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Canada's Anti-Spam Legislation: No more July 1, 2017 deadline. Now What?

by Lisa Dawson, Director, Operations at LJD Management, & Gwen Pengelly, Director, Marketing & Client Development, Harper Grey LLP

CASL is a complex Act. We recommend BCLMA members read through the provided reference resources below and discuss with your lawyers to ensure full preparedness. This is not legal advice, but we do hope to provide thoughtful guidance in your efforts to understand and implement best practices for successful results.

On February 27, 2017, BCLMA held a subsection meeting with Gwen Pengelly, Marketing Director with Harper Grey LLP, generously lending her time to guide us through CASL: Background to Breaking Ground key points. Originally, this article was to meant to be a reminder of the "private right to action", scheduled to be effective July 1, 2017 (where plaintiffs can claim both compensatory damages as well as prescribed statutory damages directly to the organization that imposed the alleged SPAM). Under the private

right of action, organizations (as well as their officers, directors and agents) could be sued where someone claims to have been "affected" by an act or omission that violates CASL.

However, as of June 6, 2017 the Canadian Federal Government suspended the CASL Private Right of Action (PRA) provision of Canada's Anti-Spam Law (CASL) and it will not take effect as scheduled on July 1, 2017. CASL is still in force and will be strictly enforced.

Key Takeaways from the BCLMA meeting at Harper Grey LLP:

1. Timeline for CASL has already been building to this point for 2 years. If you haven't already notified your clients, you will need to use snail mail to those not exempt as the timeline has passed for the electronic notice. Including consent in your retainer agreement is an excellent idea for new clients.
2. The key is finding out where your firm is at as far as obtaining consent (know your exempt, partially exempt, implied and express consent categories of contacts and clients).
3. Know where your firm is issuing CEMs or plans to be issuing CEMS - identify the messages.
4. Ensure compliance with collection and

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Who We Are

The BCLMA, founded in 1972, is a non-profit organization with 174 Firm Representatives and 315 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

retention of all methods and proof of consent, keeping all withdrawals of consent.

5. Know your time limitations: You only have two years from the time of implied consent to get express consent.
6. Training or “making everyone in your firm aware” of CASL and the ramifications is mandatory. Keep proof.
7. All-important references:
 - a. CMA Resources:
 - b. Details on the two main enforcement actions that have been in the limelight are telling examples of the enforcement already in place.
 - c. FAQS.
 - d. DLA PIPER.
 - e. CRTC. There are Infographics to help firms determine:
 - › What is a CEM?
 - › Is existing express consent valid?
 - › Express consent vs implied consent?
 - › Do you know your responsibility when managing consent?

Many email service providers (for example, [MailChimp](#)) and other electronic messaging outsource partners have created checklists and even business statements (such as: <http://www.arpentage.com/casl-en.html>) of key things firms should be doing to prepare, including:

1. Become familiar with CASL’s requirements.
2. Inventory your current digital marketing programs.
3. Review data collection locations.
4. Audit existing database and group like consents.
5. Update CEM templates with prescribed information requirements and create the capability for an unsubscribe feature (preference centre if necessary).
6. Build programs and database capabilities to update consents and identify types of consents moving forward.
7. Develop a standard of proof of consent and retain relevant records.
8. Review and, as necessary, put in place contacts with outsource partners and affiliates in cases of “list renting”.
9. Develop new policies and procedures around CEM deployment.
10. Train all staff re: CASL – even a single CEM sent without consent could be an infraction!

New Member Firms and their Representative

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Anita Parke, **Thorsteinssons LLP**, Vancouver



Anita Parke started in the legal industry over 20 years ago as a Legal Assistant. During her career she worked as a Paralegal, a Human Resources Manager and a Director before retiring from Thorsteinssons LLP on June 30, 2017. Anita joined the BCLMA Board as a director in 2011 and served as President in 2013 – 2014. On behalf of the members and the Board of Directors we would like to thank Anita for her years of support and commitment to the BCLMA.

Law Firm Marketers, Law Firm CASL Committees, and Law Firm Risk Managers should continue to heed the provisions which remain in force and will be enforced by the CRTC and other regulators. They should also develop corporate compliance programs, which may help facilitate compliance, reduce the likelihood of violating CASL, and help your firm establish a due diligence defense in relation to a violation prescribed by CASL.



With over 20 years of law firm experience, Lisa Dawson is the Director, Operations at LJD Management. Targeting small to mid-size law firms, Lisa works with stakeholders to improve their operations at all levels. Check out her LinkedIn page: <https://www.linkedin.com/in/ljdmanagement>



Gwen Pengelly is Director of Marketing and Client Development with Harper Grey LLP. She is the current chair of the reinstated Marketing Subsection of the BCLMA.

