Owner, Clearlines Telephone

Is your old Nortel system giving you grief? Are your telephones 15+ years old? Then it's time to upgrade. Although no one ever wants to do so, it is always easier upgrading a telephone system when it's on your terms rather than after it has crashed. And if it does crash, depending on the size and complexity of the telephone system, it could also take from two up to five business days to get a new one installed and programmed.

Picking the right replacement telephone system that suits your needs is not difficult. But before you decide on anything, here are a few things to consider.

DIAL TONE PROVIDER – TELCO (TELEPHONE COMPANY)

Find out who provides your dial tone. In order to get a system quote, you inevitably will be asked what type of telephone lines you are using (analog, Private Rate Interface [PRI], a digital way of getting direct lines and dial tone over standard telephone lines, or Session Initiation Protocol [SIP], dial tone provided over the internet)? If you are not sure, most "Interconnect" companies will be more than happy to help you audit your telephone bill ("Interconnect" refers to the company who will connect your telephone system to the dial tone provided by the Telco). After such an audit, you might be shocked to find out how much you are paying and hopefully, you won't find out that you are locked in to a never ending and expensive contract. If needed, also ask your Interconnect company if they can help you get you a better monthly rate. The potential savings will certainly help offset the cost of a new telephone system and perhaps go towards a year-end bonus!

GET A QUOTE

The next thing to do is to call around for a quote. Interconnect companies, and now some I.T. companies, are happy to do so at no cost. Good ones will speak to you at your technology level and not theirs. Before purchasing a telephone system, you will also want to ask them questions such as:

- What will you charge me to talk to you over the telephone in the future?
- Can you provide me references?
- Do you have online support, and what will you charge me to access it?
- What will you charge me for remote access to make changes to our system?
- Do we have to buy a maintenance contract?
- What areas do you service?
- If I need to make changes, can I do it myself or do you have to do it for me?
- Is the system expandable?

Beware of some I.T. companies that consider telephones a side business and will not give you the support you need.

RESPONSE TIME

Response time is a critical issue. After getting a quote, consider calling the company

to gauge their response time. Interconnect companies also come in many sizes. Big is not always best. There are lots of great yet small Interconnect companies who can provide you with excellent personal service and most likely respond to inquiries much faster than the big ones.

VOIP?

Should I go to VoIP is a big question these days. VoIP sets are based on the internet. The "PBX" is located somewhere on the planet and is completely reliant on the internet. If the internet goes down, so do your telephones. If the server crashes, so do your telephones. In the end, you get what you pay for. The reliability of inexpensive offerings are "iffy" at best. The high end products work well, but are expensive over time. VoIP systems will work well if you have the internet bandwidth to support them; however, if the internet is slow, or if there is a lot of traffic going down your "pipe", you will get choppy calls, dropped calls, and the occasional echo. As well, your telephone numbers no longer belong to you. With VoIP, they will now belong to a third party. If you are not happy with VoIP service after making the switch, it can be painful regaining ownership of your telephone number.

My advice, there is no need to rush to VoIP. I personally don't feel it is 100% reliable just yet. My preference is still the standard digital (PBX) telephone system that is located on your premises, and is connected to the telephone lines provided to you by a Telco. You own it, take care of it, expand it, program

it. They are extremely dependable, easy to program and typically last 15+ years.

It is also worth considering the math. On average, you have to consider the cost of purchasing a telephone system and the monthly Telco charge versus the monthly VoIP cost.

BRAND NAMES

When being offered a telephone system, investigate the brand name. Have you ever heard of it? If the Interconnect company goes out of business next year, will there be anyone else out there to support it? Beware of certain brands. Nortel is out of business, Avaya has filed for bankruptcy protection and Cisco discontinued their small business line of products. Also, ask if the manufacturer requires an ongoing yearly license.

FEATURES

Standard features to look for in a new system.

