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Leadership and Mindset

by Lisa Dawson, certified Personality Dimensions Facilitator and Operations Advisor

2016 has been, for me, a year of discovering great leaders who have no leadership title (receptionist, docket clerk, office services) but who are revered in their law firm as “someone to listen to”, “we can’t do without” and “who add value to our culture”. I have also been meeting people in titled leadership roles (managers, senior partners, equity associates) who, sadly, do not have a positive, guiding influence on their firm.

I want to be clear that leadership is not a position but a mindset. A receptionist can have a leadership mindset about their role and responsibilities or they can just wait to be told what to do and when and how.

A senior partner can have a leadership mindset or stay in a reactionary mode waiting for things to change or get better. Leadership is about leading, not waiting. While leadership can have management responsibilities, real

leadership is about a personal vision to excel regardless of roles or responsibilities.

Think about these few things when it comes to leading as a function of your position – whatever it is.

PURPOSE

The purpose of any law firm is to serve its clients. As a business it needs to be profitable but if service to your own members,

your clients or your business partners is sub-standard, so will be your profitability. Every employee should, in some way, contribute to this ultimate and higher purpose. Personal agendas or practice area focused demands are not doing the firm and or the firm’s clients any service.

RESPONSIBILITY

You are responsible to people, not for them. This applies to all relationships – clients, employees, friends and family. Essentially, it means that you, as a leader, are responsible to offer or give kindness, understanding, compassion, friendship, support and guidance, etc., however, you are not responsible for what people do, how they react, their decisions or behaviour. Leadership brings opinions, suggestions and guidance, etc., to the other person but it is their responsibility to

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Who We Are

The BCLMA, founded in 1972, is a non-profit organization with 166 Firm Representatives and 305 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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either use or accept these or not. You are not responsible for the actions, behaviours or attitudes of others or the consequences of these but having insight to the dimensions of behaviours goes a long way to best encourage the actions and attitudes your firm wishes to see.

COOPERATION

Being “cooperative” does not mean agreeing to everyone’s whim. Successful cooperation involves understanding that your ideas, views and opinions are not better or worse than someone else’s - they are just different. Cooperation implies there is a willingness and openness to change or accept new or different ideas or approaches. Conflict generally occurs when people are stuck in their views or opinions with the irrational belief that they are right and others are wrong. Having a deeper understanding of your own temperament and how that can be successful or challenging with other temperaments that exist, is key insight to effective cooperation.

CONNECTION

What happens when the human connection is not working? When lawyers and support staff in a law firm fail to maintain positive connections with the people they work closely with or even people that they are only involved with periodically, productivity and the desired results tend to suffer. Positive connections are grounded in mutual goals, desires, needs and healthy, “face to face” communications. Think about how technology might cause a challenge in coming “face to face”. Think about what successful activities your firm’s culture uses to help people to connect with one another.

VISION

If your firm’s people fail to see beyond their present challenges, circumstances, successes or even failures they will tend to remain stuck in mindsets that will limit what can be created and developed in the future. The role of every employee is to bring vision to their roles and responsibilities from the docket clerk to the CEO. Partners typically, have the responsibility to define that high level vision for others to be leaders in their roles.

COMPASSION

No firm is without its fair share of adversity, challenges or failure. Law firms celebrate their wins in court and their achievements by lawyers who are noted as Q.C. Also law firms suffer disappointments in losing a large client to another firm or frustrations with staff that

WELCOME & KUDOS

New Member Firms and their Representative

Cassandra Xuereb, **Coutts Pulver Crawford LLP**, Vancouver
Daryl Brown, **Daryl Brown & Associates**, Burnaby
Farouk Jiwa, **Jiwa Law Corporation**, Vancouver
Jacqui Markle, **Osborne Cane**, Vancouver

New Representatives for Existing Member Firms

Erin Beaudoin, **Embarkation Law Corporation**, Vancouver
Maria Garrone, **Gudmundseth Mickelson LLP**, Vancouver
Bibi Bijsterveld, **Legacy Tax & Trust Lawyers**, Vancouver
Daniel Chow, **Maclean Law**, Vancouver
Stacy Feng, **Koffman Kalef LLP**, Vancouver

Facilities

Karen Chiasson, **Thorsteinssons LLP**, Vancouver
Jacqueline Morrison, **Camp Fiorante Matthews Mogerma LLP**, Vancouver
Shareena Krishnan, **Camp Fiorante Matthews Mogerma LLP**, Vancouver
Melissa Tapia-Liebowitz, **Camp Fiorante Matthews Mogerma LLP**, Vancouver
Sheena Bong, **DLA Piper (Canada) LLP**, Vancouver

Finance

Hamish Clark, **Alexander Holburn LLP**, Vancouver
James Cairns, **DLA Piper (Canada) LLP**, Vancouver
Charlie Sham, **DLA Piper (Canada) LLP**, Vancouver
Lisa Ezaki, **Richards Buell Sutton LLP**, Vancouver

Human Resources

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Nicole Urban, **DuMoulin Boskovich LLP**, Vancouver
Fenny Suen, **Harper Grey LLP**, Vancouver
Stephanie Charlton, **Legacy Tax + Trust Lawyers**, Vancouver
Chantal Chaichian, **McMillan LLP**, Vancouver
Jeremy Howe, **Singleton Urquhart LLP**, Vancouver

Knowledge Management

Danielle Brosseau, **Harper Grey LLP**, Vancouver
Mandy Ostick, **Norton Rose Fulbright Canada LLP**, Vancouver
Christina Tribe, **Norton Rose Fulbright Canada LLP**, Vancouver

Litigation Support

Susan Holm, **Richards Buell Sutton LLP**, Vancouver
Sandra Hipgrave, **Stephen Miller Law Corporation**, Surrey
Joanne Hung, **Camp Fiorante Matthews Mogerma LLP**, Vancouver
Elodie Bouthors, **Dentons Canada LLP**, Vancouver

Marketing

Leanna Siu, **Alexander Holburn LLP**, Vancouver
Angela Bolzonello, **Fasken Martineau LLP**, Vancouver
Joanne Maguire, **Singleton Urquhart LLP**, Vancouver
Karen Chiasson, **Thorsteinssons LLP**, Vancouver

Technology

Dharam Dheensaw, **Harper Grey LLP**, Vancouver

Retired

Liisa Tella, **Harper Grey LLP**, Vancouver

are not a good fit. Dealing with situations you don't like has to be expected, anticipated and prepared for, to some degree. What everyone needs during times of adversity or challenge is a caring attitude from others whether people they work with side by side every day or only interact with from time to time.

INTEGRITY

Do you “walk the talk”? Can I trust your words? Trust and truth are staples in any relationship. If an employee for whatever reason is unable or unwilling to always come from a position of truth and/or trust, sooner or later someone will be misled, disappointed or at a minimum, frustrated. It is the responsibility of everyone in your firm to always come from a position of truth no matter how it might be perceived or heard by anyone else in the firm.

COMMUNICATION

We all communicate so this is the glue that connects all humans. Effective communication is not about just giving all of the facts or details you think that person needs. Communication is complicated because it includes human behaviour and there are so many factors that contribute to the shared messages or information. Communication is a two way process. If only one person in an exchange “gets it” then communication has not taken place.



Lisa Dawson is a certified Personality Dimensions Facilitator and is also an Operations Advisor for many other law firm business needs. Personality Dimensions is one tool for leadership development. Lisa can be contacted at LJD Management, ljdmanagement@shaw.ca, 604.341.1447, or on LinkedIn.



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PRESIDENT'S MESSAGE



President's Message

by Lorraine Burchynsky, BCLMA President

BCLMA continues to grow. We have increased our membership to a total of 466 representatives and affiliates, from 166 member firms, and 20 honorary members. We have nine subsections and four Committees. We host two educational events per year, a biennial conference, two social networking events, and dozens of informational lunch meetings put on by our subsection Chairs and Co-Chairs. We are a thriving association.