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 1000 words. All submissions will be subject to review by the editorial board.

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Redesigning Law Offices to Accommodate the Future

By Barbara Dunn, Principal and Studio Leader, Gensler Los Angeles

The practice of law has undergone a fundamental transformation since 2008, to a market that is now cost conscious and value focused and that places a growing emphasis on teamwork, technology and innovation. Firms are therefore facing rapidly changing influences and the fundamental re-engineering of how legal work will be done. These changes impact how law firms are designing their futures.

Here at Gensler, an integrated architecture, design, planning and consulting firm, we see design as one of the most powerful strategic tools for firms to secure lasting competitive advantage. We have designed more than 3,000 law firms—and learn something new from every one of them.

Based on our firm's research, we are aware that our legal clients have two primary focuses: (1) to improve real estate efficiency to stay lean and cost competitive, and (2) to attract talent and accommodate new ways of working. As a result we anticipate the law office of the future to be smaller, more flexible, more collaborative, more client focused and more technology enabled, employing workplace qualities many associate with business or management consulting firms today. Yet we also know that lawyers will continue to have workplace needs specific to their profession. An exploration of progressive workplace strategies through the lens of legal work today is necessary to create future work environments that continue to support legal work while adapting to new realities of the profession and market.

Cost continues to be an issue for all firms. Law firms are reluctant to change, waiting for others to prove that new attitudes and approaches to space will succeed. Recently several firms have implemented more progressive, technology-enabled workplace strategies that improve efficiency while enhancing the firms' ability to attract, retain and support talent. Since real estate costs are a law firm's highest expense after salaries, other firms will look to their workplaces for increased efficiency and savings.

Firms looking to cut real estate costs will reap the added benefit that there is an increasing recognition that the workplace can be used as a tool for engagement, recruitment and brand equity. Gensler's research has identified four key trends driving how law firms are rethinking their future space needs.

RETHINKING THE PRIVATE OFFICE

Due to the nature of their work, lawyers need more focus time than any other industry. Gensler has conducted several surveys to gather data on workplace performance. We engaged a group of Am Law 100 law firms

to participate in our workplace performance index survey with the goal of analyzing the data for similarities and differences between legal and other professions as well as creating a benchmark database for law firms. The data showed that attorneys report their private office is the prime location for focus and collaborative work, but many note that common areas and spaces that support a sense of community need improvement.

U.S. firms have graduated to two standardized offices: partners averaging 200 square feet and as compact as 120 square feet for associates. The emerging trend is toward a universal office size for both partners and associates, distinguished by flexible furniture solutions. Some firms are even using demountable solutions that allow them to reconfigure space. Universal office sizes and furnishings save money and real estate, allowing firms to quickly and cheaply adapt their workspaces to changing demands and ratios. They also stress functionality and collegiality over hierarchy, providing a nod to a more communal culture.

Research indicates that fewer young lawyers aspire to the partner track and this, in turn, affects the traditional quest for the corner office. In its place is a range of developing professional tracks that introduce a renewed focus on quality-of-life concerns. This is also changing the recruitment process. New hires want to know they will have engaging assignments, access to senior partners, the

best technology, the flexibility to work from different locations and the ability to balance professional and personal lives.

The design of attorney offices will need to incorporate both these generational changes and the tools needed for the new ways lawyers are working. As designers, we can configure different furniture settings and provide tools to accommodate multiple diverse work processes, from focused work that may require a closed door to a collaborative team environment that offers advanced technological capabilities. This means offices will incorporate more personal and small group video technology, whether multiple screens or shared media walls. This is particularly critical to young associates.

Using glass-fronted offices is now increasingly common in law firm build-outs. Using glass signals accessibility to partners, a focus on teamwork, transparency in firm management and sustainable practices that provide access to natural light for all employees. As firms convert internal space historically occupied by secretaries and files to house billable staff, interior office solutions will gain prominence to make more efficient uses of real

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estate. For these spaces, glass walls are a critical component to ensuring that attorneys continue to have access to daylight.

DESIGNING FOR COLLABORATION

Attorneys already spend over a quarter of their day collaborating. They value the professional interface, the social aspects and the mentoring of associates. Today's office design must strive to create environments that improve the effectiveness of collaboration both within an attorney's office and throughout the entire office.

As firms look to build their culture, network their attorneys and lend a sense of community to dispersed or mobile workers, spaces that deliberately support casual interaction will become increasingly important. These spaces support activities that build relationships and the interfirm networks necessary for long-term innovation and success. While casual, the design of these spaces must be carefully tailored to encourage active use. They are most successful when they integrate food and beverages, are open and located along primary circulation paths, and, most importantly, are endorsed and used by senior partners.