- Voicemail, voicemail to email (Unified Messaging) and auto attendant
- Lots of buttons on the telephone (memo-rizing codes or scrolling through menus to use features is a pain)







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- A busy lamp field for the receptionist so she can see who is on the phone
- Call forwarding to your cell or an outside number (requires PRI or SIP lines)
- Remote access to the system to make changes to your set up

Although I haven't covered all aspects to finding an alternative phone system, this information will certainly get you on your way. Please feel free to call me anytime (604.277.0022) if you have any questions. If you're not looking for a telephone system, but are curious about your phone bill, I am happy to help at no charge as well (I love saving people money). If I can't help you, I will certainly find you the right person that will.



Camille Charron has been in the telephone industry for the last 35 years. It was the summer job he fell in love with and never left. Camille began his career at Bell Canada in Windsor, Ontario and worked there for 15 years. After meeting his future wife, Camille moved to her hometown of Vancouver and started Clearlines Telephone.

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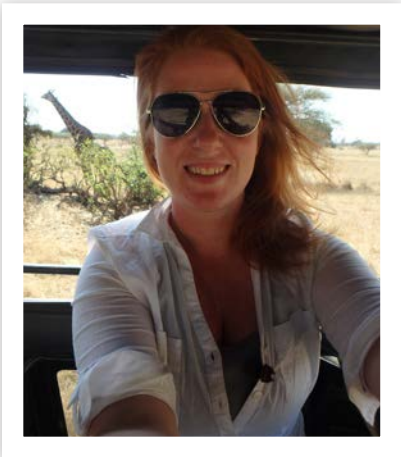
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MEMBER SNAPSHOTS



ANNA DiBELLA

How long have you been a BCLMA member?

Since 2015.

Where do you work?

Miller Titerle + Company.

Where did you vacation last?

A sailing trip in Tahiti with my family. Spent several nights anchored in Bora Bora. It was paradise!

Where were you raised?

Born and raised in White Rock, about 45 minutes from downtown Vancouver.

Have you lived abroad? Where and how long?

I lived in Colombia aboard a sailboat for three months. This was part of a longer 8 month trip through central and south America.

Your favourite wine under \$20?

Red Rooster Pinot Blanc.

Favourite BC day trip?

The Sunshine Coast.

Favourite lunch spot?

Smartmouth Cafe in Gastown.

Favourite restaurant?

Gothams Steak House.

Latest movie you saw?

I just watched Bad Moms.

What's a must-read book?

My favorite book is Conspiracy of Fools by Kurt Eichenwald. It is the story of Enron's bankruptcy. A great read if you are a finance nerd like me.

How do you spend your spare time?

Anything outside, especially biking and swimming.



Change Your Team for the Better

by: Liane Davey, Author of *You First: Inspire Your Team to Grow Up, Get Along, and Get Stuff Done*

If you had to name one person in your firm who needs to change their behaviour to make things run more smoothly, who would it be? Is the senior partner completely disorganized and wreaking havoc? Is one of your coworkers a terrible gossip? Does Sam over in Finance hoard information like a dragon lording over its pile of gold? Don't hold back—be honest.

OK, here's the bad news: that was a trick question. The real answer is you. You need to change your behaviour if you want to change the way your team operates. Unfortunately, most people point fingers at everyone else as the source of dysfunction.

But the fact that you are on the hot seat is also the good news: although you'll grow old waiting for your colleagues to spontaneously change, you can change the way your team operates, just by changing your own behaviour. Walk into work tomorrow with a new attitude and a few new tricks up your sleeve, and you'll start the process of rebuilding your firm, one productive conversation at a time.

START WITH A POSITIVE ASSUMPTION

The first step is to take a careful look at the way you respond to each of your colleagues. Chances are you've got some teammates you see as allies or even friends, and some that you believe are out to get you. Those attitudes cloud every interaction you have. It turns out that a message coming from an adversary can trigger a negative reaction when the exact same message coming from an ally wouldn't have riled you at all.

It's time to let that go. Your first task is to start with a positive assumption. Unpack your baggage, and assume that everyone in the firm is coming to work every day to get their job done the best they can.