As an update, and further to my report in the Summer issue of Topics, the Board has reviewed the results of the Member Value Survey and has been busy implementing ideas in an effort to meet and fulfil our members' needs. A couple of clear messages from these results are:

- to be more inclusive:
 - keeping in mind the range of sizes of firms; and
 - recognizing the location of member firms and what we can offer to those outside of the Vancouver area.
- communicate more:
 - members want to know what their Board is doing for them.

In response, your Board offers the following:

VIDEO AVAILABLE ON OUR WEBSITE

We videotaped David Ben's *A Manager's*

Guide to Creative Problem Solving & Tricks which he presented at our Fall educational event. The video has been posted to the website under [Forums: All Members - Documents](#), for easy viewing by all our members throughout the province.

THE SOUNDING BOARD

We've added *The Sounding Board* column to Topics as a way for the Board to provide quarterly updates to its members.

2018 CONFERENCE

Plans are underway. We're exploring possible downtown venues to help provide a more accessible location for all members. The River Rock is still in the mix.

I'm very pleased to announce **Leslie Green**, our newest Director, has volunteered to be our 2018 Conference Chair.

SOCIAL MEDIA COMMITTEE

This Committee has been actively interacting with our members and business partners through social media platforms such as Twitter and Instagram. A BCLMA LinkedIn Company page has been launched where legal related articles and Topics newsletter articles will be posted, increasing the BCLMA exposure.

SURVEYS

We'll be adding a Medium Firm Administrators' salary survey to complement the Large Firm and Small Firms' Administrators' salary surveys.

WEBSITE

The Board is working on ways to provide more website content as this is a great vehicle where all members can be included.

Other changes as a result of the Member Value Survey feedback are:

WINTER SOCIAL

Member votes were split between a reception and a sit down dinner. The last two years have been a reception. This year we offered a short reception to start off the evening followed by a delicious buffet.

TOP NOTCH SPEAKERS

We've increased our budget to enable us to acquire more powerful speakers at our educational events. We will be hosting two such events this year as it's a non-conference year.

SURVEY CONFIDENTIALITY

Our Board has been very proactive in ensuring confidentiality of survey data.

It was a pleasure seeing so many members in attendance at the Winter Social at the Terminal City Club on Thursday, November 24th. I'm looking forward to our next educational event scheduled for March 1, 2017 at the Terminal City Club. I also hope to see more members attending our Annual General Meeting on Friday, April 21 at Farris LLP. We have two board positions opening this year. Please contact me if you are interested in joining the board and helping us set the future direction of the BCLMA.

If you have any ideas or feedback, please feel free to contact any of your Board members. Our goal is to provide the best possible experience for our members, and your opinion is invaluable.



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MEMBER SNAPSHOTS



GWEN PENGELLY

When did you join BCLMA?

Since late 2014

Where do you work?

Harper Grey LLP

Where did you last vacation?

Annual trip to Portland, Oregon to attend their amazing and inspirational collectibles show.

Where were you raised?

Born and raised in Victoria.

Favourite BC day trip?

Tofino - closest thing to heaven on earth.

Favourite lunch spot?

Yew - its my version of "Cheers" where everyone knows my name!

Favourite restaurant?

Blue Water Cafe in Yaletown.

What's surprising about you?

I had my first solo art gallery showing at 14 years old.

Favourite movie?

Dr. Zhivago - I saw it first in the theatre when I was very young and the beautiful cinematography always stayed with me.

What's a must-read book?

Recently finished a swedish murder mystery series by Lars Kepler

What's the best thing about working in the legal industry?

Working with smart enquiring minds.

How do you spend your spare time?

Create large multi-media art pieces that blend images with text.



The Benefits and Challenges of Hiring From Outside of the Legal Industry Firms Face a More Competitive Market Than Ever

by Michael Lymer, Chief Client Officer and President at Pursuit Search Group Inc

The legal industry is very inclusive – we all know this. Once professionals dedicate their occupations to law, they tend to remain in the legal field for the duration of their career. Conversely, in the past, it has been rare for someone outside the legal industry to enter mid-career from another industry. This is one of the big reasons why the legal industry is unique – it requires extensive specialized knowledge, skills, and a specific way of doing things.

But things are changing. Now more than ever, law firms are operating like a business, and having a “this is always how we did things in the past” approach could prevent your firm from evolving and competing in a changing landscape.

A firm’s biggest resource is its people, and all leading law firms put extensive time and resources into attracting, hiring, and retaining the best talent in the industry. Talent is one of the key differentiators in this field, but the issue is that firms are often competing for the same talent all the time. Professionals have a tendency to jump from firm to firm because companies have a tendency to look for people with years of legal experience

rather than considering new, fresh talent from outside of the industry.

Your talent acquisition strategy is vital to your firm’s growth. Due to a lack of innovation and sticking to past practices, your firm is missing out on a more diverse talent pool – one that can breathe some new life into your team.

FIRMS HAVE A TALENT MANAGEMENT GAP

This lack of innovation has also created a talent management gap, according to a Heidrick & Struggles report, *Bridging the Gap*. The report indicates that there are a number of notable gaps between a firm’s aspirations and performance. These spaces exist particularly with talent management

issues, firm strategies and people management practices, the recruitment process, and assessing and rewarding staff.

In interviewing 158 of the leading global law firms, they found that 95% see their firm as below “very good” in managing talent, only 29% say their firm is good at delivering commercial acumen, and only 19% felt their firm did a good job of developing innovation capabilities in their people.

THE SOLUTION: HIRING FROM OUTSIDE OF THE LEGAL INDUSTRY

Hiring from outside of the legal industry can help firms rectify some of their talent management shortcomings; however, very few have started to explore this path, despite its many potential benefits.

Why?

In addition to the “this is how we’ve always done it” mentality or comfort level with past experience, firms also have an ingrained belief system, culture and values. They may

have concern about outsiders being able to adapt to law culture. Even the firms that are starting to look outside the industry to hire talent are doing so with reservations.

We posed this question to our network of legal professionals, and they all responded with a similar “Yes, but...” response when asked, “Would you hire someone from outside of the industry?”

The hesitation to hire from outside is more about the industry itself than the individual.

“The Legal industry has the ‘this is the way we have always done it’ approach,” says Grace Langford, Chief Administrative Officer – Borden Ladner Gervais, LLP. “The hesitation is that the legal industry has uniqueness about it, and there is a fear that if a firm hires from outside the industry, it’s not going to be the right fit because law firms have historically operated very differently than other industries.”

When posed with the same question, Reta Coburn, Chief Operating Officer of WeirFoulds, LLP, who was actually hired from

outside the industry, had this to offer: “It’s a little bit of a qualified yes, but there are certain attributes that we would need to look for in someone from a business or corporate environment coming into the legal field. It is important that we ensure that an individual making this transition be adaptable, collaborative and consultative to set them up for success.”

THE BENEFITS OF HIRING FROM OUTSIDE THE LEGAL INDUSTRY

While many firms are slow to consider hiring from outside the industry, the companies that have hired externally have benefitted.

INNOVATION

Perhaps the biggest benefit to taking a new approach to hiring is innovation. When a firm brings in an experienced professional, you will gain access and exposure to a variety of new business tools, best practices, metrics and analytics, and the opportunity to see progressive practices implemented

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in business. "Adding these elements to your tool kit can help your firm look at things from a new perspective and focus on continuously improving", says Coburn.

A new business approach can help drive efficiency, reduce costs, improve client services and introduce new options for operations, helping to create an openness to change and build credibility.

CHALLENGES TO THE STATUS QUO

Every new hire is an opportunity to see things in a new way and challenge the status quo. "Our experience is that people often bring interesting and fresh ways of thinking and new best practices. Outside perspectives offer insight into improved ways of doing things," says Langford.