While attorneys may not be giving up their desks and offices, they are increasingly asking to work from anywhere. A recent client survey we conducted showed 66 percent of survey participants currently had the ability to work from home, and working from home ranked highest in terms of impacts to productivity. As technology allows attorneys to be increasingly mobile, will office hoteling—the practice of providing office space to attorneys on an as-needed rather than on the traditional dedicated basis—become a new approach to space?

CREATING FLEXIBLE SPACES

Finding the right balance between personal and collaborative space is paramount but, as firms evolve with changing times, this is often a moving target. Any firm that has occupied the same offices for five years or more knows that spaces that were built and customized to fit a single function are restrictive and costly to modify. Modularity, and an approach to planning that stresses flexibility, is the wave.

Modular design allows you to use the same footprint of space to initially accommodate four workstations or, in the future, to become two offices or one large meeting room. Future-proofing by prewiring for optional uses and



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demountable walls that can change space from open to closed are additional strategies. The best options may not even require physical changes. With smart planning, even a traditional office can use furniture solutions that allow easy reconfiguration as a huddle room or work room. If spaces support multiple uses, people will make them what they need to be.

Gensler's recent activity analysis data—observational studies in which groups of researchers observe the way in which space is used throughout the day—has shown that almost 70 percent of meetings have at least one virtual participant, and the trend is increasing. This has a distinct impact on the workplace. Even with an increased focus on teamwork, spaces that support virtual teaming and seamless work between locations may be as important as sites traditionally associated with collaboration.

CREATING CLIENT-FACING ZONES

Firms are looking to peers and other industries for innovative workplace strategies, and firms outside the U.S. are seen as a source

of innovation and new ideas. Increasingly offices are providing a variety of spaces to accommodate clients and visitors.

The firm's reception area is becoming much more of a hospitality zone, with the receptionist as the concierge. One West Coast firm features lounge furniture, a large format media wall and a barista in the reception area, with the option to order drinks for your client via an app on your phone. Rather than devoting the reception zone to a singular function, firms can augment the space by adding adjacent conference rooms, ideally with large panel doors that pivot or slide open for client events or all staff meetings.

Cleverly conceived amenities enhance the client experience and appeal to employees alike. Our research has found the top-rated amenities were access to a fitness center, a café-style lunchroom with windows and outdoor workspaces.

FINAL THOUGHTS

New approaches to legal workplace design can

help firms transition away from the old ways of doing business and create a sustainable model for the future. Our findings suggest that as law firms increasingly embrace alternative workplace strategies, their focus will be on those that help them maximize space efficiency while also improving the workplace experience. Building in flexibility from the start is key and allows today's work environments to adapt to and support future needs while ensuring firms get the most out of their real estate investments.



Barbara Dunn is a principal and studio leader in Gensler's Los Angeles office. For more than 30 years she has designed innovative environments for established clients in the legal, financial, entertainment and technology sectors. barbara_dunn@gensler.com

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BCLMA SUMMER SOCIAL



BCLMA's Annual Summer Social, June 8, 2017

Photos by Jesse Donaldson

BCLMA lucked out again at our annual Summer Social both inside and outside at Bridges Restaurant on June 8. The skies cleared, the temperature warmed up, and members were in high spirits.

135 Representatives, Affiliates, six honorary members (formerly known as alumni), and business partners networked while enjoying the view with a cold beverage and delicious canapés.

One of BCLMA's activities for the evening was a bottle board prize draw. Each guest selected a numbered square and, if their number was chosen, they could pick one of 20 bottle bags. The bags were not allowed to be touched prior to choosing but each one held a bottle of some variety. Some were amazing, some not so much but at least useful (i.e. pancake syrup). Luck of the Draw had Miller Thomson and Alexander Holburn members winning a majority of the prizes. AHBL won more drink related prizes while Miller Thomson won more of the "useful" bottles (i.e. barbecue sauce).

Guests were also encouraged to take part in a strolling trivia game. Correctly answering a

trivia question, a riddle or a Movie one liner entered you to win one of three fabulous prizes including gift certificates to Top Table Restaurants, Pacific Centre and Absolute Spa, courtesy of BCLMA.

BCLMA is very grateful to our Business Partners who support and sponsor this fabulous event, as well as donating generous prizes.

Congratulations to all of our winners!