ADD YOUR FULL VALUE

Next, think about your participation in the team. Do you ever think about saying something and then think, "Why bother?" or "That's not really my job"? Well, stop it. Speak up.

Law firms often have strong hierarchies and power systems. Partners are partners because they are good at the law (and probably because they're good at business development), but like many other professionals, they aren't necessarily good at management, administration, or leadership. So stop deferring to them. You have expertise and experience and insight that your firm is counting on you to bring to the table.

If you sit on the sidelines, you have no right to complain about poor decisions. Get in the game and add your full value.

AMPLIFY OTHER VOICES

Once you've started using your own voice more effectively, try to listen to your teammates' voices more, too. Healthy teams need to listen to and respect diverse voices—introverts and extroverts, old hands and newbies, big thinkers and fine tooth combers. But many teams end up with a majority of one kind of person, and a tendency to drown out minority voices.

There are real risks to shouting down those dissenting voices. The majority tends to represent the status quo and ignoring the minority can stifle innovation. Teams that agree too much can also slide into groupthink, when excessive cohesiveness blinds the group to possible risks.

At your next team meeting, try using your credibility to amplify minority voices. Ask someone who hasn't spoken up much to share their thoughts. Stand up to someone who's trying to dismiss a dissenting view. You'll broaden the scope of the conversation and make the team more productive.

OK, enough with the easy stuff. These last two steps are going to be a little harder.

KNOW WHEN TO SAY NO

First, you've got to learn to say "no". We're all socialized to believe that the best and most productive workers say "yes" to everything, but trying to do everything only means doing a poor job of most things. A team full of

people who can't say "no" will be overworked, overstressed, and ill-equipped to interact with each other in positive, productive ways.

To do this effectively, you've got to figure out – with your boss if possible – your primary value to your firm, and a few key areas you should focus on. Your goal will be to, politely and productively, say "no" to anything outside those key areas.

Then, when a coworker asks you to take on a non-essential project, help them think about whether this work really needs to get done at all. What's the payoff? If there isn't one, skip it. If there is, tell your coworker what your priorities are and give them a sense of what you've been saying "yes" to, so they understand the reason for your "no". Then help them figure out who else might be better suited to this task. And remember to be respectful when your coworkers say "no" to you!

EMBRACE PRODUCTIVE CONFLICT

Even if you accept all the responsibilities I've laid out so far, your team might still disagree

about some things. And that's OK. That's better than OK. In fact, to improve your team, you'll need to embrace productive conflict.

Most teams I work with don't have enough conflict. Some really do agree on everything, which can leave them blind to new opportunities—and risks. If that's your team, try to broaden the conversation. Other teams do have conflict, but they hide it. Everyone

agrees during the meeting, but afterwards, there's gossip, or a small group reversing decisions the team made, or one person quietly undermining the group by shirking his commitments. If this sounds like your team, focus on getting that dissent out in the open.

One great way to disagree with a colleague without engaging in destructive conflict is to express your opinion as an "and." Don't tell

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that person she's wrong—acknowledge what she's saying, and then add your own view. You might say, "I understand it's important to save room in the budget for a client event, AND I'm concerned we're short on money for employee training. What are our options?"

If you can take even one of these steps tomorrow, you will start changing the tone of your team. Think about how much time you spend at the office. Isn't a healthier, more productive environment worth a little effort?



Liane Davey is the bestselling author of You First: Inspire Your Team to Grow Up, Get Along, and Get Stuff Done. Her mission is to radically transform the way people communicate, connect, and contribute, so they can achieve amazing things together. Liane spent 17 years working in large consulting firms, and most recently was vice-president of Knightsbridge Leadership Solutions. She is a frequent contributor to Harvard Business Review online and the host of the popular Change Your Team blog.