MORE DIVERSE TALENT POOL

Considering other industries significantly opens the door to a more diverse talent pool. Restricting your hiring to the legal industry alone limits your ability to hire the best talent possible.

SOLIDIFYING PARTNERSHIP BETWEEN LEGAL PROFESSIONALS AND BUSINESS LEADERS

Hiring professionals from outside the industry who have experience with marketing, technology and business operations, allows lawyers to focus on what they do best, practice law.

"Time is my inventory," says Robert Thornton, a founding partner at Thornton Grout Finnigan, LLP on Lawandstyle.ca. "The time that I spend not billing is time away from the top line of the business."

COMPETITIVE EDGE

"Hiring a professional brings a different perspective and allows you to look at things with a different lens," says Kristin Oliveri, Firmwide Human Resource Manager - Baker & Hostetler, LLP. It gives a firm the chance to consider things that could have otherwise been overlooked because of their proximity to an issue or way of doing things. It will also bring a new network to the table, opening the door for future strategic partnerships and resources.

HIRING CHALLENGES REMAIN

Hiring from outside the legal industry does not come without its challenges. The industry operates very differently from a traditional corporate environment, something that could take some getting used to, even for experienced professionals. There is a huge learning curve not only in terms of best practices, but also in terms of developing a legal acumen.

"Operations and client services is paramount to everything in law," says Oliveri. This is a huge adjustment. "You either get it, or you don't, and the particular nuance that usually exists with these roles in a law firm is understanding that the lawyers are our clients so we must deliver with a view to add value to their practice so that they can in turn enhance their service to the firm's end clients," adds Coburn.

Professionals who have had success catching on with law firms from an outside industry share a common skillset:



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- They are experts in their fields and can quickly establish their expertise and communicate how they can benefit the firm
- They are flexible and can adapt quickly to new ways of doing things
- They have strong oral and written communication skills
- They need humility and have the ability to not take things personally
- They need to be highly collaborative, and have the ability to seek out opinions and develop solutions that meet a range of needs within their firm

If you are thinking about potentially hiring from outside the industry, these are some of the skills you should be looking for in candidates.

ADVICE FOR FIRMS NOT HIRING FROM OUTSIDE THE INDUSTRY

What advice does our network of legal professionals have to offer for those not currently hiring from other industries?

“Try it out on a conservative basis. Try it out with a specialized role such as HR but select a professional who has experience working with legal professionals in an indirect capacity, such as having worked for a vendor to the industry, to establish a comfort level and see how the firm responds,” says Coburn.

“Take a leap of faith and try it,” says Langford. “There are great people out there and the legal industry only going to continue its shift to more businesslike operations.”

“It depends on the position. There has been success when hiring in technology, marketing, and finance,” says Oliveri.

Effective talent management provides firms with access to superior performance and superior talent – something they need to ward off competitors, gain a competitive advantage and better serve their clients. It is also a powerful way to improve organizational culture and approach operations in a new and innovative manner. People are a firm’s best resource. Expand your hiring practices to find the best talent possible – regardless of industry.



Mike Lymer is Chief Client Officer and President at Pursuit Search Group Inc., an executive search and recruitment firm with a unique specialization in Legal Operational Recruitment. He helps law firms and corporate legal departments build high performing teams.

SAVE THE DATE

BCLMA Educational Presentation

You First: How You Can Change Your Team for the Better

Guest Speaker: Liane Davey

Wednesday, March 1, 2017

12:00 pm - 2:00 pm

Terminal City Club

BCLMA Annual General Meeting

Friday, April 21, 2017

12:00 pm - 1:30 pm

Farris LLP

BCLMA Annual Summer Social Reception

Thursday, June 8, 2017

5:15 pm - 7:30 pm

Bridges Restaurant, Granville Island

BCLMA Upcoming Survey Schedule

Associates Salary Survey

Distribution: March 1, 2017 - Publication: April 3, 2017

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BCLMA WINTER SOCIAL



BCLMA members were in a festive mood on Thursday, November 24 at the Terminal City Club as they mingled with 155 of their association colleagues, friends old and new and our generous sponsors. The room was warmly decorated, soft jazz played in the background and the winter buffet was plentiful. A second buffet with an array of desserts was also a highlight.

Lorraine Burchynsky, BCLMA President, was the emcee for the evening and thanked our 2016 subsection Chairs, Co-Chairs and Committee Chairs, Committee Members and volunteers for their time, commitment, dedication and support of BCLMA.

FACILITIES:

Julie (Bull Housser) & Naomi (Clark Wilson)

FINANCE:

Yvette (Edward Kenny) & Dorothy (MOI)

KNOWLEDGE MANAGEMENT:

Sarah (Alexander Holburn) & Debbie (Lawson)

TRAINERS:

Eva (Farris) & Mirko (Harper Grey)

TECHNOLOGY:

Rob (Boughton) & Ann (Alexander Holburn)

HUMAN RESOURCES:

Erin (formerly of Fasken) & Avril (Boughton Law)

SMALL FIRMS:

Natalie (Miller Titerle) & Leslie (DuMoulin Black)

LITIGATION SUPPORT:

Shauna (Lawson) & Monique (Harper Grey)

MARKETING:

Gwen (Harper Grey) and her group of volunteers.

BCLMA is privileged to have the support of many volunteers who make up our various committees.

SURVEY COMMITTEE

Chair: Nancy (Blakes) and Survey Co-Ordinators: Raf (BLG), Sandy (BHT), Maggie (Blakes), Leslie (Harper Grey) Julie (Norton Rose Fulbright) and Colleen (Brawn Karras)

SOCIAL MEDIA COMMITTEE

Chair: Margaret (Miller Thomson), Jessica (Fasken), Kelsea (Zargar Lawyers), Carlos (Bull Housser), Laura (Victory Square), Elizabeth (Farris), and Mayette (MacKenzie Fujisawa)

TOPICS NEWSLETTER:

Chair - Sunita (CFM), Lifen (Hastings Labour Law), Ronda (Manthorpe), Euan (formerly of Lawson), Alicia (Norton Rose Fulbright), Jane (BCLMA) and our editors Jessica (Fasken) and Geeta (BLG)

And a big thank you to Gary (Paine Edmonds) who for years has been the developer of all our registration/enrolment forms and helps tabulate survey results for our member and conference surveys.

Catharine Rae, BCLMA Director and Sponsorship liaison thanked each of our evening's sponsors whose financial support enables us to throw such a grand event. A special thank you to our photographer Jesse Donaldson for the photos.

Many people went home with amazing door prizes generously donated by our sponsors and BCLMA.

Mark your calendars - BCLMA Winter Social, November 23, 2017 at the Terminal City Club

Thank you to all of our 2016 Winter Social Sponsors

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BCLMA WINTER SOCIAL



- A. Long term BCLMA members Gillian (EKB), Colleen (Brawn Karras) and Marian (Jeffery & Calder) catch up
- B. Lily (Whitelaw Twinning) and Scarlett (AHBL)
- C. Long time colleagues and BCLMA Past Presidents reunite; Ann & Sandy (Norton Rose Fulbright) and Jay (Farris)
- D. Victoria (Lindsay) Jackie (Grant Kovacs Norell) and Steve (Lindsay)
- E. Elizabeth (Farris) Maggie and Larisa (Blakes)
- F. Judie, Raf and Sandra (BLG)
- G. Bria, Andrea and Keith represent BLG

BCLMA WINTER SOCIAL



H. Sherry, Katie and Alicia (Norton Rose Fulbright)

I. Cindy and Susan (RBS) flank Bob, the recently retired RBS Administrator

J. Harper Grey gang: Christa, Monique, Gwen, Lisa and Leslie

K. Dan (PLLR) Sarah (AHBL) and Debbie (Lawson)

L. Our Social media gurus, mentors and teachers Jessica (Fasken) and Margaret (Miller Thomson)

M. Nancy (RBS) Christa (Harper Grey) and Shirley (RBS)

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N. Heather (Jamal Law) and our survey Chair, Nancy (Blakes)



O. Christina (Terra Law) and Naomi (Clark)



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LEGAL RECRUITMENT



Why Your Talent is Leaving and What You Can Do About It

by Mike Race, Amrit Rai, and Orlana Garcia, ZSA National Legal Recruitment

Every year, law firms and in-house legal departments invest significant time, effort, and resources to attract top talent and create programs to nurture their rising stars. Suffice to say, these high-achieving individuals have a direct impact on their bottom line. But when valuable employees leave, employers are often left wondering what they could have done differently.