PLATINUM SPONSORS

- Arlyn Recruiting - Coach Purse won by Sarah, Singleton Urquhart
- Dye & Durham - Gift card for the Dirty Apron Cooking School for a 2.5 hour demo, four course meal and wine for two, and a cookbook won by George, AHBL
- Shaw Sabey - A wine package won by Dirk, Lindsay Kenney

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- RICOH - weather proof, active camera won by Kerri, Harper Grey
- WORLDOX - Starbucks gift card, won by Jillian, AHBL

CONTRIBUTOR SPONSORS

- HUB International - 12 year old Scotch, won by Tammey, AHBL
- Impact Recruiting - Cactus Gift Card won by Monique, Harper Grey
- LexisNexis - Unable to attend

Speaking of contests, our recent contest encouraged members to follow BCLMA's LinkedIn page for a chance to win a restaurant gift certificate. As a result BCLMA now has 100 more followers and Patti of Intact Insurance is taking a friend or two to the Cactus Club.

Check us out on Instagram @bclma. Follow us on LinkedIn and Twitter @BCLMA.

BCLMA SUMMER SOCIAL



A



B



C



D



E

- A. Members gathering around the impressive array of sushi in the middle of the room.
- B. Tech colleagues Ken (RBS) and Rob (Boughton Law) meet up.
- C. Lin & Naomi (Clark Wilson) took to the patio once the skies cleared.
- D. The Miller Thomson Crew - Nick (National Director of Administration – new member), Margaret, Stella, Mychele (new member) and Hazki (new member).
- E. Dan (PLLr Lawyers) participates in the strolling Trivia game led by our two volunteers.

BCLMA SUMMER SOCIAL



F. The Bottle Board! 140 squares to choose from – who will go home with a bottle? And of what?

G. Haki's (Miller Thomson) number was called - she choose a random bottle bag from a group of 20.

H. A small part of BLG's group attending the social includes Bria (HR), Keith (Facilities Co-Chair) and Catharine (Past BCLMA Director).

I. Dan (PLLR), Dorothy (MOI) George (AHBL) smile for the camera.

J. Aelita (Blakes) & Leanna (AHBL) enjoy the sunshine.

K. Singleton's newest affiliate members, Lisa (KM & Tech) and Joanne (Marketing) - first timers at the Summer Social!

BCLMA SUMMER SOCIAL



L. Scarlett & Erica (AHBL) and Nina (Hammerberg Lawyers) get a chance to socialize outside of an HR Subsection Meeting



M. Kerri (Harper Grey) meets new member Erika (Kazlaw)



N. Fenny (Harper Grey) and Dorothy (MOI)



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Taking Advantage of Your Firm’s Generation Gap

by Preston Parsons, Associate at Overholt Law

Every firm loves bringing new members on the team. Nowhere is this more evident than when a firm brings on a new summer student, articling student, or junior associate. Cue the initiation rite of grueling hours and student skits: “It is time to break in the rookies! After all, it happened to me!”

Having a new workhorse in the field is undoubtedly awesome. They have energy, enthusiasm, a desire to learn, a professional instinct to reach for success and a competitive drive to achieve it. There is a gap between law school theory and law firm practice and the only way a student or new lawyer will close that gap is through hard work and perseverance over time. It is a difficult profession with intimidating standards of perfection.

Consider these questions though: regardless of how firms typically use students and

new associates, what is the best way for us to maximize the value of our new hires? Is simply working new students and associates to the bone on legal work the best way to maximize their value to the firm? Are there other ways that they can add value?

Engaging younger members of the firm for tasks other than extensive legal research and memo writing may pay dividends far beyond what you think, particularly in solo or small firm environments. One area where this could ring quite true is with respect to emerging legal technology.

Technological innovation today is rapidly accelerating. In the seven years since I graduated law school, considerable new technology has hit the legal market. In many ways, this new software has the potential to streamline areas of practice – often monotonous areas – freeing up revenue generators in your firm to focus on both doing the work they actually went to law school for and spending time on more value-added tasks for clients. In an era where improving access to justice remains a hot topic, these innovations may help your firm serve more clients, serve your existing clients better, and increase enjoyment in the practice of law.

One untapped way for your firm to reap real advantage from the incoming generation of students and new associates is to seek out and harness their technological acumen as

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much as their legal smarts. Consider screening new hires not only for their law school grades, but also their knowledge of cutting edge new legal technology. Move to the top of the pile not only those who have both, but those who understand the implications of that new technology. Hire those who not only have both and understand the implications of that new technology, but those who have the business knowledge and background to dream up new ways to use it – or build off of it – to the firm’s advantage. Take my word on this point: if you don’t hire the latter, they are certain to start their own firms and compete with you!

Many young lawyers that I speak to have a wealth of ideas about how to improve the operations of their firms or about new potential opportunities for their firms to target, but they are rarely asked for input and in some cases, their input is discouraged. In my view, firms often miss out on a true untapped resource here, particularly given the extraordinary combination of education and life experience many law graduates now bring to the practice. Sometimes their ideas are small – such as simple ways to streamline overhead – and sometimes they are transformative – such as an idea to create an “app” to enhance client service in a particular practice area. At the very least, their queries about why things are being done the way they are can lead the firm to a healthy level of self-reflection and disrupt the routine of merely doing things because it is the way they have always been done.