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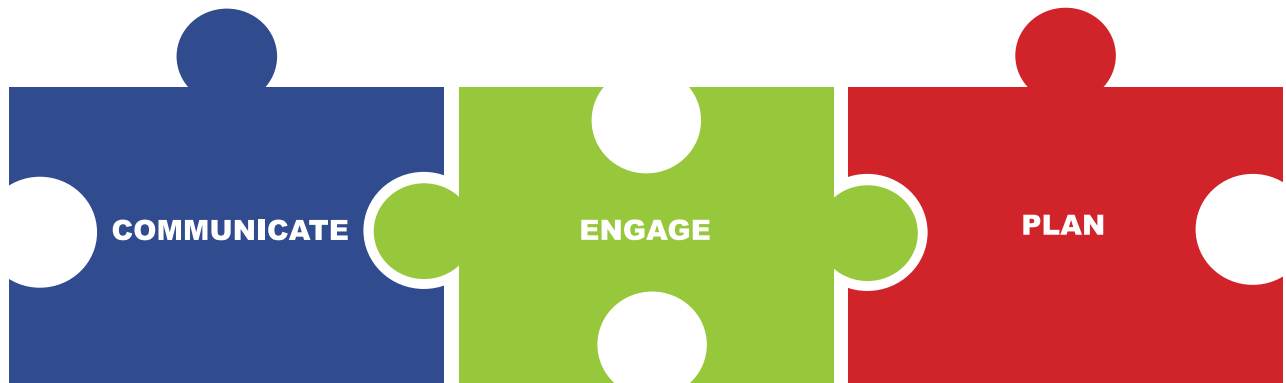
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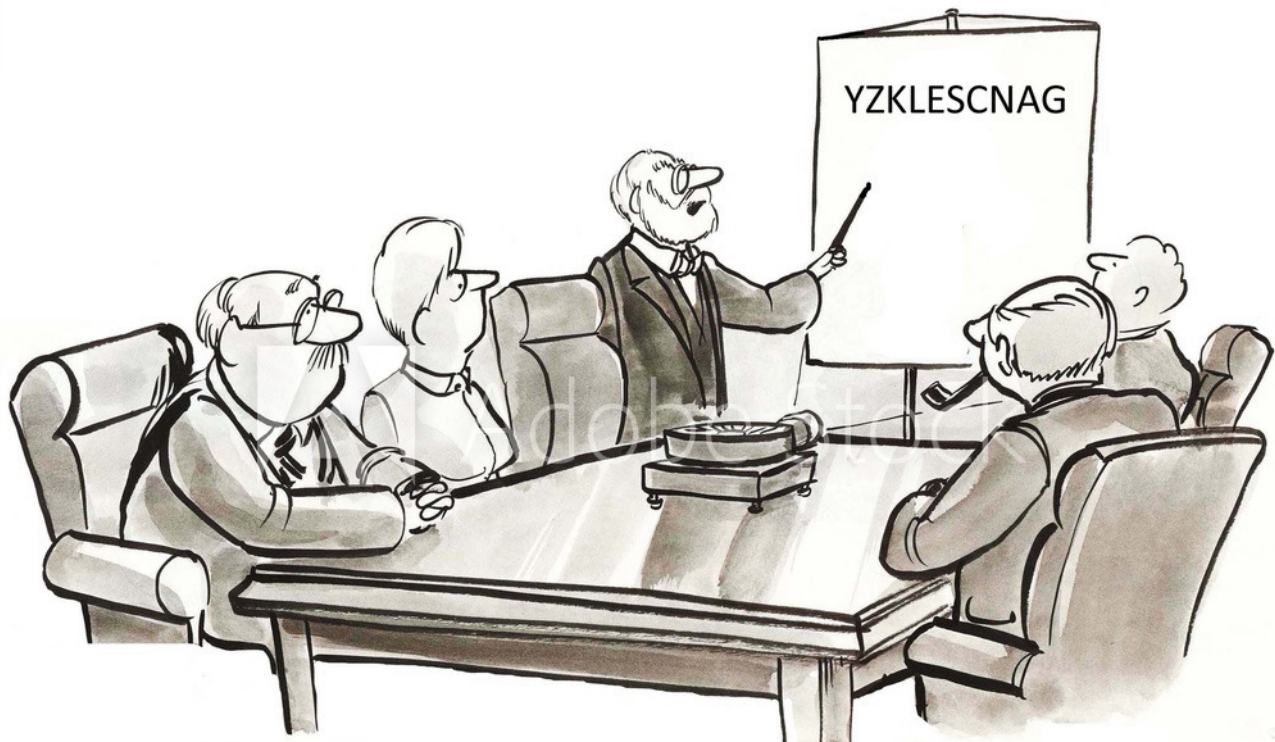
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RECESS