We've asked some of our own recruitment consultants why otherwise star lawyers and legal support staff leave their companies, and what employers can do about this. And the answer is not just about money.

UNDERSTANDING EMPLOYEE SATISFACTION

Oriana Garcia, lead Support Services Consultant with ZSA Legal Recruitment, works closely with legal support staff. Garcia sees support staff leaving their firms when they feel a lack of challenge. "After a period of 3-5 years, many are ready for greater challenges and responsibility, and would like to be more involved in files. Some even approach their supervising lawyers and HR departments to discuss their desire to take on more challenging work and build a career. Where their concerns are not heard, such employees become bored and look for new challenges at other firms."

Amrit Rai, Recruitment Consultant with ZSA, finds that many lawyers leave when their contributions are not acknowledged or rewarded. A negative workplace culture can also prompt great lawyers to consider looking elsewhere. "Some lawyers are encouraged to compete against their peers, creating a negative culture that breeds resentment," says Rai. "Others feel pressure to meet partner expectations with little direction or

mentorship, and feel that they are not being supported by the firm."

Mike Race, Client Partner with ZSA, simplifies it to four key areas. "First is the role itself - employees want to do work that they enjoy and find interesting. Second is support - from above (management), from below (juniors, administrative staff, shared services), and from peers, in order to carry out their work properly. Third is growth - employees will ask themselves whether there is a clear career path for them within the company. The fourth key area is remuneration."

In Race's experience, great employees rarely leave solely because of remuneration. "In my experience, if the first three factors are satisfied, the fourth will usually take care of itself. If an employee feels like one or more of the first three factors is lacking in any significant way, then no amount of money will be enough to make them stay."

AVOIDING THE FEARED "REVOLVING DOOR"

Poor employee retention can lead to high turnover. Rai and Garcia agree that a dangerous result of high turnover is decreased employee morale. Worse, says Garcia, is a workplace gaining a reputation as a "revolving door."

"Once a workplace is known as a "revolving door", the remaining employees will be left asking themselves if they too should start looking," says Garcia. "The legal market is relatively small, and such a reputation may make it very difficult to backfill positions."

SO WHAT CAN EMPLOYERS DO TO INCREASE EMPLOYEE RETENTION?

Rai suggests that creating a positive workplace culture is fundamental to attract and retain the right talent. "Open lines of communication with your staff to understand how you can make the working environment more inclusive, positive, and supportive. Your people are your ambassadors. Encouraging companionship, collaboration, and the sense of a "shared goal" will create loyalty and better quality work."

For Race, employee retention comes down to cohesive leadership. "There are a lot of managers out there, but very few real leaders. In law, as in many other industries, those in management positions tend to get promoted purely due to seniority and individual performance (in law firms the primary criteria is often high personal billings). However true leadership involves working closely with and being able to fully engage others to move towards a common goal, which is a very different skillset from being a strong individual contributor. Rarely is there adequate support or training for these eventual leaders to make such a seismic shift in their thinking. This is an issue because leadership - whether good or bad - will permeate the structure and culture of an organization. Good

leadership at all levels is key to increasing employee retention.”

ATTRACT AND RETAIN

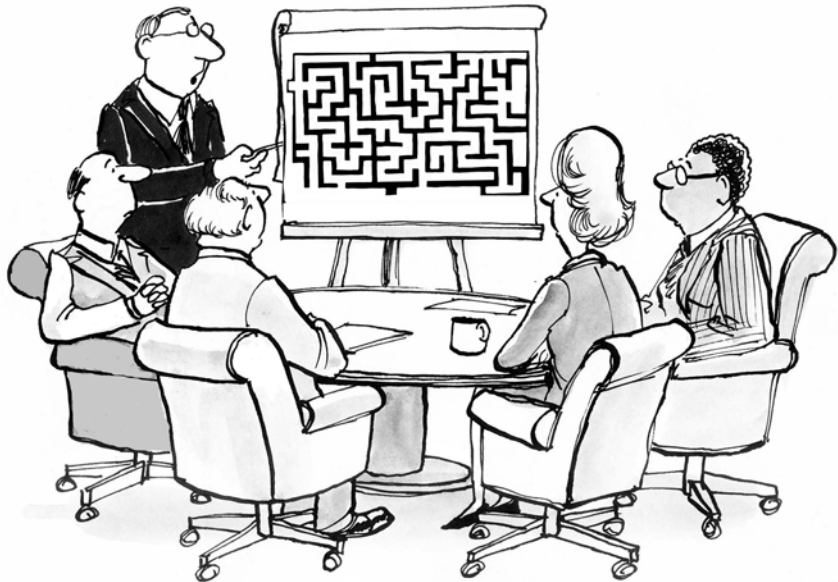
Taking active steps to retain your talent is just as important as attracting it. In the legal industry, a strong, cohesive, and dedicated team can have meaningful effects across the business. We've previously written about some of the core values important to a workplace. Senior executives need to take the time to understand their talented staff's needs, the workplace culture, and their contributions to their companies. Those that take the time, are the leaders who will build even better client relationships, successful practice teams, foster a culture of learning, drive innovation, and influence the future of their organizations.



Mike Race, Amrit Raj, and Oriana Garcia head up the Vancouver office of ZSA, a

national legal recruitment firm with offices in Vancouver, Calgary, Toronto, and Montreal. Our services include recruiting partners, associates, general counsel, paralegals, clerks, and other firm management professionals. For more information, visit us at www.zsa.ca

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2017 SURVEY SCHEDULE

Surveys provide valuable data to law firm managers. The more firms that respond, the more accurate the results; we need your input. Survey results are distributed only to participants excluding the Support Staff Compensation and Charge-Out Rate Surveys which are purchased through the CBA. (orders@cbabc.org, 604.646.7863)

The BCLMA surveys are distributed throughout the year at a time that should work for the majority of participants. Your comments are welcome on any of the surveys. Nancy Sartene is the chair of the survey committee so please contact her, (via email: nancy.sartene@blakes.com) with any comments.

SURVEY	DISTRIBUTION DATE	REPLY DEADLINE	PUBLICATION DATE	SURVEY CO-ORDINATOR
Associate Salaries	March 1	March 17	April 3	Nancy Sartene
Law Firm Economics	April 3	May 2	June 12-16	Sandy Delayen
Biennial Disbursement Survey	April 1, 2018	April 15, 2018	May 1, 2018	TBD
Staff Ratios	May 1	May 12	May 31	Maggie Edwards
Support Staff Compensation	September 1	October 3	November 1	Andrea Russell
Charge-Out Rate	September 1	October 3	November 1	Andrea Russell
Small Firms Administrator's Salary	September 10	October 10	November 10	Colleen Chapman
Medium Firms Administrator's Salary	September 10	October 10	November 10	Leslie Green
Management Staff Salaries	October 3	October 16	November 1	Leslie Morgan

Please note:

- The Small Firms & Medium Firm Administrators' Surveys have been added.
- The Support Staff Compensation Survey and Charge-Out Rate Survey will be compiled by Western Compensation & Benefits Consultants and distributed by the CBA with significant input from BCLMA.
- The Law Firm Economic Survey will be compiled by Wolrige Mahon LLP, which has conducted the survey for a number of years.
- The Charge-Out Rate Survey is conducted at the same time as the Support Staff Compensation Survey and can be purchased separately.
- The Biennial Disbursement Survey is done every two years, the next one will be 2018.
- We publish the names of the law firms who participate in the surveys, however, no direct links or references to any of the results are made public.