After all, many clients are outsiders to the world of law and law firms too. Are the perceptions and expectations of a new summer or articling student coming into your firm for the first time much different from the perceptions and expectations of a first time client today? Food for thought.



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.

SAVE THE DATE

BCLMA Educational Presentation

Gray Area Thinking - Inclusivity Training.

Guest Speaker: Ellen Krug

Wednesday, October 4, 2017, 11:45 am – 2:00 pm

Terminal City Club

Managing Partners Event

Law Firms in Transition 2017 / Trends in the Profession, based on Altman

Wei's 2017 Law Firms in Transition Survey

Guest Speaker: Eric A. Seeger

Wednesday, November 1, 2017, 11:30 am – 1:30 pm

Terminal City Club

BCLMA Annual Winter Social

Thursday, November 23, 2017, 5:15 pm – 9:00 pm

Terminal City Club

BCLMA 2018 Conference

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BCLMA Upcoming Survey Schedule

Support Staff Compensation Survey & Charge-Out Rate Survey

Distribution: September 1, 2017 – Publication: November 1, 2017

Small & Medium Firm Administrator's Salary Survey

Distribution: September 10, 2017 – Publication: November 10, 2017

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

For more information and to register for events visit www.bclma.org

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The Road to a Paperless Office

by Gary J. Carter, Administrator, Paine Edmonds LLP and Thom Parker, Chief Executive Officer, WindJack Solutions, Inc.

The push for law offices to go paperless is driven by several major factors: the courts use of e-filing, e-discovery, e-trials and the need for law firms to reduce the cost of printing and storing paper for many years. In addition, there is an increasing demand by our lawyers and staff to access, search, collaborate and work on their documents from any location. A key component for accomplishing this task is the use of searchable PDF documents.

The Supreme Court of British Columbia has adopted PDF as the format for e-filing and the delivery of documents between parties. The Land Title and Survey Authority of British Columbia (LTSA) requires that all documents must be e-filed in PDF format, using Adobe Acrobat XI or DC.

The road to a paperless, or less paper, office is an involved and lengthy process requiring a great deal of planning, preparation as well as the development of document production and processing procedures. It also requires a significant investment in lawyer and staff training; hardware such as scanners; and additional server storage space. However, the benefits derived from savings in storage costs, increased productivity and remote access present a strong case for firms moving to a less paper model. This article will discuss the benefits of using just one of the many time saving tools available to Adobe Acrobat PDF users in a paperless law office.

The Dynamic Auto-Incrementing (DA) Exhibit Stamp allows Acrobat users to quickly add, remove and renumber affidavit exhibit

stamps during the process of developing and finalizing an affidavit. The advantages of using the DA Exhibit Stamp in place of the old ink stamp are quickly obvious to anyone who has ever drafted a lengthy affidavit with multiple exhibits.

The BC version of the DA Exhibit Stamp was developed by WindJack Solutions, Inc. in consultation with Gary Carter at GR Office Services. The stamp has been tested and used at Paine Edmonds LLP since January 2017. The feedback from the staff and lawyers at Paine Edmonds, and particularly the family law department, has been very positive. It has significantly reduced the time and frustration associated with producing lengthy affidavits with multiple exhibits. This process frequently involves multiple drafts, which often includes the addition of exhibits and changes to the order of the exhibits in the affidavit. An example of the DA Exhibit Stamp is shown below.

In addition to the auto-incrementing feature, the DA Exhibit Stamp reduces text entry time by remembering the City, Name of the

Deponent and Date of the affidavit, which are inserted as fields into the exhibit stamp.

The DA Exhibit Stamp eliminates the need to print the exhibits before compiling the affidavit. The user simply opens the exhibit(s) in either Adobe Acrobat or Reader, selects the DA Exhibit Stamp from the stamp menu, completes the initialization fields and then presses the OK button. The user then chooses where to place the stamp on the exhibit. The stamp can be moved and resized or removed from the document and a newly initialized stamp added to the exhibit. In addition, the stamp appears on the document as a transparent graphic, which allows the underlying text to show through the stamp, as it would with a standard ink stamp.

Once the draft affidavit is finalized and approved by the lawyer, the entire package including the affidavit and completed exhibit stamps is printed and ready to be signed by the Commissioner for taking Oaths. The DA Exhibit Stamp is very easy and convenient to use. Several of the lawyers at Paine Edmonds are now finalizing their own affidavits and applying the DA Exhibit Stamps on their own, freeing up their assistants to do other tasks.