“If I had to use one word to describe our strategy” #62743167

RESOLUTIONS

Seven New Year's Resolutions for Law Firms

by Stephen Mabey, CPA, CA, Managing Director of Applied Strategies Inc

“Making New Year resolutions is one thing. Remaining resolute and seeing them through is quite another.” — Alex Morritt, Impromptu Scribe.

A simplistic but functional definition of culture is the way that:

- People relate to each other (consistency)
- People relate to the firm (mission)
- The firm adapts to its environment (adaptability)
- How work gets done (involvement)

The year 2016 was successful for a diminishing number of firms, and a year of frustration and falling behind for many others. The reason for much of the diminishing returns in the legal profession is predominately the “culture” that is institutionalized in most firms.

Historically once the culture has been subscribed to there is little interest in embracing change. This “stonewalling” is resulting in the failure by firms to achieve their potential and, dare I say, the prolonged erosion of confidence in private practice (as evidenced by the departure of a frightening number of Millennials).

If firms are to flourish in 2017, they have to take a hard look at their culture and make

sure it is one that fully supports execution and not complacency.

Below are seven New Year's resolutions that law firms need to make regarding their culture to be well served by it in 2017 and beyond. This will not be an easy endeavor, and the challenge for many is “the ability to carry out a good resolution long after the excitement of the moment has passed”¹

1. MANAGE THE BUSINESS ASPECTS OF THE FIRM'S PRACTICE IN A BUSINESSLIKE MANNER

The 2013 Report on the State of the Legal Market a joint production by The Center for the Study of the Legal Profession at the Georgetown University Law Center and Thomson Reuters Peer Monitor concluded:

“Plainly, to be successful in today's world, most every firm of any significant size must respond to the changing competitive realities of the market by centralizing many of the decisions previously made in more collegial ways and by embracing a consistent strategic vision that is uniform

across the firm and that drives decisions and actions in all of its practice areas. At the same time, a firm must preserve the essential qualities that nourish and support great lawyering, including structures that preserve the independence of professional judgment and the autonomy of lawyers to act in the best interest of their clients”.

Obviously, the key is finding the right balance for your firm. This can only be done if the partnership and managed business proponents in a firm:

- Are willing to appreciate the values espoused by both parties (vision)
- Accept that compromise is the order of the day (buy in)
- The firm's leadership staunchly oversees the balance and is prepared to make the necessary adjustments, either way, in a timely, consultative manner (producing useful change).

2. EMBRACE MEETING THE DEMANDS OF REALITY, ACCEPT THAT THERE IS A RISK IN EVERYTHING THE FIRM DOES, AND ACKNOWLEDGE 'TO DO NOTHING IS TO INCUR EVEN GREATER RISK'

Henry Cloud described the issue in his book

Integrity: The Courage to Meet the Demands of Reality as: “spending time in some alternative universe that does not exist to make the one that we are living in feel better... but, in reality, we can make the one we live in better only by seeing what is going on there and dealing with it head-on.”

I expect the irony is not lost on the reader that avoiding reality consumes more of your time and energy and thus throws life-work balance off and exacerbates a whole other set of issues.

Signs that your culture has begun to embrace reasonable risk will include:

- When the maintenance of self-esteem is not the basis for making decisions
- When firm values are not only active but enforced
- When every significant decision is not referred to a committee
- Prioritization of tasks is done on the basis of which are the most critical and not the easiest
- Keeping up with the Joneses does not override making good choices for the firm.