MEMBER NEWS

BCLMA has launched a LinkedIn company page, and will be phasing out the LinkedIn group page. Why? Because a LinkedIn company page gives current and potential members access to information about our association and what's current in the legal industry.

Our Company page will be the go-to space for relevant and interesting information affecting the legal industry and our legal members. This vital marketing tool supports BCLMA as we continue our reputation as a reliable, informative and trusted resource for information. We will post timely content that our members and followers will want and need to read, engaging all of our BCLMA supporters.

Follow us and be a part of the conversation!

www.linkedin.com/company/bc-legal-management-association

BCLMA Website Tips

Do you have a food allergy or sensitivity? If so, log into the BCLMA website and up load this information by clicking on "Edit my Profile". Anytime you register for an event, this information will automatically be recorded along with your RSVP.

How to Cancel an Event Booking

Found yourself in a jam and can't attend an event you've registered for? You can cancel your registration from your profile on the BCLMA website. When logged in, at the top right hand corner under your name, go to "Events" and click on "Events I'm attending", then choose "Cancel". Venues require us to give a final number 72 hours prior to an event and we are charged for that final guarantee. Because of this, we are unable to grant refunds for cancellation received less than 3 days prior to the event. We welcome substitutions.



How to Manage the Influx of Information

by Linda Chu, Out of Chaos (Customized Home and Office Solutions)

Overwhelmed by the constant influx of information into your office? The one thing you can't change is that information will continue to come in, but you can take charge on how you manage what flows in and where it lands.

Information comes in many forms, each of which may have an action required from you. These are the actions that often stall us into inaction and the tasks and to-do's that we procrastinate on.

Doing the work is one thing, but creating a "transitional holding pattern" is key to managing your information as it comes in, before you act on each item. There are three types of information: active; reference; and archival.

ACTIVE INFORMATION:

Outstanding things to do and resources required for projects.

Creating a priority action plan is best to manage your active information. If you fear "out of sight and out of mind", choosing a desktop file sorter might be your answer to having everything you need right at your fingertips. You get to choose the look that

compliments your style and office decor.

REFERENCE INFORMATION:

Resources that require no action but you may want to refer to at a later date.

Consider your reference information as your personal "library" of information and resources. Depending on its volume and size, you might choose to use, instead of a filing cabinet, a bookshelf or a mounted shelf with magazine holders. These systems will allow you to hold reference books, papers and binders. While they are not at your fingertips, this information is still easily visible and in reach as you are working at your desk.

ARCHIVAL INFORMATION:

Information that Canada Revenue Agency or your industry standards require you or your business to keep.

Archival information isn't accessed very often, so it doesn't have to be in full display. For this reason, you can use a filing cabinet for items that can be tucked away for a while. As an alternative method, if space is limited, use a banker's or archive box to be stored outside your office in a storage locker.

Information will continue to flow into your workspace. The prime cause of the piles that clutter your desk is in your inability to know where to place things prior to acting on tasks. Follow the categories mentioned here to redefine your information and start creating transitional holding patterns to start managing your priorities.



Out of Chaos (Customized Home and Office Solutions) is a professional organizing company based in Vancouver, BC. We help residential and corporate clients throughout the Lower Mainland get organized for good by building habits they can easily sustain. Our Move Management Services provide stress-free assistance to families who are downsizing or managing a move.



Demystifying Unwritten Expectations

by Preston Parsons, Associate at Overholt Law

Welcome to 2017! It's a new year, and you want to start off on the right foot. One way to be sure that you and the members of your team are set up for success over the year ahead is to take a moment at the start of the year to ensure that all new onboarding staff clearly understand expectations, both written and unwritten. What prior generations may have considered to be obvious in terms of office culture may not be so obvious to the generation of young lawyers and staff entering the profession.

One of the most difficult things for new firm members to navigate are the unstated rules of the firm, some of which can run contrary to the firm's express policies and practices. Common examples include unwritten expectations around:

- Dress attire vs. casual wear in the office
- "Face time" (note: not "FaceTime")
- Maternity and/or parental leave benefits
- Whether or not holidays can be taken within the first year (or the first couple of years...)

New members of the firm believe they can rely on what they have been told or what they read in their employment contract or firm policies. Where those statements clash with the unstated realities of the firm – often when a firm is not "walking the talk" – internal conflict and embarrassment may arise. Suddenly an innocent misunderstanding can become a firm "fit" issue that may have been entirely avoidable.

Take, for instance, the following examples:

ABC Law Firm proudly advertises to new lawyers that it is not a workplace where "face time" matters. For example, many senior members of ABC Law Firm routinely keep irregular office hours. A new junior lawyer – Jill – joins the firm and witnesses the considerable flexibility that exists within the office. People work hard and get their work done, just not always within regular office hours. The people at ABC Law Firm seem to have a lot of control over balancing the different demands on their time, which is a relief to Jill who also sits on a non-profit board and has to care for her aging parents. In reality however, the firm expects Jill to be at her desk without coffee breaks from 8:00 am – 5:00 pm with any deviation considered to be a lack of interest in the firm or her work. The more senior lawyers feel unsupported if Jill is not seated at her desk each time they walk by her office.

Most of JHI Law Firm's lawyers dress casually. They are located in hip offices in Gastown and have a lot of clients in the start-up technology industry. Jack joins the firm as a lateral hire after coming from a very formal office environment. He realizes quickly that the only time his colleagues wear a suit and tie in the office is if they are going to Chambers, or meeting with a new client for the first time. Jack therefore dresses more casually, but is soon met with unfavourable looks from the firm's owner who sees Jack as too junior to be wearing anything but a suit and tie.

Ashley receives a job offer from PQR Law Firm to start work on February 1, 2017 and is told that he has three weeks of paid vacation per annum. He is newly called to the bar and excited to start practice. Six months in, Ashley decides to take a week off to travel to the Maritimes for a family wedding. He considers his workload and that of his colleagues and judges it an acceptable time to be away from the office. When he mentions to the lawyers he works with that he is looking to take the week off however, his vacation request is not well received. Ashley later speaks to a junior colleague who tells him that using his holiday time for the first year is frowned upon by the firm's leaders. Although Ashley's contract expressly entitles him to vacation in the first year, the unspoken expectation is that he work straight through his first year and be paid out for his holiday time.

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Jan is a paralegal. The new law firm, WXY Law Firm, does not have a policy with respect to maternity or paternity leave benefits and Jan is considering having a child with their spouse. Jan does not see many examples at the firm that indicate maternity or paternity leaves have been considered in any detail by the leadership of the firm and feels pressure about raising the subject of needing to take a maternity or paternity leave. Across the street, Jan's friend Bob works at a different firm which has a written maternity and paternity leave policy, but Bob has never seen anyone at the firm take the full leave entitlement set out in the policy. His office culture encourages a speedy return to work.

Each example above demonstrates a gap between stated and unstated expectations. It is easy to see how both confrontation and embarrassment may occur down the road if some matters are not addressed up front. For instance, if casual attire or flexible office hours must be "earned", then confusion can be reduced by informing onboarding staff that those liberties should only be expected after they have proven themselves for a reasonable period of time. If it is expected that vacation time during the first year will be paid out instead of used, then informing the new team member up front is considerate and helps them plan their year. As for maternity and paternity benefit policies, firms do themselves a disservice by not planning these policies in advance and creating a firm culture that matches the policy.