The feedback from both lawyers and staff has been very positive. One of the young lawyers remarked that she “loved the new Acrobat exhibit stamp” adding “it’s great, but why didn’t you think of this before?”.

PDF documents are the legal industry standard for filing and exchanging documents. The combination of the PDF format, the extensive functionality of Acrobat, and the power of the JavaScript programming language allows for the creation of powerful PDF documents and tools. This enables us to provide solutions for automating numerous processes in Acrobat, and the development of complex interactive PDF forms and automation tools. These include tools for document assembly, search tools, bates numbering, multi-step processes for document assembly, large document navigation tools and much more.

The paperless law office encompasses the integration of a number of technologies including the use of custom dynamic PDF stamps, searchable and smart PDF forms and documents, scanning, OCR, Server and NAS storage solutions, document management software and network search engines. The successful conversion to a paperless law office requires a change in the mindset of the firm's partners, lawyers and staff. It also requires a significant investment in developing systems, procedures and a great deal of training.

Eventually, all law firms will operate in a primarily paperless environment. As Administrators, Knowledge Management, Litigation Support and Information Technology leaders, our job is to prepare our firms for the demands these changes will require in our hardware, software, procedures and training.



Thom Parker, CEO of WindJack Solutions and publisher of www.pdfscripting.com, is recognized worldwide as an expert in developing Acrobat and PDF automation tools and scripting solutions. Thom has helped thousands of clients gain efficiencies and improve document workflows with Acrobat and the PDF platform.



Gary Carter is the Administrator and Director of IT for Paine Edmonds LLP. He also operates his own IT consulting firm, GR Office Services Ltd. Gary is a certified Paralegal and has more than 25 years of law firm IT experience. He has been a member of BCLMA (formerly VALA) since 1987 and a past BCLMA Director.

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MICHAEL WILD

How long have you been a BCLMA member?

Since 2008

Where do you work?

Owen Bird Law Corporation

Where did you vacation last?

Puerto Vallarta

Where were you raised?

Born in North Vancouver. Grew up in Cloverdale.

Your favourite wine under \$20?

Farm to Table Pinot Noir

Favourite BC day trip?

Victoria

Favourite lunch spot?

Vancouver Art Gallery

Favourite restaurant?

Amici Mieì

Latest movie you saw?

A Bigger Splash

Favourite movie?

Bridge on the River Kwai

What's a must-read book?

Paris 1919

How do you spend your spare time?

Amass more spare time

What's surprising about you?

I'm a political junkie

What movie title describes your life?

Dog Day Afternoon

MEMBER SNAPSHOTS



BARBARA SMEYSTERS

How long have you been a BCLMA member?

5 years

Where do you work?

Kuhn LLP

Where did you vacation last?

Carlsbad, California

Where were you raised?

Born in Toronto, grew up Squamish and Cloverdale

Have you lived abroad? Where and how long?

Yes, in Italy when I was 7 years old. We lived there for 1 year. I attended the same school that my dad and his siblings attended

Your favourite wine under \$20?

White Zinfandel- Beringer

Favourite BC day trip?

Vancouver city. Bike ride the seawall

Favourite lunch spot?

Original Joes or Greek Islands

Favourite restaurant?

Bridges

Favourite movie?

My Big Fat Greek Wedding

How do you spend your spare time?

Golf with my husband, spend time with my family and friends.

What's surprising about you?

I have a fear of heights. No bungee jumping for me!

What movie title describes your life?

Enjoy your life!

What do you most enjoy about working in the legal industry?

I love the firm I work for. The best team ever.



Why You Really Need to Stop Using Public Wi-Fi

By Luke Bencie, Managing Director, Security Management International

In today's busy world, convenience seems to outweigh consequence, especially with how people use their mobile devices. Using free public Wi-Fi networks, for example, comes with any number of serious security risks, yet surveys show that the overwhelming majority of Americans do it anyway. In a study done by privatewifi.com, whopping 75% of people admitted to connecting to their personal email while on public Wi-Fi.

It isn't hard to see that a few moments of online convenience are far outweighed by having your money or financial information stolen, or by suffering the embarrassment of your personal information being publicly released. According to a recent opinion poll, more people are leery of public Wi-Fi networks than of public toilet seats (a promising sign). But an interesting experiment, conducted at the 2016 Republican and Democratic National Conventions, showed attendees' true colors. At each convention, private entities provided visitors with free public Wi-Fi networks (for social science purposes). Around 70% of people connected to the insecure Wi-Fi networks at both conferences.

Security consultants often find that sex can be an attention-grabbing metaphor to get a client's attention. When we lecture businesspeople about cyber-security, we compare the dangers of using public Wi-Fi to the risks of having unprotected sex. In both cases, not taking the necessary precautions can lead to lasting harm. For mobile devices, the harm is digital: the theft of your personal data, such as passwords, financial information, or private pictures or videos. You're rolling the dice every time you log on to a free network in a coffee shop, hotel lobby, or airport lounge.