3. EQUATE BULLYING TO THE SAME TABOO AS MISAPPROPRIATING CLIENT TRUST FUNDS AND DEAL WITH IT ACCORDINGLY

Bullying is a direct result of tolerance — so cultures must become intolerant — at least in dealing with this issue. Professional services firms in general, and law firms specifically are not immune to workplace bullying; in fact, they are more often than not an incubator for such behaviour. It never ceases to amaze how one person’s divisive dysfunctional behaviour can permeate the entire organization like a cancer.

Some of the (not so) subtle signals that bullying is occurring in your workplace include:

- Yelling or ranting
- Door slamming
- Exclusion of an individual from important meetings (that they would normally be expected to attend)
- Knowingly assigning tasks to individuals who are without access to the tools required to complete the task
- Co-workers recruited to assist in systematically isolating the targeted individual
- Trashing the targeted individual behind their back to others in management roles.

4. INSTITUTIONALIZE QUALITY CONTROL (MOVING BEYOND LIP SERVICE TO “EXCELLENCE IN CLIENT SERVICE”)

Quality control is one of the three drivers of profitability in a flattened or mature market. For the most part, in many firms, formal quality control procedures are trumped by autonomy. In fact, many firms share a common approach to quality control — they hire good lawyers!

Just as hope is not a strategy, relying on hiring the brightest lawyers as your approach to quality control is increasingly risky.

Alternative service providers, like legal process outsourcers, have been able to make significant inroads with clients because they embrace and enforce formal quality management systems. The quality-control management strategies that some leading law firms and all of the established LPOs have embraced include the following components:

- Continuous professional training
- Formal work intake and allocation procedures
- Evolving knowledge management systems utilized by all
- Internal spot checks for compliance and adherence to work methodologies and standards
- Formal quality audits
- Dealing with complement issues in a direct and timely manner
- Formal review process before work delivered to clients
- Project management as it relates to budgets and timelines for work undertaken
- Timely progress and end-of-file reporting and feedback procedures.

5. DEMAND ACCOUNTABILITY

Law firms typically have a low accountability culture. This lack of accountability is across the board and applies to all aspects of law firms including:

- Financial policies such as time entry, billing, collections, etc.
- Respect
- Firm mindedness
- Business development
- Work quality
- Training
- Succession
- Client service.

The lack of accountability stems from what has been described as the “cult of the individual”. Be that as it may, I would boil it down to the “exception is the rule” culture — the defense of which has been articulated in profound prose in many a firm.

But simply put, without accountability there can be no execution and without execution, firms are just treading water and we know what eventually will happen.

6. TREAT THE CLIENT AS A PEER AND NOT SOMEONE TO PATRONIZE

It is all but impossible to find a law firm website that doesn’t tout it as delivering exceptional, superior, client-centric etc. service. For the record, exceptional client service is about going beyond what is realistically expected of you. It is about surprising, and often delighting clients, turning them into enthusiastic referral sources and lifelong clients who stick with you not only because you do great work at a fair price, but because the value you bring to them goes far beyond just your services.

Few firms really achieve this level of service — or certainly according to most independent in-house counsel surveys and they are clients so their perception is reality.

Firms need to do less assuming and more asking to find out what is the value proposition desired by the clients. By value proposition, I mean that combination of service, quality, time, and price the firm delivers to its clients.

The main tenants of exceptional service are not complex despite evidence to the contrary by the (in)actions of law firms and include:²

Ask real questions — We avoid getting personal for fear of saying the wrong thing; but by being overly cautious, we miss the chance to create a real relationship.

Participate in more than just the matter — Interacting with your clients outside of a normal business setting will go a long way to reinforcing a real relationship.

Help them with services that you do not provide — Clients will have issues that may be outside your scope of services but none the less you can assist in finding solutions — the pinnacle of which is to introduce them to another client who helps them with their issue.

Pick up the phone – Email is not effective communication! Good communication is key to any relationship. By hearing your voice, clients get that you value them enough to take the time to make a personal call, and it gives you a chance to talk about something other than business.