Overall, new members joining your firm can thrive when they clearly understand the expectations required of them. Help set them up for success in the New Year and increase the return on your investment in your human resources by working on eliminating dissonance between express firm policies and unwritten rules, or in the meantime, help them out by giving them a heads-up. It is certain to avoid issues down the road and the new members of the firm will appreciate that they are being setup to succeed.



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.

Surveys

One of the many benefits of membership with BCLMA is access to its surveys (please refer to the BCLMA 2017 Schedule of Annual Surveys in this issue of TOPICS or the BCLMA website—in the Member Only Section, under RESOURCES—for 2017 survey deadlines and estimated publication dates).

The surveys that BCLMA member firms are able to participate in are:

- Law Firm Economic Survey, compiled at no cost to the association by Wolrige Mahon
- Staff Ratios
- Associate Salary Survey
- Management Staff Salaries (30+ lawyers)
- Medium Firms Administrator's Salary (16-29 lawyers)
- Small Firm Administrator's Salary (15 & fewer lawyers)
- Support Staff Compensation and Charge-Out Rate Survey, compiled by Western Compensation & Benefits Consultants and distributed by CBA
- Biennial Disbursement

Except for the Support Staff Compensation and Charge-Out Rate surveys, all surveys are available to participating firms only and are provided at no cost to those participating firms. The Support Staff Compensation and Charge-Out Rate surveys are available to anyone who wishes to purchase them, but participating firms receive a 50% discount on one or both of the surveys plus CBA and BCLMA members receive an additional 15% discount on the final report.

While these surveys provide BC law firms with important and useful information, participating firms provide private and confidential information to survey compilers on the understanding that their data will not be divulged to outside parties.

In order to ensure the confidentiality of the survey data, this understanding was formalized into a written confidentiality agreement between firm participants and Wolrige Mahon for the 2016 Law Firm Economic survey. For other surveys, similar written agreements between compilers and survey participants will bind the parties to the agreement to maintaining confidentiality of the survey data and information.

As part of its efforts to continually enhance membership benefits, in 2017 the BCLMA Board will be offering medium-sized firms (16-29 lawyers) with the opportunity to participate in the Medium Firms Administrator's Salary survey. As well, the Small Firm Administrator's Salary survey (15 & fewer lawyers) will become electronic.

In other business...

At the BCLMA Annual General Meeting, being held on Friday, April 21, 2017, two Board members will be stepping down. If you are interested in running for a position on the BCLMA Board, please contact Lorraine Burchynsky, BCLMA President at lburchynsky@boughtonlaw.com or (604)647-4162 for more information and a nomination form.



Workplace Ergonomics 101

Is there a simple cure for “sitting disease”?

by Helen Ries, Physiotherapist and Owner, Sitka Physio & Wellness

In recent years, medical research has revealed the broad range of negative health effects of a sedentary lifestyle. There has been extensive media coverage about what has been dubbed “sitting disease”¹, which includes outcomes ranging from heart disease and diabetes to cancer. Modern office work typically involves a lot of sitting, so forward-thinking employers are looking for ways to reduce their employees’ risks. There are a range of interventions available, but the standing desk has been getting a lot of attention, and is sometimes proclaimed to be the panacea that will cure “sitting disease”.

There’s no doubt that too much sitting is not good for us, but the truth is that we can stand just as poorly as we can sit. Simply standing up at one’s workstation will not miraculously eliminate the negative health impacts of sedentary and repetitive office work and may actually cause new problems due to poor standing posture. Instead of fixating on standing as the answer, we should instead focus on two basic ergonomic principles which can be applied regardless of the type of workstation employed: ensuring “neutral spine” body positioning, and providing frequent and varied opportunities for movement during the workday.

Neutral spine refers to a body position in which the bones of the spine (vertebrae) assume their natural curves. Gravity puts a constant downward load on all parts of the body, which is supported in sitting or standing position by our spine and all of the muscles which attach to it. A neutral

spine ensures that the muscles attached to the spine are at their resting length and not fighting against gravity to maintain an upright sitting or standing position. In this way, neutral spine positioning minimizes muscle strain which in turn minimizes stiffness and more importantly, pain.

There are four key factors that combine to produce a neutral position of the spine: upright head position, vertical pelvis, active feet and symmetric limbs. First, and perhaps most important, is the head, which weighs 10 to 15 pounds and, as such, is the leading factor affecting the position of the spine. Whether standing or sitting, the head should sit on top of (not in front of) the spine. Unfortunately, most of the activities of modern life (driving, phoning, computing) occur in front of the body. This means our head will tend to come forward of the spine for most of our waking hours. As such, the muscles supporting a forward posture will

tend to shorten into a position that supports a forward head; this is why the muscles of the front of the neck and chest and at the tops of the shoulders tend to get tight and overstimulated. In order to maintain a neutral head position and minimize load into the spine, it is important to position the head centered on top of the spine with the breastbone lifted.

The second factor required for a neutral spine is a vertical position of the pelvis. Ideally, the sitting bones should point in a downwards direction but it is common for individuals to assume positions in which they point forward with the tailbone tucking under (also known as a posterior pelvic tilt). This can occur in standing (with locked knees) or in sitting (when the sitting bones are not positioned at the back of the chair). A posterior tilt increases pressure on the back and contributes to tension in the muscles at the front and back of the hips and thighs, in particular in the hip flexors and hamstrings.

Third are active feet, which facilitate a vertical pelvis position, thus facilitating a neutral spine. In this instance, “active” does not mean moving but rather feet firmly planted on the ground. Whether sitting or standing, when pushing through the entire surface of the foot into the floor, the muscles of the feet and legs are activated and will contribute to supporting the spine in a stationary position. Generally, this will help the body to stay more upright.

The final requirement for a neutral spine is symmetry of limb position. If the hips and shoulders are squared up to a given work task, then the potential for rotation strain on the spine is minimized. Conversely, when the legs are crossed or one hand has to reach forward (as in reaching for a mouse), one hip or one shoulder will be forward of the other. This asymmetry in hip or shoulder position causes rotation in the spine and will cause a unilateral strain. This may lead to a hand or a foot cramp, a one-sided neck, shoulder, wrist or elbow strain or even numbness in an arm or a leg.

When the head is lined up on top of the spine, pelvis vertical, with the feet active, and with the hips and shoulders square, the body is ready to effectively accept the load of gravity in a stationary position. But maintaining a neutral spine is only half of the solution for countering "sitting disease". Whether standing or sitting, our bodies are not made to be stationary, nor are they made to endlessly perform the same repetitive tasks. The human body is comprised of over 200 bones, 600 muscles and countless supporting structures and tissues. By performing specific tasks repeatedly while keeping the

rest of the body stationary, some tissues become repetitively loaded while others are under-stimulated. This imbalance contributes to repetitive strain injuries (RSI's).

The solution to preventing tissue overload and associated repetitive strain injuries is to move the body in different ways, often during the day. For example, for every hour of sitting or standing with your head forward of the spine and your tasks in front of you, spend some time (approximately 30 seconds for every 30-45 minutes in a stationary position)

standing with the spine extended and the head supported against the wall. Though it is useful to stand up and walk to the printer or to the bathroom, it is important that some break time includes opportunities for the head to be supported, so its 10-15 lb weight can be off-loaded from the spine.

Implementing a culture of mini-breaks provides a work environment that encourages good workstation posture and prevents RSI's. It should be both acceptable and encouraged to stand with one's head against

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MEMBER SNAPSHOTS



LESLIE GREEN

When did you join BCLMA?

1999ish

Where do you work?

DuMoulin Black LLP

Where did you vacation last?

Mayan Riviera, Mexico

Where were you raised?

Winnipeg, Manitoba

Ever lived abroad? Where? How long?

Yes, I lived in Australia for a year.

Your favourite wine under \$20?