Think the problem is being exaggerated, or that cyber-theft only happens to large

corporations? Consider that over half of the adults in the U.S. have their personal information exposed to hackers each year. Furthermore, Verizon's annual Data Breach Investigation report found that 89% of all cyber-attacks involved financial or espionage motives, leading former FBI Director James Comey to make the statement, "The Internet is the most dangerous parking lot imaginable."

There are dozens of online tutorials showing hackers how to compromise public Wi-Fi, some of them with millions of views. The most common method of attack is known as "Man in the Middle." In this simple technique, traffic is intercepted between a user's device and the destination by making the victim's device think the hacker's machine is the access point to the internet. A similar - albeit more sinister - method is called the "Evil Twin." Here's how it works: You log on to the free Wi-Fi in your hotel room, thinking you're joining the hotel's network. But somewhere nearby, a hacker is boosting a stronger Wi-Fi signal off of their laptop, tricking you into using it by labeling it with

the hotel's name. Trying to save a few bucks and recognizing the name of the hotel, you innocently connect to the hacker's network. As you surf the web or do your online banking, all your activity is being monitored by this stranger.

Still not convinced of the risks? Here's a story that should worry business travelers in particular. In 2014, experts from Kaspersky Lab uncovered a very sophisticated hacking campaign called "Dark Hotel." Operating for more than seven years and believed to be a sophisticated economic espionage campaign by an unknown country, Dark Hotel targeted CEOs, government agencies, U.S. executives, NGOs, and other high-value targets while they were in Asia. When executives connected to their luxury hotel's Wi-Fi network and downloaded what they believed were regular software updates, their devices were infected with malware. This malware could sit inactive and undetected for several months before being remotely accessed to obtain sensitive information on that device.

What is the best way to protect yourself against these kinds of Wi-Fi threats? Although antivirus protection and firewalls are essential methods of cyber-defense, they are useless against hackers on unsecured Wi-Fi networks. Consider the following seven security tips to keep prying eyes out of your devices:

- Don't use public Wi-Fi to shop online, log in to your financial institution, or access other sensitive sites – ever!
- Use a Virtual Private Network (VPN), creating a network-within-network solution, to keep everything you do encrypted
- Implement two-factor authentication when logging into sensitive sites, so even if malicious individuals have the passwords to your bank, social media, or email, they won't be able to log in
- Only visit websites with HTTPS encryption when in public places, as opposed to the lesser-protected HTTP URL addresses
- Turn off the automatic Wi-Fi connectivity feature on your cellphone, so it won't automatically seek out hotspots
- Monitor your Bluetooth connection when in public places to ensure others are not intercepting your transfer of data
- Buy an unlimited data plan for your device and stop using public Wi-Fi altogether



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BCLMA Vendor Appreciation Reception Event

On May 4th, the BCLMA hosted a Vendor Appreciation Reception at the Commodore Lanes. The event allowed the Board of Directors to demonstrate how much we value our vendors' assistance in fulfilling the BCLMA's annual agenda. It also allowed us to personally thank each and every one of them for their involvement and generous support.

Approximately 30 BCLMA firm administrators and managers, as well as 25 vendors representing companies who frequently support the BCLMA, enjoyed networking in this classic 1932 venue. Food and drink were plentiful and the lounge area was abuzz with conversation. Conversation was such a draw that it proved somewhat difficult to get the group to go to their assigned bowling lane.

While we thank our vendors at every event they sponsor, this was an event specifically in their honour in a fun and relaxed setting. Our focus was on the sponsors, not on each other.

On behalf of the Board of Directors and association members, BCLMA Director and 2018 Conference Chair, Leslie Green, thanked the vendors for their dedication to the BCLMA. "We feel very appreciative of all our supporters, whether they help us offer an educational event, host a social occasion, contribute to or advertise in our newsletter, or sponsor and attend our bi-annual conference," said Green. "We couldn't offer our members our multitude of high-calibre events without your support and we are truly grateful."

Prizes were awarded for stellar bowlers and some not so stellar:

- Best overall score
- Most strikes
- Never having a strike (name drawn from a pool of names)
- Best dressed bowler
- High scoring team
- Low scoring team

The more you take your chances with a free network connection, the greater the likelihood that you will suffer some type of security breach. There is a saying in the cyber-security industry that there are three types of people in the world: those who have been hacked, those who will be hacked, and those who are being hacked right now and just don't know it yet. The better you protect yourself, the greater your chances of minimizing the potential damage. Remember, falling victim to public Wi-Fi's vulnerabilities is a question of when, not if.