Face the bad times head on – Clients do not expect you to be perfect. They do, however, expect you to be honest. When something goes wrong, let them know quickly so that they are not blindsided by the issue later on. And never deliver bad news by email. Picking up the phone to discuss the news lets you reassure the client and answer any questions they may have. An after-hours email certainly won't do that for them.

Be thankful and show appreciation – Too often, we fail to even thank our clients for their business. We are so keen to finish a matter and move on to the next one that we forget to properly show our appreciation. Handwritten letters will delight and surprise your client, not only because you have thanked them, but because the way you did so was personal.

SAVE THE DATE

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Commodore Lanes, Vancouver

BCLMA Annual Summer Social Reception

Thursday, June 8, 2017, 5:15 pm – 7:30 pm
Bridges Restaurant, Granville Island
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BCLMA Upcoming Survey Schedule

Law Firm Economic Survey
Distribution: April 15, 2017 - Publication: June 19, 2017
Staff Ratio Survey
Distribution: May 1, 2017 - Publication: May 31, 2017

BCLMA Annual Managing Partners' Lunch & Speaker

Wednesday, November 1, 2017, 11:45 am – 1:20 pm
Terminal City Club, Vancouver

To view the complete BCLMA survey schedule, log on to www.bclma.org and click on the Resources tab.

MEMBER SNAPSHOTS



DAN PHUNG

How long have you been a BCLMA member?

7 years.

Where do you work?

PLLR Lawyers.

Where did you vacation last?

Spain in search for the best Paella.

Where were you raised?

Saigon, Vietnam – Pho heaven.

Your favourite wine under \$20?

2015 Butter Chardonnay - it's like having cake for breakfast.

Favourite BC day trip?

Surfing in Tofino.

Favourite lunch spot?

Lemon Grass Cafe – I once ate Pho every day for two months.

Favourite restaurant?

Hawksworth – obsessed with truffles and foie gras.

What's surprising about you?

I don't like balloons.

Favourite movie?

The Godfather: Part II.

What's a must-read book?

Shantaram by Gregory Roberts – reminds me of my travels through India.

How do you spend your spare time?

Making fancy cocktails.

What movie title describes your life?

The Secret Life of Walter Mitty.

7. REWARD INNOVATION

As someone once said: "The only way of discovering the limits of the possible is to venture a little past them into the impossible". If you are really encouraging innovation, you'll likely experience more failure than success, because everyone will be trying to come up with the next great innovation. Yes, for the skeptics in the audience, I am suggesting that firms encourage and reward failure (spectacular failure preferably).

It is critical to the maintenance of a culture for innovation that you remind partners that not all innovations will be financially successful but if properly celebrated the development and execution of a new initiative may pay off even greater rewards through a boost in morale for all members of the firm, heightened stature in the eyes of clients for trying new things, and even introducing a little fear into the minds of your competitors.

CONCLUSION

There is no doubt culture is one of the most difficult challenges to change in a law firm. It easily can be the greatest enabler or disabler of longevity and prosperity, particularly in these currently vexing times.

But to thrive in 2017 and beyond, change it must!

"What the New Year brings to you will depend a great deal on what you bring to the New Year."³

¹ Cavett Robert

² Smashing Magazine, Jeremy Girard, January 2012

³ Vern McLellan



Stephen Mabey is a CPA, CA and the Managing Director of Applied Strategies, Inc. Stephen's focus is on law firms in general and on small to medium size law firms in particular.

He has both written about and advised on, a wide range of issues including - leadership, business development, marketing, key performance indicators, competitive intelligence, finance, mergers, practice transitioning, compensation, organizational structures, succession planning, partnership arrangements and firm retreats. In 2013, Stephen was inducted as a Fellow of the College of Law Practice Management in recognition of his sustained commitment to the highest standards in professional law practice management. For more information, visit appliedstrategies.ca or connect with Stephen Mabey on LinkedIn at ca.linkedin.com/in/smabey.