Beaumont Estates Trio. A wonderful white blend of Pinot Blanc, Pinot Grigio and Gerwurstemeriner

Favourite BC day trip?

Squamish to Pemberton corridor

Favourite lunch spot?

A little crepe place in Bentall Centre.

What's surprising about you?

I was in the army reserve for 3 years. It was the most formative experience of my youth.

Favourite movie?

Love and Mercy. Aside from being wonderfully written, the interplay between the two time periods is seamless.

What's a must-read book?

My favourite book is called *Calendar*, by David Ewing Duncan. It looks at the development of the calendar from the first known lunar calendar 11,000 yrs ago. It is the most amazing little history book.

What's the best thing about working in the legal industry?

I enjoy the legal industry because it attracts interesting people. I find it intellectually stimulating and it has given me the opportunity to grow both personally and professionally.

What movie title describes your life?

Stranger than Fiction

the wall taking slow, deep breaths (as in a yoga Mountain Pose). This strategy lessens repetitive strain on the spine (neck, upper and lower back), improves oxygenation of the tissues and provides clarity of thought. If employees feel better in their jobs, they will be more empowered to perform well. These mini-breaks may both prevent injury and enhance performance.

In summary, the following mental “to-do” list for employees can provide a helpful set of queues to counter “sitting disease” in the workplace:

- Is your head in line with your spine?
- Are your sitting bones vertical?
- Are your feet actively planted on the floor? Are your hips and shoulders square?
- Have you moved your body in different ways in the past hour?

Together with the simple strategies outlined above, adoption of a comprehensive workplace ergonomics program can provide immediate improvement in the techniques and body mechanics utilized by employees in their day-to-day tasks. By learning about their bodies and how to improve how

they work, employees will incur fewer injuries and will feel more empowered to be well. Recent studies (footnotes ^{2,3,4,5}) have shown that comprehensive ergonomics programs resulted in decreased sick leave, reduced disability claims and reduced need for recruitment of new employees to replace those on disability leave. Further, ergonomics programs have been shown to result in financial benefits for employers.

It is important to remember that while our bodies are not meant to sit still, they are also not meant to stand still. They are meant to move frequently in a wide range of activities. The challenge of workplace ergonomics is to balance the need for stationary work with our bodies need for movement. Standing desks and other specially designed furniture offer tools that can help improve office ergonomics, but are not cures for “sitting disease”. They must be combined with employee education, a supportive workplace culture and a commitment to an active workplace to create a comprehensive, multi-faceted approach that is preventative, productive and sustainable.

Footnotes:

- 1 Morgan, A; Chow, S. *The Economic Impact of Implementing an Ergonomic Plan. Nursing Economics: 2007; 25 (3): p150-156.*
- 2 Scott, P. et al. *Ergonomics intervention in an Iranian television manufacturing industry. Work: 2011; 38 (3): p 257-63.*
- 3 *Sitting Increases the Risk of Dying Early* By Nicholas Bakalar New York Times, March 29, 2016
- 4 Evanoff, B A, Bohr, P C, Wolf, L D. *Effects of a participatory ergonomics team among hospital orderlies. American Journal of Industrial Medicine. 1999; 35 (4): p 358-365.*
- 5 Rivlis, I et al. *Effectiveness of participatory ergonomic interventions on health outcomes: A systematic review. Applied Ergonomics. 2008; 39 (3), p 342-358.*



Helen Ries is a Physiotherapist and Owner of Sitka Physio & Wellness. Helen's has practiced in the downtown Vancouver business district since 2005, and regularly sees patients that exhibit symptoms of neck, back, shoulder and wrist pain caused by sedentary and repetitive desk work. In order to effectively address these injuries, Helen has developed an ergonomic practice to assess and correct poor workstation configurations and habits. In addition to helping desk workers move well and feel well, Helen works with patients at all ends of the movement spectrum: from motor vehicle accident victims experiencing chronic pain to athletes (particularly runners) looking to improve efficiency and performance.

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Challenge Management

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

A simple definition of management is "the process of dealing with or controlling things or people". Over time a number of types of management have been identified. In a May 2013 edition of *Simpllicable*, which is published by Morning Clipperton, Anna Mar identified the following 21 types of management:

- Strategic Management
- Financial & Accounting Management
- Risk Management
- Sales Management
- Human Resources Management
- Change Management
- Marketing Management
- Information Technology Management
- Quality Management
- Public Relations
- Research & Development Management
- Innovation Management
- Operations Management
- Engineering Management
- Design Management
- Supply Chain Management
- Program Management
- Facility Management
- Procurement Management
- Project Management
- Knowledge Management

For the vast majority of the above types of management the focus is a task (a piece of work to be done or undertaken) or goal (an observable and measurable end result having one or more objectives to be achieved within a more or less fixed timeframe).

Many law firm cultures do not lend themselves to alignment with these typical management approaches and their tasks and goals. Rather, the definition of "challenge" syncs better with the culture of law firms.

For purposes of this discussion, a challenge is defined as "an objection or query as to the truth of something, often with an implicit demand for proof".

There are three reasons that come to mind why attempting to manage lawyers has resulted in a twenty second management type best labelled "Challenge Management".

1. PERSONALITY TRAITS OF LAWYERS

Dr. Larry Richard is widely acknowledged as having the greatest body of knowledge on the personality of lawyers. He has spoken and written on the topic for the last couple of decades and additional research continues to support his earliest findings.

The following table compares the percentile scores for lawyers compared to the general public:

TRAIT	LAWYERS	G. PUBLIC
Skepticism	90	50
Urgency	71	50
Sociability	12	50
Resilience	30	50
Autonomy	89	50

Individuals with high scores in skepticism, urgency and autonomy tend to exhibit the following traits:

- Judgmental, argumentative, and self-protecting
- Impatience and sense of immediacy
- Resist being managed, value their independence and not like being told what to do

Individuals with low scores in sociability and resilience tend to exhibit the following traits:

- Interactions that emphasize "the mind rather than the heart", and rely on existing relationships
- Defensive, resist feedback and hypersensitive to criticism

The combination of the above traits results in management sessions that more resemble cross examinations with a demand for proof or outcomes even when the issues being dealt with are conceptual in nature. Understanding autonomy, it is a misstep to

assume as the starting point that the lawyers even want to be managed.

2. STRUCTURE OF LAWS FIRMS

The partnership structure breeds misalignment, misdirection of focus and lack of accountability.

Unlike a corporation, the owners of a partnership are involved in the actual generation of revenues and expenditure of funds on a daily basis. The selection of tasks or goals can have a direct bearing on their incomes and personal circumstances can change their view point after the fact. This tends to result in challenges even after tasks or goals are agreed upon and underway.

3. TRAINING OR EDUCATION

Law students go to law school to learn to read the law. Then they spend the next few years after graduation learning to be a lawyer. Nowhere in most of the law school curriculums and the subsequent law firm training regimes is there any real focus on management of the business side of the practice of law.

History has shown in many firms that a lack

of formal training or knowledge does not inhibit the dominance of the skepticism trait. One could almost accept that the phrase “don’t confuse me with the facts” originated in a law firm.

Lawyers in general and most law firms specifically do not embrace risk and the associated possibility of failure.

As a result of the lack of knowledge lawyers are being asked to consider, decide and sign off on concepts that are outside their training and the most common result is to challenge the issue and require proof that is hard to produce without having embarked on the recommendation.

SUCCESSFUL LEADERSHIP STYLES IN A CHALLENGE MANAGEMENT ENVIRONMENT

It would be leaving you with a false impression if you have drawn the conclusion that there is no way to successfully embrace challenge management!