Luke Bencie is a global security consultant who has traveled to more than 100 countries on behalf of his clients. He serves as the Managing Director of Security Management International and is the author of the

books Among Enemies: Counter-Espionage for the Business Traveler, Global Security Consulting: How to Build a Thriving International Practice, and The Clandestine Consultant: Kings, Sheiks, Warlords and Dictators. He can be reached at lbencie@smiconsultancy.com



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B.C. Law Society says Lawyers' Devices Should Be Free from Border Searches

by Amanda Jerome, Digital Reporter. This article was originally published by *The Lawyer's Daily*

Herman Van Ommen, president of the Law Society of British Columbia, sent a letter to federal ministers this week voicing his concern about lawyers' electronic devices being searched at the Canadian border.

The letter, addressed to Jody Wilson-Raybould, minister of Justice and attorney general of Canada, and Ralph Goodale, minister of Public Safety, said the law society understands the authority on which electronic device searches is based is in s. 99 of the Customs Act. However, the law society points out, that "section does not specifically authorize access to privileged goods or documents."

"In my letter I urge them to ensure that the Canada Border Services Agency amend its internal documents to clarify instructions to border agents. Specifically, these agents must be advised that data on a lawyer's electronic devices are subject to protections guaranteed by the Charter of Rights and Freedoms," said Van Ommen, adding that the letter is an initiative that arose from the law society's Rule of Law Advisory Committee.

The law society believes that a lawyer's electronic device, which could contain private information pertaining to clients, should be protected from searches in order to maintain solicitor-client privilege.

"Solicitor-client privilege is a fundamental principle of justice and a civil right of supreme importance in Canadian law," said Van Ommen. "It is a right that all clients have when they consult a lawyer. Lawyers today conduct a substantial part of their business via mobile phones, laptops and other portable electronic devices. As I mention in my letter, the law society is of the opinion that a lawyer's electronic device might be legally considered a 'law office,' and therefore must be subject to the same guarantees of solicitor/client privilege as all other files and correspondence."

Van Ommen said the law society had heard reports of electronic device searches at the border and saw it as an opportunity to speak out on an "important issue that affects the public interest in the administration of justice."

Zaynah Marani, a Toronto-based lawyer with an expertise in immigration, said while there are generally reduced expectations of privacy at the border, CBSA policy has stated that such searches should not be routine, and

should only be conducted if "evidence of contraventions may be found on the digital device or media." And because CBSA officers have so much discretion, failure to allow them to conduct such a search could hinder one's ability to travel.

"It would be difficult to fully exempt someone from being subject to a search as a result of their profession," said Marani. "However, the policies between the Canada Border Services Agency and the law society should be aligned, so that if a lawyer is subject to a search at the border, they are still able to maintain solicitor-client privilege. Perhaps this could mean that a lawyer can be searched for personal purposes, but not for the purpose of finding information related to clients."



Amanda has worked as a freelance journalist for a number of years in Toronto, Ontario, but her stories have appeared in publications all over the world. Her writing has been featured in the *National Post*, *Yahoo Canada News*, *Metroland Media* outlets, and *Praxis English*. Covering everything from features to finance, Amanda draws from a wide range of interests to inform her reporting. Her writing background also includes corporate communications as she worked in the Faculty of Medicine at the University of Toronto for five years as a communications liaison.



R. JOHNSON

MEMBER SNAPSHOTS



CHERYL SCOTT

How long have you been a BCLMA member?

Since 2006

Where do you work?

Campbell, Burton & McMullan, LLP (CBM Lawyers)

Where did you vacation last?

Ixtapa, Mexico

Where were you raised?

I was born in Trail, B.C. and grew up in Vernon, B.C.

Your favourite wine under \$20?

La Ponderosa. A Syrah from Chile.

Favourite BC day trip?

Widgeon Falls. You canoe across Pitt Lake and hike up to the falls. Beautiful.

Favourite lunch spot?

Ban Chok Dee Thai. In Langley

Favourite restaurant?

Rodney's Oyster House, in Yaletown

Favourite movie?

My favorite movie is *The Holiday* with Cameron Diaz & Kate Winslet. I've watched it at least 12 times.

What's a must-read book?

I just read a thriller by Clare Mackintosh. It's called *I See You*. It has you guessing to the very end.

How do you spend your spare time?

Cook. Appetizers and finger foods are my favorite to create. Much to the enjoyment of my friends.

What's surprising about you?

Before working in Law Firms I was a hair stylist. I can roll a mean perm.

What movie title describes your life?

The Peaceful Warrior

What do you most enjoy about working in the legal industry?

The amount of knowledge and brain power under one roof has always been impressive to me.

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