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Law Firm Regulation Task Force Update

In November 2016, the Law Society's Law Firm Regulation Task Force's Interim Report was approved and is available on the [Law Society of BC's \(LSBC\) website](#)

Law firm regulation is intended, in the public interest, to create a level of responsibility separate and apart from the individual lawyer's membership in the LSBC. This initiative is in recognition that many of the policies, procedures and processes that are governed by the LSBC are administered by the firm, and the individual lawyer has little control over how those processes are managed at the firm level. It also follows similar programs now in place in other jurisdictions within Canada. In BC, law firm regulation is focusing on eight key elements that, in most cases, fall under the purview of the firm:

- effective management (including training, mentoring and qualified staffing)
- respectful client relations (including a client complaint process)
- confidentiality
- conflicts of interest
- file and records management (including closed files and destruction of paper and electronic data)
- setting appropriate fees and disbursements
- responsible financial management
- providing a safe and respectful workplace

The LSBC is cognizant that the impact of these regulations will be very different for solo and small firms than it will be for large regional and international firms. As such, they are not interested in mandating solutions, but wish to create a framework that will allow each firm to craft its own method of compliance. At this time, the Task Force has not made any decision about monitoring or enforcement of the regulations. Both the rollout date and the transition period have yet to be determined.

In order to flesh out some of those details, the Task Force is conducting focus group sessions within the legal community. As part of those efforts, a delegation from BCLMA attended a meeting on March 9, 2017. In attendance were BCLMA Directors Leslie Morgan (Harper Grey LLP) and Leslie Green (DuMoulin Black LLP), along with Members Carina Bittel (COO of Clark Wilson LLP) and Tim Wurtz (Administrator of Baker Newby LLP). Details were reviewed underlying each of the eight elements and included discussions about real-life issues that may arise as well as the resources that will be required. One of the concerns expressed was the overlap between the eight elements and existing items on the annual Trust Report. Overall, the meeting was constructive and left BCLMA attendees with the sense that the LSBC is committed to its "light touch" approach to firm regulation. In other words, they want to ensure that firms have addressed the eight elements in a way that fits with each firm's resources and culture.

The BCLMA Board will continue to monitor this issue, and will work with the Association's subsections and members to provide support as law firm regulation becomes a reality.

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Updates to the BC Human Rights Code: Gender Identity and Gender Expression

by Preston Parsons, Associate at Overholt Law

Last Fall, the British Columbia Government amended the BC Human Rights Code, RSBC 1996, c. 2010 (the “Code”) to expressly add “gender identity” and “gender expression” as protected grounds in several areas, including employment.

For many years the BC Government disagreed that these amendments were needed. To a degree, they were correct. The existing grounds of “sex”, “sexual orientation”, and “disability” have at various times in human rights jurisprudence been used to establish claims of discrimination on the basis of what was truly described as gender identity or gender expression. The BC Government took the position that amending the Code to include express mention of these grounds was therefore unnecessary.

However, in the same way that some people think pregnancy is not covered under the Code because “pregnancy” is not mentioned – instead “sex” is mentioned – many people including advocates on behalf of the transgender community have argued that express inclusion in the Code was necessary in order

for transgender people to believe that they are in fact protected and recognized by the law, as well as to educate employers, service providers and the public generally that discrimination in these areas is unacceptable.

How is each ground defined? The BC Human Rights Tribunal website provides the following definitions of each ground.

Gender expression is how a person presents their gender. This can include behaviour and appearance, including dress, hair, make-up, body language and voice. This can also include name and pronoun, such as he, she or they. How a person presents their gender may not necessarily reflect their gender identity.

Gender identity is a person’s sense of themselves as male, female, both, in between or

neither. It includes people who identify as transgender. Gender identity may be different or the same as the sex a person is assigned at birth.

With these amendments, BC joins Alberta, Newfoundland & Labrador, Nova Scotia, Ontario and Prince Edward Island in expressly recognizing both grounds in provincial human rights legislation. Manitoba, the Northwest Territories and Saskatchewan have express protection for “gender identity” only.

Federally, Bill C-16 is currently held up in the Senate. If passed, it would add both grounds to the Canadian Human Rights Act.



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

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