The following are the three different leadership styles that appear to have achieved the greatest management success in law firms:

SERVANT LEADERS¹

Leaders fostering the servant style of leadership recognize and acknowledge that the strength of an organization is within its people, thus, they will devote themselves to fulfilling the needs, to the extent possible, of their lawyers and staff. Servant leaders know that a healthy person and a healthy organization are better positioned to learn, grow, change and adapt, so they become actively engaged in boosting self-confidence, promoting effective management practices and seeking better ways to communicate and interact. They are our stewards of good practice and positive support.

Servant leaders have listened and observed, and have perspective about the realities in which people and organizations find themselves. They recognize limitations and obstacles, and know that any progress must begin at the beginning, where the person or group finds themselves at any moment. And they recognize the variable competencies people and organizations own and can draw on to step, or leap, forward.

VISIONARY LEADERS²

Visionary leaders are authoritative, not

MEMBER SNAPSHOTS



NAOMI ANDERSON

When did you join BCLMA?

September 2014

Where do you work?

Clark Wilson LLP

Where did you last vacation?

After our wedding in June, my new husband and I did a staycation and visited Grouse, the aquarium, and hung out in the city. Was so relaxing!

Where were you raised?

Born in Victoria, BC, but grew up in the Lower Mainland

Favourite wine under \$20?

See Ya Later Chardonnay – great wine and an animal loving winery!

Favourite BC day trip?

Cultus Lake with a picnic lunch from Yarrow Deli

Favourite lunch spot?

If I want take out, Steamrollers! If I want to sit down, The Keg

What’s surprising about you?

I am a ridiculously finicky eater. It’s gotten better, but I’m still really fussy! Drives my husband nuts.

Favourite movie?

All-time favourite movie is *One Magic Christmas*. I’m a Christmas nut!

What’s a must-read book?

Anything by Judy Blume. I’ve always loved her books.

How do you spend your spare time?

Crafting. I like to sculpt and paint clay models, as well as assemble and paint miniatures. Anything I get to create and make real from my mind’s pictures.

What’s the best thing about working in the legal industry?

The community! There are a lot of great people in this field.

authoritarian. They excel at painting a picture of success and then inspiring people to move forward toward a shared vision. Visionary leadership is usually comprised of two parts: determining direction and getting others to follow. While strategy is important, it is only half the battle: The harder part is what the visionary leader does so well – clearly articulating the strategy, repeating it, and inspiring lawyers so they move in that direction. Firms led by visionary leaders are often characterized by hope and excited anticipation for the future.

PARTICIPATIVE LEADERS²

This style of leadership is probably more common in law firms than in other types of organizations. Why? The nature of partnerships is such that a leader among equals, by his or her very nature, must approach leadership in a participative manner. The participative leader, sometimes referred to as a democratic leader, works hard to govern by consensus. This style requires patience, the ability to put one's own agenda on hold, and a genuine ability to listen to others. Participative leaders try to give their constituents an opportunity to have some control over their own destiny.

One of the positive developments that many firms have experienced as a result of the millennial influence is a heightened need for transparency. This requirement itself serves as re-enforcement of the concept of challenge management.

The most effective style really is a blend of all three, as firms are faced with a myriad of challenges and no one style excels at dealing effectively with all the challenges.

To my way of thinking, the right leadership traits (versus style) are critical to those trying to navigate the challenge management found in law firms. In a 2013 Definitely Mabey column I noted the following six critical traits (not in order of importance):

- **Firm-first mentality:** law firm leaders must have the trust of the partners that they will always put the interest of the firm/practice/department ahead of personal gain or interest of the few;
- **Understanding the motivation of others:** able to push/motivate people to take on challenges, push personal and practice boundaries, and thereby create new opportunities for the firm and themselves by understanding the right emotional buttons;

- **Receptacle for new/different ideas and approaches:** balances self-opinion with the ideas of others, irrespective of origination and quality;
- **Business acumen:** keenness and quickness in understanding and dealing with a business situation in a manner that is likely to lead to a productive outcome;
- **Personal capital (credibility):** most changes in law firms involve some degree of infringement of individual autonomy and it is critical that the person is seen to have credibility when arguing on behalf of the change, whether it is having a real grasp of the impact of the change, the ability to ensure the proper execution, or the necessity to make the change; and
- **Communicator:** without strong, interpersonal verbalization skills it becomes almost impossible to create the desired collaborative environment while not shying away from confrontation when absolutely necessary, by being prepared to conduct "walk around" conversations, confrontation is minimized.

CONCLUSION

Given the nature of some of the challenges faced by law firms today which include - cyber security; internet delivery

of legal services; pricing; over supply & under demand; legacy planning; expanded field of competitors; and need for continuous innovation - understanding challenge management and the "best in class" ways to succeed at it is mission critical.

Footnotes:

1. Eileen Allen, Jan 2013, *What is Servant leadership*
2. *Law Practice Magazine*, Dec 2008, Dr. Larry Richard & Dr. Mark Sirkin



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 professionalism in law practice management. For more information, visit appliedstrategies.ca or connect with Stephen Mabey on [LinkedIn](https://www.linkedin.com/in/stephenmabey).

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Remote Deposit Capture

by Kathleen Jarvis, Manager Cash Management, TD Commercial Banking

Looking for ways to save time in your day? **Remote Deposit Capture (RDC)** is an internet-based service which allows you to scan cheques remotely and transmit the cheque images to your Bank for deposit. RDC saves you trips to your bank, and gives you time back in your day. Getting started is easy, all you need is to subscribe to an RDC service with a bank that offers the service, a PC, a compatible scanner, and a standard web browser.

The Toronto-Dominion Bank ("TD") has offered the Remote Deposit Capture Service to eligible customers since July 2013. The feedback has been positive. TD's Remote Deposit Capture service offers peace of mind, convenience and efficiency, and can help to reduce business costs. Below is a more detailed list of the features of TD's Remote Deposit Capture Service.

CONVENIENCE AND EFFICIENCY:

- Deposit Canadian and US dollar cheques, money orders, bank drafts, certified cheques and other eligible items from multiple business locations where you have a computer and compatible scanner set up.
- Receive a confirmation each time your images are successfully transmitted to TD with time stamps
- Use free format deposit note fields to capture deposit specific information to view online and export to reports. ie: Lawyer Name, File Number, Matter Number.
- Benefit from same-day deposits.

REDUCE POTENTIAL FOR ERROR:

- The system will not permit release of a deposit to the Bank unless the cheques scanned match the list total which may result in fewer adjustments.
- You control the deposit account selection, via a drop down menu that lists both the account number and an account "name".
- Upload a data file of scanned items into your accounts receivable system for further efficiencies and avoidance of keying errors.

REDUCE TIME AND COSTS:

- Save time with fewer trips to the Bank.
- Deposit cheques on your own schedule 24/7
- Scan up to 250 eligible cheques per deposit
- Reduce courier costs if you use a courier to deposit your cheques.
- No need to photocopy cheques for your files, as images are accessible through the service for 90 days and can easily be downloaded as per your firm's requirements.
- Less frequent ordering of pre-printed deposit slips.

PEACE OF MIND:

- Deposit details are fully-encrypted prior to delivery to TD.
- You control user access and administrative rights, based on your business requirements. Each user requires a login ID and password to access the service.
- User IDs are recorded for each transaction.

Law Firms that are interested in Remote Deposit Capture for their business may contact their Financial Institution to learn more about how the service can help you.



Kathleen Jarvis, Manager Cash Management, TD Commercial Banking, Vancouver Commercial Banking Centre. Kathleen has a wide range of banking experience, having held roles in commercial banking as an Analyst and Relationship Manager as well as her current position as Manager Cash Management. Kathleen has also managed the Bank's Retail Operations in British Columbia and held a business development role with Corporate Trust and Employee Group Savings programs. In her current role, Kathleen focuses on assisting clients in effectively managing their cash flow through the use of a full range of deposit and electronic banking products and services. Kathleen has an Honours Bachelor of Commerce degree from Queen's University and is a Fellow of the Institute of Canadian Bankers.

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